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RESERVATIONS: 202–523–4538

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Rules and Regulations

Federal Register
Vol. 65, No. 52
Thursday, March 16, 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

Rural Utilities Service

7 CFR Part 1710

General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of confirmation of effective date.

SUMMARY: The Rural Utilities Service (RUS) hereby gives notice that no adverse comments were received regarding the direct final rule on the General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans, published in the **Federal Register**, June 22, 1999, at 64 FR 33176, and confirms the effective date of the direct final rule.

DATE: The direct final rule, which published at 64 FR 33176, was effective August 6, 1999.

FOR FURTHER INFORMATION CONTACT: Blaine D. Stockton, Jr., Assistant Administrator, Electric Program, Rural Utilities Service, U.S. Department of Agriculture, Stop 1560, 1400 Independence Ave., SW., Washington, DC 20250–1560. Telephone: (202) 720–9545. FAX: (202) 690–0717. E-mail: bstockto@rus.usda.gov.

Confirmation of Effective Date

This is to confirm the effective date of the direct final rule, 7 CFR Part 1710, General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans, published June 22, 1999, at 64 FR 33176, and is to advise that RUS did not receive any written adverse comments and no written notice of intent to submit adverse comments on this rule.

Dated: March 9, 2000.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 00–6388 Filed 3–15–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–02–AD; Amendment 39–11622; AD 2000–05–12]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc RB211–524 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Rolls-Royce plc RB211–524 series turbofan engines. This action requires initial and repetitive ultrasonic inspections for cracks in fan blade dovetail roots, and, if necessary, replacement with serviceable parts. This action also provides the options of installing improved design fan blades or reworking current fan blades to the improved configuration as terminating action for the inspections. This amendment is prompted by reports of fan blade failures due to dovetail root cracks. The actions specified in this AD are intended to prevent possible multiple fan blade failures, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective March 31, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 31, 2000.

Comments for inclusion in the Rules Docket must be received on or before May 15, 2000.

ADDRESSES: Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–02–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Rolls-Royce plc, PO Box 31, Derby, England; telephone: International Access Code 011, Country Code 44, 1332–249428, fax International Access Code 011, Country Code 44, 1332–249223. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone 781–238–7176, fax 781–238–7199.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the Federal Aviation Administration (FAA) that an unsafe condition may exist on certain Rolls-Royce plc (R–R) RB211–524 series turbofan engines. The CAA received reports of three fan blade failures to date. Subsequent inspections of the dovetail root area on other fan blades revealed the existence of dovetail root cracks in the same region as the failed blades. This condition, if not corrected, could result in possible multiple fan blade failures, which could result in an uncontained engine failure and damage to the aircraft

Service Information

R–R has issued Mandatory Service Bulletin (SB) No. RB.211–72–C818, Revision 2, dated October 8, 1999, that specifies procedures for ultrasonic inspections for cracks in fan blade dovetail roots and provides rejection criteria. The CAA classified this SB as mandatory and issued airworthiness directive (AD) 007–10–99 in order to assure the airworthiness of these engines in the UK.

In addition, R–R has issued SB RB.211–72–C891, dated February 2, 2000, that describes procedures for installing improved design fan blades or

reworking current fan blades to the improved configuration.

Bilateral Airworthiness Agreement

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

Required Actions

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD requires initial and repetitive ultrasonic inspections for cracks in fan blade dovetail roots, and, if necessary, replacement of cracked fan blades with serviceable parts. This AD also provides the options of installing improved design fan blades or reworking current fan blades to the improved configuration as terminating action for the inspections. The improved design fan blades are undercut along the entire length of the blade root block and the blade root flanks are now grit blasted. In addition, the dry film lubricant is applied in an improved adhesive manner and the thickness of both the front and rear chocking pads and stop lug pin assembly has been reduced.

Immediate Adoption

There are currently no domestic operators of this engine model. Accordingly, a situation exists that allows the immediate adoption of this regulation. Notice and opportunity for prior public comment hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NE–02–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–05–12 Rolls-Royce plc: Amendment 39–11622. Docket 2000–NE–02–AD.

Applicability: Rolls-Royce plc (R–R) Models RB211–524G2–19, RB211–524G3–19, RB211–524H2–19, RB211–524G2–T–19, RB211–524G3–T–19, RB211–524H2–T–19, and RB211–524H–36 turbofan engines, with fan blades, part numbers (P/Ns) UL36245, UL38009, UL38052, or UL38628, installed. These engines are installed on but not limited to Boeing 747–400 series and 767 series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent possible multiple fan blade failures, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

Ultrasonic Inspections

(a) Ultrasonically inspect the dovetail roots of fan blades, P/Ns UL36245, UL38009, UL38052, and UL38628, for cracks as follows:

Initial Inspection

(1) Initially inspect at the latest of:

(i) before accumulating 2,050 total fan blade part cycles-since-new.

(ii) 50 fan blade cycles-in-service (CIS) after the effective date of this AD.

(iii) 200 fan blade CIS since last inspection.

Service Bulletin

(2) Inspect and determine rejection status in accordance with the following paragraphs

of R–R Mandatory Service Bulletin (SB) RB.211–72–C818, Revision 2, dated October 8, 1999:

(i) Compliance section C, page 2.

(ii) Accomplishment Instructions section, items A through and including B(6), pages 5 and 6.

(iii) Acceptance criteria section, Appendix 1 (4), items A and B, page 9.

Earlier Versions of Service Bulletin

(3) Initial inspections accomplished using the original issue of R–R SB RB.211–72–C818, dated August 6, 1999, or Revision 1, dated August 20, 1999, are acceptable.

Repetitive Inspections

(4) Thereafter, inspect at intervals not to exceed 200 CIS since last inspection in accordance with R–R Mandatory RB.211–72–C818, Revision 2, dated October 8, 1999.

Cracked Parts

(5) Prior to further flight, remove from service cracked fan blades and replace with serviceable parts in accordance with R–R Mandatory RB.211–72–C818, Revision 2, dated October 8, 1999.

Optional Terminating Action

(b) Accomplishment of either of the following actions constitutes terminating action to the inspections required by paragraph (a) of this AD:

(1) Remove from service fan blades, P/Ns UL36245, UL38009, UL38052, and UL38628, and replace with serviceable fan blades with P/Ns other than P/Ns UL36245, UL38009, UL38052, and UL38628, or

(2) Rework fan blades to the improved configuration and mark the reworked fan blades with P/Ns FW12018, FW12019, FW12020, or FW12021, in accordance with the Accomplishment Instructions of R–R SB RB.211–72–C891, dated February 2, 2000.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Engine Certification Office.

Ferry Flights

(d) 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 aircraft to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions required by this AD shall be performed in accordance with the R–R Mandatory SB RB.211–72–C818, Revision 2, dated October 8, 1999, and SB RB.211–72–C891, dated February 2, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Rolls-Royce plc, PO Box 31, Derby, England; telephone: International Access Code 011, Country Code 44, 1332–249428, fax International Access Code 011, Country Code 44, 1332–249223. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on March 31, 2000.

Issued in Burlington, Massachusetts, on March 6, 2000.

David A. Downey,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 00–5891 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–87–AD; Amendment 39–11625; AD 2000–05–15]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS355N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Eurocopter France Model AS355N helicopters. This action requires inspecting the: 4 engine exhaust pipe ejector attachment lugs (lugs) for cracks; starter-generator (S–G) shaft for radial play; S–G attachment flange for cracks; and S–G attachment half-clamps for cracks.

This amendment is prompted by 9 reports of S–G damage; 3 reports of the discovery of cracks in the lugs; and 1 report of an in-flight loss of the exhaust pipe ejector. The actions specified in this AD are intended to prevent separation of an engine exhaust pipe ejector from the helicopter, which could result in a tail rotor strike and subsequent loss of control of the helicopter.

DATES: Effective March 31, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 31, 2000.

Comments for inclusion in the Rules Docket must be received on or before May 15, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–87–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5296, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter France Model AS355N helicopters. The DGAC advises that starter-generator deterioration may lead to failure of the engine exhaust pipe ejector attachment lugs and subsequent loss of the ejector.

Eurocopter France has issued Eurocopter France Service Telex No. 01.00.45, dated October 27, 1999, which requests that the following items must be inspected within 10 hours time-in-service (TIS) and then at intervals of 100 hours TIS: 4 lugs for cracks; S–G shaft for significant radial play; S–G attachment flange for cracks; and S–G attachment half-clamps for cracks.

The DGAC classified this telex as mandatory and issued AD 1999–469–058(A), dated December 1, 1999, in order to assure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model AS355N helicopters of the same type design registered in the United States, this AD is being issued to prevent separation of an engine exhaust pipe ejector from the helicopter, which could result in a tail rotor strike and subsequent loss of control of the helicopter. This AD requires, within 10 hours TIS and then at intervals not to exceed 100 hours TIS, inspecting the: 4 lugs for any crack; S–G shaft for radial play; S–G attachment flange for any crack; and S–G attachment half-clamps for any crack.

The actions are required to be accomplished in accordance with the telex described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 13 helicopters will be affected by this AD and that it will take approximately 3 work hours to accomplish the inspections. The work hours required to replace the parts will be: 2 work hours to replace the S–G; 1 work hour to replace the clamp and flange; and 2 work hours to replace the exhaust pipe.

The average labor rate is estimated to be $60 per work hour. Required parts, per helicopter, will cost approximately: $6,346 for each S–G; $12,148 for each exhaust pipe; $500 for each flange; and $175 for each clamp.

Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $180 per helicopter to accomplish each inspection and $19,469 per helicopter to replace the S–G, the exhaust pipe, the flange, and the clamp.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–SW–87–AD.'' The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 2000–05–15 Eurocopter France: Amendment 39–11625. Docket No. 99–SW–87–AD.

Applicability: Model AS355N helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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 within 10 hours time-in-service (TIS) and thereafter at intervals not to exceed 100 hours TIS, unless accomplished previously.

To prevent separation of an engine exhaust pipe ejector from the helicopter, which could result in a tail rotor strike and subsequent loss of control of the helicopter, accomplish the following:

(a) In accordance with paragraph BB of Eurocopter France Service Telex No. 00095, dated October 27, 1999 (Telex) that references Service Telex No. 01.00.45, visually inspect the:

(1) 4 engine exhaust pipe ejector attachment lugs (lugs) for any crack;

(2) starter-generator (S–G) shaft for radial play;

(3) S–G attachment flange for any crack; and

(4) S–G attachment half-clamps for any crack.

(b) If a crack is found in either the lugs, the S–G attachment flange, or the S–G attachment half-clamps, repair or replace the cracked part with an airworthy part prior to further flight.

(c) If radial play is discovered in the S–G, replace it with an airworthy S–G prior to further flight.

(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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Directorate.

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

(e) 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 helicopter to a location where the requirements of this AD can be accomplished.

(f) The inspections and replacements, if necessary, shall be done in accordance with Eurocopter France Service Telex No. 00095, dated October 27, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 31, 2000.

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 1999–469–058(A), dated December 1, 1999.

Issued in Fort Worth, Texas, on March 6, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–6035 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF STATE

22 CFR Parts 22, 23 and 51

[Public Notice 3254]

Schedule of Fees for Consular Services; Finance and Accounting; and Passports and Visas

AGENCY: Bureau of Consular Affairs, State Department.

ACTION: Direct final rule.

SUMMARY: This direct final rule replaces the existing fee charged for each passport issued, that is refunded when a passport is not issued, with a non-refundable fee charged for each application filed for a passport. Accordingly, the Department of State will refund the passport application fee only when the fee has been collected in error. The Department will not refund the fee paid for a passport application when, after processing, it is determined that the applicant will not be issued a passport. Nor will the Department refund a passport application fee to the executor or administrator of the estate of the deceased bearer of an unused passport, or refund a passport application fee to any person issued a passport who has been refused a visa by a foreign government. The rule provides, however, that a person, whose passport application is denied, may have the application reconsidered without being required to pay an additional application fee by submitting adequate documentation that overcomes the reason for denial within 90 days from the date of the denial notice.

DATES: This rule is effective May 15, 2000 without further action, unless adverse comment is received by April 17, 2000. If adverse comment is received and is well-taken, the Department of State will publish a timely withdrawal of the rule in the **Federal Register**, and it will not take effect.

ADDRESSES: Written comments should be addressed to: Chief, Legal Division, Office of Passport Policy, Planning and Advisory Services, 1111 19th Street, N.W., Suite 260, Washington, D.C. 20524.

FOR FURTHER INFORMATION CONTACT: Sharon Palmer-Royston, Office of Passport Policy, Planning and Advisory Services, Bureau of Consular Affairs, Department of State (202) 955–0231; telefax (202) 955–0230.

SUPPLEMENTARY INFORMATION:

Background

Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214) previously provided for payment into the Treasury of a fee, prescribed by the Secretary of State by regulation, for ''each passport issued'', and a fee for executing ''each application for a passport''. Congress enacted Section 233 of Pub.L. 106–113, November 29, 1999, which amended Section 1 of the Passport Act by striking those provisions and inserting in their place the requirement for payment of a fee for ''the filing of each application for a passport (including the cost of passport issuance and use)'' and a fee for executing ''each such application'' for a passport. Section 233 further provides that ''such fees shall not be refundable, except as the Secretary may by regulation prescribe''. Section 233 also repealed Section 4 of the Passport Act of 1920 (22 U.S.C. 216), which authorized the refund of the fees paid by the person to whom a passport was issued, whenever the appropriate officer within the United States of any foreign country refuses to issue a visa in a passport issued by the United States, upon request in writing and return of an unused passport within six months from the date of issue.

This direct final rule implements Section 233 of Pub.L. 106–113 by amending the existing Schedule of Fees for Consular Services in the list of Passport and Citizenship Services under 22 CFR 22.1, to change ''issuance'' to ''application'', and amends 22 CFR 22.6 by deleting the provision for the refund of the passport fee pursuant to 22 U.S.C. 216. This rule also amends the regulations governing passport fees in 22 CFR 51.61(a), by changing the ''fee for each passport issued'' to a ''fee for each passport application filed'', and amends 22 CFR 51.63 by changing ''passport fee'' to ''passport application fee'' and by deleting paragraphs (b), (c) and (d).

The effect of this rule is that the Department of State will not refund the fee paid for a passport application when the Department determines, after processing, that a passport may not be issued pursuant to the regulations governing passports. Nor will the Department refund a passport application fee to any person who, after a passport has been issued to them, has been refused a visa by a foreign government. Further, the Department will not refund a passport application fee to the executor or administrator of the estate of the deceased bearer of an unused passport. A refund will not be made in those cases, because the application for a passport will have been processed in accordance with the fee paid for the application.

However, the Department recognizes that there are cases where an application for issuance of a passport will be denied on the sole ground of inadequate documentation or for a reason that can be cured by the provision of further documentation. In those cases, a new application fee should not be required when the applicant provides acceptable documentation in a timely manner so that a passport is issued. A person whose application for a passport has been denied, moreover, is informed in writing of the specific reason(s) for the denial, as provided by regulation. Therefore, this rule also provides that a person, whose passport application has been denied, may have the denied application reconsidered without payment of an additional passport

application fee by submitting adequate documentation within 90 days from the date of the notice of denial. The term ''adequate documentation'' includes evidence that the applicant is in the process of obtaining the necessary documents, which may have been missing or lost and may require considerable time to obtain or replace. The denial becomes final, however, if adequate documentation is not submitted before the elapse of 90 days after the date of the denial notice. The Department's passport regulations do not preclude a person, whose passport application has been denied, from subsequently submitting a new passport application with payment of a new application fee.

This rule does not affect the fee for executing an application for a passport, which cannot be refunded pursuant to the existing regulation in 22 CFR 51.65. Therefore, the Department will refund the passport application fee and the fee for executing an application for a passport only in cases when the fee was collected in error from persons exempted from payment by law, or the fee collected was in excess of the prescribed fee, as is currently provided by regulation.

This rule is effective May 15, 2000. If adverse comment is received and is well-taken, the Department of State will publish a timely withdrawal of the rule in the **Federal Register**. If an adverse comment applies to an amendment, paragraph, or section of this rule and that provision may be addressed separately from the remainder of the rule, the Department may adopt as final those provisions of the rule that are not the subject of an adverse comment.

The Department does not consider this rule to be a major rule for purposes of E.O. 12291. These changes to the regulations are hereby certified as not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35. Nor does the rule have federalism implications warranting the application of Executive Order No. 12372 and No. 13132. This rule is exempt from E.O. 12866, but the Department has reviewed the rule to ensure consistency with the objectives of the Executive Order, as well as with E.O. 12988, and the Office of Management and Budget has determined this rule would not constitute a significant regulatory action under E.O. 12866.

List of Subjects

22 CFR Part 22

Foreign Service, Fees, Passports and visas.

22 CFR Part 23

Foreign Service.

22 CFR Part 51

Administrative practice and procedure, Drug traffic control, Passports and visas.

Accordingly, this rule amends 22 CFR Chapter I as follows:

PART 22—[AMENDED]

1. The authority citation for Part 22 continues to read as follows:

Authority: 8 U.S.C. 1153 note. 1351, 1351 note; 10 U.S.C. 2602(c); 22 U.S.C. 214, 2504(a), 4201, 4206, 4215, 4219; 31 U.S.C. 9701; E.O. 10718, 22 FR 4632, 3 CFR, 1954–1958 Comp., p. 382; E.O. 11295, 31 FR 10603, 3 CFR, 1966–1970 Comp., p. 570.

2. Section 22.1 is amended by revising the introductory text of paragraphs (b) and (c) at item 1. to read as follows:

§ 22.1 Schedule of fees.

Item No.	Fee

Passport and Citizenship Services

1. Passport Services:

* * * * *

(b) First-time application:

* * * * *

(c) Subsequent application (renewal):

* * * * *

3. Section 22.6 is amended by revising the word ''refunded'' to read ''refund'' both times it appears in paragraph (a)(3) and by revising paragraph (a)(1) to read as follows:

§ 22.6 Refund of fees.

(a) * * *

(1) As specifically authorized by law (See 22 U.S.C. 214a concerning passport fees erroneously charged persons excused from payment and 46 U.S.C. 8 concerning fees improperly imposed on vessels and seamen);

* * * * *

PART 23—[AMENDED]

1. The authority citation for Part 23 is revised to read as follows:

Authority: 22 U.S.C. 2651a.

2. Section 23.3 is amended by revising paragraph (a) to read as follows:

§ 23.3 Refunds.

(a) *Rectifications and readjustments.* See § 22.6 of this chapter for outline of circumstances under which fees which have been collected for deposit in the Treasury may be refunded.

* * * * *

PART 51—[AMENDED]

1. The authority citation for Part 51 is revised to read as follows:

Authority: 22 U.S.C. 211a; 22 U.S.C. 2651a, 2671(d)(3), 2714 and 3926; 31 U.S.C. 9701; E.O. 11295, 3 CFR, 1966–1970 Comp., p 570; sec. 129, Pub. L. 102–138, 105 Stat. 661; 8 U.S.C. 1504.

2. Section 51.61 is amended by revising paragraph (a) to read as follows:

§ 51.61 Passport fees.

* * * * *

(a) A fee for each passport application filed, which fee shall vary depending on whether the passport applicant is a first-time applicant or a renewal applicant and on the age of the applicant. The passport application fee shall be paid by all applicants at the time of application, except as provided in § 51.62(a), and is not refundable, except as provided in § 51.63. However, an applicant's denied application for a passport may be reconsidered without the payment of an additional passport application fee by the submission of adequate documentation within 90 days after the date of a notice of denial.

* * * * *

3. Section 51.63 is amended by removing paragraphs (b) through (d), by redesignating paragraphs (e) and (f) as paragraphs (b) and (c), respectively, and by revising the introductory text to read as follows:

§ 51.63 Refunds.

A collected passport application fee shall be refunded:

* * * * *

Dated: February 23, 2000.

Bonnie R. Cohen,

Under Secretary for Management, Department of State.

[FR Doc. 00–6409 Filed 3–15–00; 8:45 am]

BILLING CODE 4710–06–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NZ001; FRL–6561–8]

Prevention of Significant Deterioration Delegation of Authority to Mendocino County Air Pollution Control District to Administer Permits Issued by EPA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: The Regional Administrator for EPA Region 9 has delegated full authority to the Mendocino County Air Pollution Control District (District) to administer three Prevention of Significant Deterioration (PSD) permits issued by EPA.

EFFECTIVE DATE: The effective date of the delegation is February 23, 2000.

ADDRESSES: Mendocino County Air Pollution Control District, 306 E. Gobbi Street, Ukiah, CA 95482.

FOR FURTHER INFORMATION CONTACT: Nahid Zoueshtiagh, Permits Office (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1261, E-mail: Zoueshtiagh.nahid@epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 40 CFR 52.21(u), ''Delegation of authority,'' the EPA has delegated authority to the District to administer the following three PSD permits issued by EPA to:

- Masonite Corporation (EPA, PSD No. NC–77–06, issued in 1977)
- Masonite Corporation (EPA, PSD No. NC–92–01, issued in 1992)
- Georgia Pacific West Inc. (EPA, PSD No. NC–79–07, issued in 1979)

In 1985, EPA approved the District's PSD program into the California State Implementation Plan (SIP) (50 FR 30943, July 31, 1985). However, the above three permits which were issued by EPA, continued to be administered by EPA. To date, administering these permits has consisted of actions on modification requests by the Permittees. While the District has now been delegated the authority to administer these permits, nothing in the delegation agreement prohibits EPA from enforcing the PSD provisions of the Clean Air Act, the PSD regulations, or future permit conditions issued by the District.

A copy of the delegation agreement between EPA and the District is available from Nahid Zoueshtiagh, Permits Office (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: March 9, 2000.

David P. Howekamp,

Director, Air Division, Region IX.

[FR Doc. 00–6565 Filed 3–15–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 24

[WT Docket No. 97–82; FCC 00–54]

Installment Payment Financing for Personal Communications Services (PCS) Licenses

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: In this document, the Commission dismisses or denies petitions for reconsideration of its Fourth Report and Order in which it modified the rules governing auctions of licenses for C block broadband Personal Communications Services (''PCS'') spectrum. Some of the issues raised by petitioners are specific to Auction No. 22 and have been rendered moot by the occurrence of that auction. Other issues will be decided in separate proceedings. By this document the Commission declines to extend the two year ''grandfather'' exception to the entrepreneur eligibility requirement for C block auctions and also declines to ''grandfather'' in future C and F block auctions the bidding credit eligibility of participants in earlier C block auctions.

FOR FURTHER INFORMATION CONTACT: Audrey Bashkin, Auctions & Industry Analysis Division, Wireless Telecommunications Bureau, at 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of an Order on Reconsideration of the Fourth Report & Order (Order on Reconsideration) adopted February 15, 2000 and released February 29, 2000. The complete text of the Order on Reconsideration, including the attachment, is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at http://www.fcc.gov/wtb/auctions.

I. Introduction and Background

1. In this Order on Reconsideration, we address petitions for reconsideration of our Fourth Report and Order, released August 19, 1998 (''*C Block Fourth Report and Order*''), 63 FR 50791 (September 23, 1998), in which we modified the rules governing auctions of C block broadband Personal Communications Services (''PCS'') spectrum. To date, there have been three auctions of licenses for C block spectrum. Auctions No. 5 and 10, which ended on May 6, 1996, and July 16, 1996, respectively, preceded the C Block Fourth Report and Order. Auction No. 22, which followed the C Block Fourth Report and Order, concluded on April 15, 1999, and also included licenses for E and F block spectrum. An earlier auction of licenses for D, E, and F block spectrum, Auction No. 11, concluded on January 14, 1997. One or more additional auctions of C and F block spectrum are expected.

2. In response to the C Block Fourth Report and Order, we received five petitions for reconsideration, one opposition, and one set of comments. Within the time frame for filing oppositions, we also received related correspondence. Some of the issues raised by petitioners are specific to Auction No. 22 and have been rendered moot by the occurrence of that auction. Other issues will be decided in separate proceedings. The remaining issues concern entrepreneur and bidding credit eligibility. In this order, we decline to extend the two year ''grandfather'' exception to the entrepreneur eligibility requirement for C block auctions and also decline to ''grandfather'' in future C and F block auctions the bidding credit eligibility of participants in earlier C block auctions.

II. Auction Inventory

3. *Background.* In the C Block Fourth Report and Order, we decided not to delay the next C block auction pending resolution of bankruptcy proceedings affecting the availability for auction of certain C block spectrum.

4. *Discussion.* Both Conestoga and DiGiPH ask that we reconsider this decision. Because Auction No. 22 has already been held, these requests have become moot. As we stated in the C Block Fourth Report and Order, spectrum made available for licensing as a result of any bankruptcy proceeding will be included in the next appropriate auction of C block spectrum.

III. Entrepreneur Eligibility

5. *Background.* Consistent with Congress' mandate to promote the

participation of small businesses and other ''designated entities'' in the provision of spectrum-based services, the Commission limited eligibility for C and F block broadband PCS licenses in Auctions No. 5, 10, and 11 to ''entrepreneurs.'' The Commission considers entrepreneurs, with regard to the C and F blocks, to be those entities that can meet the auction and licensing eligibility requirements of § 24.709 of the Commission's rules. The principal requirement is as follows:

> No application is acceptable for filing and no license shall be granted for frequency block C or frequency block F, unless the applicant, together with its affiliates and persons or entities that hold interests in the applicant and their affiliates, have gross revenues of less than $125 million in each of the last two years and total assets of less than $500 million at the time the applicant's short-form application (Form 175) is filed. 47 CFR 24.709(a)(1); *see id.* 24.720; *Competitive Bidding Fifth Report and Order,* 65 FR 37566 (July 22, 1994), *Fifth Memorandum Opinion and Order,* 59 FR 63210 (December 7, 1994) and *Sixth Report and Order,* 60 FR 37786 (July 21, 1995).

6. In the C Block Fourth Report and Order, we decided that entities that had been eligible for and had participated in Auction No. 5 or 10 would also be eligible to bid on C block spectrum in Auction No. 22 and in any C block auction beginning within two years of the start date of Auction No. 22, even if such entities had become too large to qualify as entrepreneurs.

7. *Discussion.* In its petition, Omnipoint argues that, because a ''number of C [b]lock licenses [are] currently tied up in bankruptcy and not slated for the upcoming C [b]lock reauction [Auction No. 22], entrepreneurs will again see a shift in the market result of all prior C block auctions during all upcoming reauctions.'' Omnipoint maintains that, pursuant to ''notions of fairness and auction integrity,'' the Commission should allow all ''original C block applicants'' to compete in any subsequent auction of C block licenses, regardless of when such auction occurs.

8. We disagree. The two-year ''grandfather'' exception to the entrepreneur eligibility requirement was part of a package of financial restructuring options offered by the Commission to C block licensees experiencing financial difficulties in the wake of the first two C block auctions. *See C Block Reconsideration Order,* 63 FR 17111 (April 8, 1998), *C Block Second Report and Order,* 62 FR 55375 (October 24, 1997) and *Second C Block Reconsideration Order,* 64 FR 26887 (May 18, 1999). When making these options available, the Commission explained that they were intended to provide ''limited relief,'' limited in both scope and time. We recognized that not all licenses involved in bankruptcy proceedings would likely be available for inclusion in the Auction No. 22 license inventory; nevertheless, we decided to permit the grandfather exception for only two years. We believe, as we explained in the *C Block Fourth Report and Order,* that fairness to other future bidders prevents our providing the eligibility exception indefinitely. Therefore, as to the issue of entrepreneur eligibility, we will deny Omnipoint's petition.

IV. Bidding Credit Eligibility

9. *Background.* Bidding credits are available to C block auction winners that qualify as small or very small businesses or consortia thereof. Under current C (and F) blocks rules, which were in effect for Auction No. 22, small businesses and small business consortia receive a 15 percent bidding credit and very small businesses and very small business consortia receive a 25 percent bidding credit. In the C Block Fourth Report and Order, we expressly declined to ''grandfather'' eligibility for bidding credits, deciding that bidding credit eligibility in upcoming C block auctions would be determined according to an applicant's size at the deadline for filing short-form applications and not the applicant's size when it applied to participate in Auction No. 5 or 10. We concluded that it would not be in the best interests of the public and, in particular, of competing small business bidders and licensees to provide a discount to applicants that no longer meets the small business size standards.

10. *Discussion.* Omnipoint urges us to reconsider this decision, contending that our refusal to ''grandfather'' bidding credit eligibility is unfair to those existing entrepreneur licensees that have generated PCS revenues since the initial C block auction. We disagree. Bidding credits function as a discount on a winning bidder's high bid, thereby substantially reducing the licensee's payment obligation to the Federal government. The purpose of such credits is to allow small entities with limited access to capital to compete effectively against larger businesses in auctions. Were we to allow large businesses to qualify for bidding credits, by virtue of their past participation as small businesses in earlier C block auctions, we would undermine the effectiveness of such credits in aiding entities that currently qualify as small businesses. We cannot justify such a result, nor can we envision a convincing public policy rationale for providing larger businesses with a 15 or 25 percent discount off their Federal obligation. Accordingly, we deny Omnipoint's petition as to the issue of bidding credits.

V. Controlling Interest Rule

11. *Background.* In the C Block Reconsideration Order, we deferred to other phases of WT Docket No. 97–82 the decision whether to use a ''controlling interest'' approach to determine financial attribution for future C block auctions rather than to continue using ''control group'' structures.

12. *Discussion.* In its petition, Leap asks that we apply the controlling interest concept to the C and F blocks. Cook opposes this request. Leap's petition and Cook's opposition are moot insofar as they concern Auction No. 22, for which control group structures applied.

VI. Minimum Opening Bids

13. *Background.* In the C Block Fourth Report and Order, we established that the minimum opening bid for each market in Auction No. 22 would be ten percent of the corresponding net high bid for the market in the first C block auction; however, we stated that the Wireless Telecommunications Bureau (''Bureau'') could exercise its discretion to set smaller minimum opening bids if the Bureau believed they were warranted.

14. *Discussion.* While disagreeing on specifics, Conestoga and Omnipoint both suggest that we reduce the minimum opening bids. Because Auction No. 22, has already taken place, these requests are moot. We note that the Bureau, after considering comments, including one filed by Omnipoint, reduced the Auction No. 22 minimum opening bids for C block licenses to five percent (for 30 MHz C block licenses) and 2.5 percent (for 15 MHz C block licenses) of the most recent net high bid for C block licenses in the same market. For each future C block auction, the Bureau will continue its current practice under the Balanced Budget Act of 1997 to establish minimum opening bids and/or reserve prices after notice and comment. *See Part 1 Third Report and Order* 63 FR 770 (January 7, 1998).

VII. Bid Increment Methodology

15. In a December 10, 1998 meeting with Bureau and Division staff, Omnipoint outlined a proposal for a bid increment methodology to be employed in Auction No. 22. The fact that Auction No. 22 has already occurred renders

Omnipoint's suggestion moot; however, we note that, in advance of Auction No. 22, the Bureau considered and rejected essentially the same proposal by Omnipoint. For each future C block auction, the Bureau will, after notice and comment, establish an appropriate bid increment methodology.

VIII. Default Payment Rules

16. Mountain Solutions argues that our decision to eliminate installment payment financing in Auction No. 22 and to exclude from the auction spectrum involved in bankruptcy proceedings, along with other factors, will decrease auction prices and thereby increase the payment owed by Mountain Solutions for defaults on second down payments for C block licenses Mountain Solutions had previously won. Mountain Solutions argues further that it would be inequitable for the Commission strictly to apply its default payment rule against Mountain Solutions. Because Auction No. 22 has already occurred, Mountain Solutions' petition, insofar as it seeks modification of our rules for that auction, is moot. The remaining issue—the extent to which Mountain Solutions will be held liable for its default payment obligations—is before us in a separate proceeding and will be considered there.

IX. Other Filing

17. In a letter related to this proceeding, McBride asks that we assist Representative W. J. ''Billy'' Tauzin, Chairman of the U.S. House of Representatives Subcommittee on Telecommunications, Trade, and Consumer Protection, in Chairman Tauzin's efforts with regard to the C block auction. Specifically, McBride requests that we help promote competition and encourage the participation of designated entities in the wireless telecommunications industry and that we make sure that all C block licensees are treated in a fair and equitable manner. We believe that, with the C Block Fourth Report and Order and Auction No. 22, we have furthered the goals articulated in McBride's letter; however, because the letter does not request specific reconsideration of the C Block Fourth Report and Order, we neither grant nor deny it.

X. Ordering Clauses

18. Accordingly, it is ordered that, pursuant to sections 4(i), 5(b), 5(c)(1), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 155(b), 156(c)(1), 303(r), and 309(j), the petition for reconsideration filed in response to the C Block Fourth Report and Order by Omnipoint Corporation is denied. The petition for reconsideration filed in response to the C Block Fourth Report and Order by Mountain Solutions, Ltd., Inc., is dismissed in part as moot and denied in all other respects. The remaining petitions for reconsideration filed in response to the C Block Fourth Report and Order are dismissed as moot. This Order on Reconsideration is hereby adopted.

List of Subjects in 47 CFR Part 24

Personal communications services.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 00–6637 Filed 3–15–00; 8:45 am]

BILLING CODE 6712–01–U

Proposed Rules

Federal Register
Vol. 65, No. 52
Thursday, March 16, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–24–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with General Electric CF6–80C2 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 and 767 series airplanes. This proposal would require repetitive functional tests of the directional pilot valve (DPV) of the thrust reversers to detect pneumatic leakage, and corrective action, if necessary. This proposal is prompted by a report of a latent failure mode of the fail-safe features of the thrust reverser system identified as possible leakage of the DPV that is due to a poppet being jammed slightly open or a leaking o-ring. The actions specified by the proposed AD are intended to ensure the integrity of the fail-safe features of the thrust reverser system by preventing possible failure modes, which could result in inadvertent deployment of a thrust reverser during flight, and consequent reduced controllability of the airplane.

DATES: Comments must be received by May 1, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–24–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: Holly Thorson, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1357; 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 2000–NM–24–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. 2000–NM–24–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA received a report from the manufacturer indicating a new latent failure mode of the fail-safe features of the thrust reverser system. This failure mode was identified as possible leakage of the directional pilot valve (DPV) of the thrust reversers due to a poppet being jammed slightly open or a leaking o-ring. Such undetected leakage past the DPV could result in sufficient pnuematic pressure developing downstream of the DPV at takeoff thrust to actuate the directional control valve to the deploy position. This failure mode, in combination with another thrust reverser failure condition or component failure, could result in the following:

- Significant degradation of the features intended to ensure that the thrust reverser remains stowed during all anticipated operating conditions for airplanes that have incorporated the thrust reverser actuation system brake. Or
- A potential in-flight thrust reverser deployment for airplanes that have not incorporated the thrust reverser actuation system brake.

Such conditions, if not corrected, could result in inadvertent deployment of a thrust reverser during flight, and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–78A2170, and Boeing Service Bulletin 767–78–0084, both dated October 21, 1999, which describe procedures for repetitive functional tests of the DPV of the thrust reversers to detect pneumatic leakage, and correction of any discrepancies. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive functional tests of the DPV of the thrust reversers to detect pneumatic leakage, and corrective

action, if necessary. The actions are required to be accomplished in accordance with the service bulletins described previously, except as discussed below.

Correction of any discrepancy detected is required to be accomplished in accordance with the procedures described in the applicable Boeing 747 or 767 Airplane Maintenance Manual.

Cost Impact

There are approximately 331 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 108 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours (5 work hours per engine) per airplane to accomplish the proposed functional test, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the functional test proposed by this AD on U.S. operators is estimated to be $64,800, or $600 per airplane, per test cycle.

None of the Model 747 series airplanes affected by this action are on the U.S. Register. All Model 747 series airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected Model 747 series airplane be imported and placed on the U.S. Register in the future, it would require approximately 20 work hours (5 work hours per engine) to accomplish the proposed functional test, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the functional test proposed by this AD would be approximately $1,200 per airplane, per test 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 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:

Boeing: Docket 2000–NM–24–AD.

Applicability: Model 747 and 767 series airplanes equipped with General Electric CF6–80C2 series engines, 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 ensure the integrity of the fail-safe features of the thrust reverser system by preventing possible failure modes, which could result in inadvertent deployment of a thrust reverser during flight, and consequent reduced controllability of the airplane, accomplish the following:

(a) For Model 747 and 767 series airplanes equipped with thrust reversers that HAVE NOT been modified in accordance with Boeing Service Bulletin 747–78–2151 or 767–78–0063, as applicable, or a production equivalent: Within 60 days after the effective date of this AD, perform a functional test of the directional pilot valve (DPV) of the thrust reversers to detect pneumatic leakage in accordance with Boeing Alert Service Bulletin 747–78A2170, or Boeing Service Bulletin 767–78–0084, as applicable, both dated October 21, 1999. Repeat the functional test thereafter at intervals not to exceed 1,000 flight hours.

(b) For Model 747 and 767 series airplanes equipped with thrust reversers that have been modified in accordance with Boeing Service Bulletin 747–78–2151 or 767–78–0063, as applicable, or a production equivalent: Within 180 days after the effective date of this AD, perform a functional test of the DPV of the thrust reversers to detect pneumatic leakage in accordance with Boeing Alert Service Bulletin 747–78A2170, or Boeing Service Bulletin 767–78–0084, as applicable, both dated October 21, 1999. Repeat the functional test thereafter at intervals not to exceed 5,000 flight hours.

(c) If any functional test required by paragraph (a) or (b) of this AD cannot be successfully performed as specified in Boeing Alert Service Bulletin 747–78A2170, or Boeing Service Bulletin 767–78–0084, as applicable, both dated October 21, 1999; or if any discrepancy is detected during any functional test required by paragraph (a) or (b) of this AD: Prior to further flight, correct the discrepancy in accordance with the procedures specified in the applicable Boeing Model 747 or 767 Airplane Maintenance Manual. Additionally, prior to further flight, any failed functional test required by paragraph (a) or (b) of this AD must be repeated and successfully accomplished. Repeat the functional test thereafter at the intervals required by paragraph (a) or (b) of this AD, as applicable.

Alternative Methods of Compliance

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

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

Special Flight Permit

(e) 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 March 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–6492 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–55–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 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 Airbus Model A319, A320, and A321 series airplanes. This proposal would require modifying the fuel pipe couplings and installing bonding leads in specified locations within the fuel tank. 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 ignition sources and consequent fire/explosion in the fuel tank.

DATES: Comments must be received by April 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–55–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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–55–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. 2000–NM–55–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes. During a scheduled inspection of an Airbus Model A300 series airplane's fuel tanks, an electrical discharge mark was found on the left-hand inner fuel tank. The design of the fuel tanks on all four models is similar. The DGAC advises that improvement of the tanks' grounding efficiency between specific pipe couplings can prevent electrical arcing within the fuel tanks on these airplanes. Such electrical arcing within the fuel tank, if not corrected, could result in fuel ignition and consequent fire/explosion in the fuel tank.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–28–1077, dated July 9, 1999. This service bulletin describes procedures for modification (including removal, cleaning, and reinstallation of affected nuts, bolts, and washers) of the fuel pipe couplings; installation of certain bonding leads in specified locations; and cleaning surface areas at specified locations, including oversealing the coupling locknuts.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2000–006–144(B), dated January 12, 2000, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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, except as discussed below.

Difference Between Proposed Rule and Relevant Service Information

Operators should note that, although the service bulletin and French airworthiness directive recommend that the modification be accomplished within 5 years (after the release of the service bulletin), the FAA has determined that an interval of 5 years would not address the identified unsafe condition in a timely manner.

An electrical discharge in a fuel tank can create a spark that could ignite the fuel vapors inside the tank. The spark energy required to ignite fuel depends on the type of fuel, the fuel temperature, and the air pressure (altitude) inside a fuel tank. Under certain conditions, fuel can be ignited with spark energy levels much lower than the energy required to create a visible mark. Therefore, a spark that has enough energy to cause a mark can ignite fuel vapor under a wider range of fuel tank conditions.

In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the modification. In light of all of these factors, the FAA finds a 36-month compliance time for accomplishing the modification to be warranted, in that 36 months represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

The FAA estimates that 227 airplanes of U.S. registry would be affected by this proposed AD.

It would take between 20 and 100 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. The cost of required parts would be negligible. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be between $272,400 and $1,362,000; or between $1,200 and $6,000 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:

Airbus Industrie: Docket 2000–NM–55–AD.

Applicability: Model A319, A320, and A321 series airplanes; certificated in any category; excluding those on which Modifications 27150 and 27955 have been installed.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 ignition sources and consequent fire/explosion in the fuel tank, accomplish the following:

Modification and Installation

(a) Within 36 months after the effective date of this AD, modify the fuel pipe couplings and install bonding leads in the specified locations of the fuel tank, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–28–1077, dated July 9, 1999.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(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.

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–006–144(B), dated January 12, 2000.

Issued in Renton, Washington, on March 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–6493 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 00N–0598]

Food Labeling; Dietary Supplement Health Claims; Public Meeting Concerning Implementation of Pearson Court Decision and Whether Claims of Effects on Existing Diseases May Be Made as Health Claims

AGENCY: Food and Drug Administration, HHS.

ACTION: Announcement of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting to solicit comments on two topics pertaining to health claims in dietary supplement labeling. The first topic concerns implementation of the recent court of appeals decision in *Pearson* v. *Shalala* (*Pearson*). In*Pearson*, the U.S. Court of Appeals for the D.C. Circuit held that FDA's decision not to authorize four health claims for dietary supplements violated the First Amendment because the agency did not

consider whether the claims, which failed to meet the ''significant scientific agreement'' standard of evidence by which the health claims regulations require FDA to evaluate the scientific validity of claims, could be rendered nonmisleading by adding qualifying language. The second topic on which we are requesting comments is whether claims about an effect on an existing disease may be made as health claims, or whether such claims should subject the product to regulation as a drug. We are holding this meeting to give the public an opportunity to provide information and views on these topics.

DATES: The meeting will be held on April 4, 2000, from 10 a.m. to 6 p.m. Please register by close of business, March 28, 2000. Late registrations will be accepted contingent on space availability. Submit written comments by April 19, 2000.

ADDRESSES: The meeting will be held at Department of Education, Barnard Auditorium (Federal Building 6), 400 Maryland Ave., SW., Washington, DC. Building entrances are located on the Maryland Ave., SW. and C Street, SW. between 4th and 6th Streets, SW. Federal Building 6 is one block east of the L'Enfant METRO Subway Station's Maryland Ave. exit.

Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1061, 5630 Fishers Lane, Rockville, MD 20852. You may also send comments to the Dockets Management Branch at the following e-mail address: FDADockets@oc.fda.gov or via the FDA Internet at http://www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm.

FOR FURTHER INFORMATION CONTACT:

To register for the public meeting contact: Carole A. Williams, Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4421, FAX 301–827–3052, e-mail pubmtg@oc.fda.gov.

For general information: Jeanne Latham, Center for Food Safety and Applied Nutrition (HFS–800), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4697, FAX 202–205–4594, e-mail JLatham@cfsan.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA published a number of regulations to implement the Nutrition Labeling and Education Act of 1990 (the 1990 amendments), which amended the Federal Food, Drug, and Cosmetic Act (the act). We set forth general requirements for health claims in the labeling of conventional foods (58 FR 2478, January 6, 1993); authorized the use of seven health claims (58 FR 2665, 58 FR 2787, 58 FR 2820, 58 FR 2739, 58 FR 2537, 58 FR 2552, and 58 FR 2622); and denied the use of five other claims (58 FR 2537 [dietary fiber and cancer], 58 FR 2552 [dietary fiber and coronary heart disease], 58 FR 2622 [antioxidant vitamins and cancer], 58 FR 2661 [zinc and immune function in the elderly], and 58 FR 2682 [omega-3 fatty acids and coronary heart disease]). We also initially denied one claim (58 FR 2606 [folic acid and neural tube defects]) that was later authorized (59 FR 433, January 4, 1994) and then modified (61 FR 8750, March 5, 1996). In response to the 1990 amendments and the Dietary Supplement Act of 1992, we issued regulations applying the general requirements for health claims for conventional foods to dietary supplements (59 FR 395, January 4, 1994). The general health claims regulations for both conventional foods and dietary supplements are in 21 CFR 101.14 and 101.70. The regulations on individual health claims are in 21 CFR 101.71 through 101.82.

Our general health claim regulations for dietary supplements and our decision not to authorize health claims for four specific substance/disease relationships were challenged in *Pearson* v. *Shalala* (*Pearson*). These four substance/disease relationships include: Dietary fiber and cancer, antioxidant vitamins and cancer, omega-3 fatty acids and coronary heart disease, and the claim that 0.8 milligram of folic acid in dietary supplement form is more effective in reducing the risk of neural tube defect than a lower amount in conventional food form.

In 1998, the district court ruled for FDA in all respects (14 F. Supp. 2d 10 (D.D.C. 1998)). In January 1999, however, the U.S. Court of Appeals for the D.C. Circuit reversed the lower court's decision (164 F.3d 650 (D.C. Cir. 1999)). The appeals court held that, based on the administrative record compiled in the challenged rulemakings, the First Amendment does not permit FDA to reject health claims that we determine to be potentially misleading unless we also reasonably determine that no disclaimer would eliminate the potential deception. As a result of the decision, we must reconsider our approach to authorizing health claims for dietary supplements. The court further held that the Administrative Procedure Act (the APA) requires FDA to clarify the ''significant scientific agreement'' standard for authorizing health claims, either by issuing a regulatory definition of significant scientific agreement or by defining it on a case-by-case basis.

On March 1, 1999, the Government filed a petition for rehearing *en banc* (reconsideration by the full court of appeals). The U.S. Court of Appeals for the D.C. Circuit denied the petition for rehearing on April 2, 1999 (172 F.3d 72 (D.C. Cir. 1999)). We announced in the **Federal Register** of December 22, 1999 (64 FR 71794), the availability of a guidance clarifying the significant scientific agreement standard. The guidance is available on the Internet at http://vm.cfsan.fda.gov/dms/ssaguide.html.

In the **Federal Register** of December 1, 1999 (64 FR 67289), we published a notice informing the public of the steps we plan to follow to carry out the *Pearson* decision. This notice announced plans to hold a public meeting before initiating rulemaking to consider what changes to the general health claims regulations for dietary supplements may be warranted in light of *Pearson* (64 FR 67289 at 67290). We believe that our reevaluation of these regulations will benefit from a public meeting and an open discussion of all possible approaches to implementing the court's decision.

Also in December 1999, we declined to issue a proposed rule for a health claim relating dietary supplements containing saw palmetto extracts and symptoms associated with benign prostatic hyperplasia (BPH). The petition requesting authorization for the claim was denied by operation of law on December 1, 1999, and we issued a letter explaining our decision on the same day. Our basis for not proposing a rule was that we were unable to resolve, within the timeframe required, the novel policy issue, which the petition entailed. This issue is whether a health claim may include claims about mitigation or treatment of disease. To date, the health claims that we have authorized have been for reducing the risk of a disease. While this issue was not considered in *Pearson*, as a topic that also relates to the regulation of health claims, it is being included for discussion in this public meeting.

On December 7, 1999, the agency was sued by the petitioners who had requested FDA to authorize a health claim for saw palmetto extract and BPH (*Whitaker* v. *Shalala*, No. 1:99CV0247 (D.D.C. December 7, 1999)). The plaintiffs alleged that our denial of the petition violated the First Amendment to the Constitution, the 1990 amendments, and the APA. The plaintiffs asked the court to order the

agency to evaluate their petition under the health claims regulations. The case is stayed through May 26, 2000, while we consider whether claims of effects on an existing disease may be made as health claims rather than drug claims.

II. Scope of Discussion

We are holding the public meeting on April 4, 2000, in part to identify and discuss possible changes, in light of the *Pearson* decision, to our general health claim regulations as they apply to dietary supplements. Unlike the statutory provision for the use of health claims on dietary supplements (section 403(r)(5)(D) of the act (21 U.S.C. 343(r)(s)(D))), section 403(r)(3)(B)(i) of the act provides that FDA may authorize health claims on conventional foods only when there is significant scientific agreement among qualified experts that the totality of publicly available scientific evidence supports the claim. As a result of this statutory requirement for conventional foods and because the *Pearson* case involved only dietary supplements, this portion of the public meeting will be restricted to health claims on dietary supplements.

A second topic open for discussion is whether claims about mitigation or treatment of diseases and their symptoms may be appropriately made as health claims.

We anticipate that both discussions will include presentations from people whom we invite to participate as well as from members of the public.

A. Implementation of the Pearson Court Decision

We are requesting comment on how to implement the element of the *Pearson* decision addressing the use of qualified health claims on dietary supplements when the evidence supporting the claim does not meet the ''significant scientific agreement'' standard. In general, we request public comment on whether qualified health claim statements for dietary supplements can be made that would not mislead consumers, and, if so, what types of disclaimers or other qualifying language would be appropriate. We would specifically request that persons commenting in person and in writing consider and provide input on the questions listed below. Comments recommending a particular regulatory approach should explain how that approach is consistent with the constitutional and statutory requirements to which FDA is subject.

1. What is the best regulatory approach for protecting and promoting the public health? Specifically, what approach to regulating health claims will: (a) Protect consumers from fraudulent and misleading claims; and (b) provide reliable, understandable information that will allow consumers to evaluate claims intelligently and identify products that will in fact reduce the incidence of diseases? By what criteria should implementation options be judged?

2. Can qualifying language (including disclaimers) be effective in preventing consumers from being misled by health claims based on preliminary or conflicting evidence? If so, what are the characteristics of effective qualifying language? How should the agency determine what constitutes an appropriately qualified claim? If the available information is not sufficient to answer these questions, what research needs to be done, and who should be responsible for doing it? The agency encourages those commenting to submit empirical data on the effectiveness of qualifying language.

3. Is there a way to preserve the existing regulatory framework for health claims consistent with the First Amendment?

4. If health claims are permitted based on a standard less rigorous than significant scientific agreement, what is the best way to distinguish among claims supported by different levels of evidence so that consumers are not misled? Does the word ''may'' in existing health claims accurately communicate the strength of the evidence supporting claims that meet the significant scientific agreement standard, or should other language be used?

5. If health claims are permitted based on a less rigorous standard, what actions can be taken to provide incentives to manufacturers to conduct further research on emerging substance-disease relationships?

6. The *Pearson* opinion mentions circumstances in which FDA might be justified in banning certain health claims outright (e.g., where the evidence in support of the claim is outweighed by evidence against the claim, or where the evidence supporting it is qualitatively weaker than the evidence against it) (*Pearson*, 164 F.3d at 659 and n.10).

a. How should FDA determine when evidence supporting a health claim is outweighed by evidence against the claim?

b. How should FDA determine when evidence supporting a health claim is qualitatively weaker than the evidence against the claim?

c. Are there other circumstances in which health claims are inevitably misleading and cannot be made nondeceptive by qualifying language?

7. What safety information is necessary to prevent a health claim from being misleading? For example, such information might include side effects, drug and food interactions, and segments of the population who should not use the product or should consult a physician before doing so. When a product may have adverse effects unrelated to the subject of a scientifically valid health claim, is the claim misleading? Under what circumstances, if any, should the product be allowed to bear the claim?

8. What actions should the agency take to ensure that consumers receive all relevant information about the safety of products that bear health claims and about research on product safety?

B. Whether Claims of Effects on Existing Diseases May Be Made as Health Claims

All health claims that we have authorized since passage of the 1990 amendments have been claims about reducing the risk of a disease. However, the saw palmetto extract health claim petition (Docket Number 99P–3030) requests authorization to make a claim about effects on an existing disease. Thus, the petition proposes a significant expansion of the scope of health claims beyond those that are currently authorized.

The issue of whether health claims may be about effects on an existing disease arose in the context of a petition for a dietary supplement health claim. For this reason and because the other issue to be discussed at the public meeting concerns health claims for dietary supplements, the focus of discussion will be the use of claims on labels or labeling of dietary supplements about effects on an existing disease. However, we recognize that this issue is likely to arise in the context of health claims for conventional foods as well. Any decision we make on this issue with respect to dietary supplements, therefore, will also affect the use of such claims for conventional foods.

The health claims provisions of the act were enacted as part of a statutory scheme that already included extensive regulatory requirements for drugs. Before the 1990 amendments, the drug provisions had been applied to foods, including dietary supplements, that made claims about effects on disease. Arguably, if Congress had intended to permit any kind of disease claim for foods, it could have exempted all foods bearing authorized health claims from the drug definition in section 201(g)(1)(B) of the act (21 U.S.C. 321(g)(1)(B)), which provides that an article ''intended for use in the diagnosis, cure, mitigation, treatment, or

prevention of disease'' is a drug. Instead, Congress provided that a product that bears an authorized health claim shall not be classified as a drug solely because of the presence of the claim (21 U.S.C. 321(g)(1)(B)). Congress' decision to proceed in this manner, rather than by creating an unconditional exemption, suggests that it may have wanted the drug provisions to continue to apply to foods in certain circumstances. Similarly when the Dietary Supplement Health and Education Act (DSHEA) was enacted in 1994, Congress did not provide that dietary supplements are deemed to be foods in all circumstances; rather, it provided that dietary supplements are deemed to be foods ''except for purposes of section 201(g)'' of the act, the drug definition.

In interpreting the health claim provisions of the act and their relationship to the drug provisions of the act, FDA has tried to strike a balance between recognizing that foods, including dietary supplements, can influence disease outcomes without ceasing to be foods, and honoring the statutory distinction between drugs and foods. To that end, we included in our health claims regulations the requirement that a product that bears a health claim must establish that it is a food by demonstrating nutritive value (21 CFR 101.14(b)(3)). Moreover, in the preambles to the regulations, we distinguished between nutritional effects of food substances, which we said would be an appropriate subject for a health claim, and effects that are therapeutic, medicinal, or pharmacological, which would not. (See, e.g., 56 FR 60537 at 60545 to 60546, November 27, 1991; 58 FR 2478 at 2501, January 6, 1993; and 59 FR 395 at 408, January 4, 1994.) FDA also emphasized that the relationship of a food or a food component to a disease is different from that of a drug because of genetic, environmental, and behavioral factors that affect the development of chronic diseases in addition to diet, and because of the complexity of foods themselves (58 FR 2478 at 2501). Therefore, we explained, some claims that would be appropriate as drug claims under section 201(g)(1)(B) would not be appropriate as health claims for foods because they ''imply a degree of association between the substance and the disease that is not supportable for any food'' (56 FR 60537 at 60552).

Further, we commented that it would be necessary for a health claim petitioner to ''show that the claimed effect on disease is associated with the normal functioning of the human body'' and that claims to ''correct an abnormal physiological function caused by a disease or health-related condition'' would be drug claims rather than health claims (59 FR 395 at 407 to 408). With respect to claims about effects on symptoms of a disease, we said:

> [T]here is no provision in the act for the agency to exempt statements about symptoms of disease from causing products to be regulated as drugs. Although such statements may not be claims that the product will treat the disease that causes the symptoms, the statements clearly pertain to the mitigation of disease by addressing the symptoms caused by the disease. Section 201(g)(1)(B) of the act provides, in part, that articles intended for use in the mitigation of disease are drugs.

(59 FR 395 at 413)

Another relevant part of the statutory scheme is the medical foods definition, enacted as part of the Orphan Drug Amendments of 1988. The statutory definition of a medical food is ''a food which is formulated to be consumed or administered enterally under the supervision of a physician and which is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation'' (21 U.S.C. 360ee(b)(3)). Thus, medical foods are a category of foods intended for dietary management of disease through a nutritional mechanism.

By their very nature, claims about effects on an existing disease are aimed at people who are ill. To date, authorized health claims have been aimed either at the general population or at a population subgroup whose members are at risk for a particular disease but are not yet sick. Since there are already two categories of ingested products that bear claims targeted to people suffering from a disease, drugs and medical foods, the agency believes there is reason to question whether Congress also intended health claims to encompass such claims.

FDA is open to reexamining its past statements on this issue in light of subsequent developments, such as advances in science and technology, changes in the marketplace, and the passage of DSHEA. In considering the scope of the health claims provisions of the act, we will seek an interpretation that is consistent with the statutory provisions governing drugs and medical foods and that gives effect to each part of the statute.

We are inviting public comment on this issue, and in particular we are seeking input on the following questions. Comments recommending a particular regulatory approach should explain how that approach is consistent with the legal requirements to which FDA is subject.

1. Does the language and structure of the act restrict the permissible types of substance-disease relationships that can be described in a health claim? How should FDA interpret the health claim and drug provisions of the act and the medical food provision of the Orphan Drug Amendments in relationship to each other?

2. If FDA were to permit at least some claims about effects on an existing disease as health claims, what criteria should be used to determine when a claim is a permissible health claim and when it is a drug claim under section 201(g)(1)(B) of the act?

3. If FDA were to permit at least some disease treatment or mitigation claims as health claims, what about claims that are covered by an existing over-the-counter (OTC) drug monograph? For example, if there is an existing drug monograph on the use of a dietary ingredient in an OTC drug product to treat or mitigate disease, and the monograph concludes that the substance is not safe and effective for the intended use, should FDA still consider authorizing a health claim for the substance-disease relationship?

III. Registration and Requests to Make Oral Presentations

If you would like to attend the meeting, we request that you register in writing with the contact person by March 28, 2000, by providing your name, title, business affiliation, address, telephone and fax number. To expedite processing, this registration information also may be sent to the contact person by fax to 301–827–3052, or sent by e-mail to pubmtg@oc.fda.gov. If you need special accommodations due to disability, please inform the contact person when you register. A permanent assistive listening device (ALD) is installed in Barnard Auditorium. The ALD can be used with either a hearing aid T-coil or a headset/receiver available at the auditorium. If, in addition to attending, you wish to make an oral presentation during the meeting, you must so inform the contact person when you register and submit: (1) A brief written statement of the general nature of the views you wish to present; (2) the names and addresses of all persons who will participate in the presentation; and (3) an indication of the approximate time that you request to make your presentation. Depending upon the number of people who register to make presentations, we may have to limit the time allotted for each presentation. We anticipate that, if time permits, those

attending the meeting will have the opportunity to ask questions during the meeting.

IV. Comments

You may submit, on or before April 19, 2000, written comments to the Dockets Management Branch (address above). You may also send comments to the Dockets Management Branch via e-mail to FDADockets@oc.fda.gov or via the FDA Internet at http://www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm. You should annotate and organize your comments to identify the specific issues to which they refer. Please address your comment to the docket number given at the beginning of this notice. You must submit two copies of comments, identified with the docket number found in brackets in the heading of this document, except that you may submit one copy if you are an individual. You may review received comments in the Dockets Management Branch between 9 a.m. and 4 p.m. Monday through Friday.

V. Transcripts

You may request a transcript of the meeting in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. You may also examine the transcript of the meeting after April 14, 2000, at the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday, as well as on the FDA Internet at http://www.fda.gov.

VI. Reference

We have placed the following reference on display in the Dockets Management Branch. You may see it at that office between 9 a.m. and 4 p.m., Monday through Friday.

1. *Pearson* v. *Shalala*, 164 F.3d 650 (D.C. Cir. 1999).

REGISTRATION FORM

Public Meeting on Implementation of *Pearson* Court Decision and Expansion of Health Claims to Cover Claims of Effects on Existing Diseases

Instructions: To register, complete this form and mail or fax it to 301–827–3052 by March 28, 2000.

Name _____

Title _____

Company _____

Address _____

Telephone _____

Fax _____

E-mail _____

Please indicate the type or organization that you represent:

Industry _____

Government _____

Consumer Organization _____

Media _____

Healthcare Professional _____

Law Firm _____

Educational Organization _____

Other (specify)____

Do you wish to make an oral presentation?

Yes____

No____

If yes, you also must submit the following:

1. A brief statement of the general nature of the views you wish to present,

2. The names and addressed of all persons who will participate in the presentation, and

3. An indication of the approximate time that you request to make your presentation.

Dated: March 10, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–6509 Filed 3–13–00; 2:34 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 95 and 177

[USCG–1998–4593]

RIN 2115–AF72

Revision to Federal Blood Alcohol Concentration (BAC) Standard for Recreational Vessel Operators

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the Federal Blood Alcohol Concentration (BAC) standard under which a recreational vessel operator would be considered operating while ''intoxicated.'' For recreational vessel operators, the proposed rule would lower the current Federal BAC threshold from .10 BAC to .08 BAC. This change is appropriate because boating accident statistics show that alcohol use remains a significant cause of recreational boating deaths and because we support a trend in State recreational boating laws toward the .08 BAC standard. Further, the proposed Federal BAC standard will not supercede or preempt any enacted State BAC standard. Additionally, the proposed rule would replace the term ''intoxicated'' with the phrase ''under the influence of alcohol or a dangerous drug.'' This change would bring the regulations into conformance with current statutory language. The proposed rule is expected to reduce the number of recreational boating deaths and injuries resulting from accidents caused by operators under the influence of alcohol or a dangerous drug.

DATES: Comments and related material must reach the Docket Management Facility on or before July 14, 2000.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: For questions on this proposed rule, contact

Carlton Perry, Project Manager, Office of Boating Safety, U.S. Coast Guard, by telephone at 202–267–0979 or by e-mail at *cperry@comdt.uscg.mil.* For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

You may obtain a copy of this notice by calling the U.S. Coast Guard Infoline at 1–800–368–5647 or by accessing either the Web Site for the Office of Boating Safety at *http://www.uscgboating.org,* or the Internet Site for the Docket Management Facility at *http://dms.dot.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (USCG–1998–4593), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand-delivery, fax, or electronically to the Docket Management Facility at the address under **ADDRESSES;** but please submit your comments and material by only one means. If you submit them by mail or hand-delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and want to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

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

Background and Purpose

(a) Regulatory History. On December 14, 1987, we published a final rule in the **Federal Register** (52 FR 47526), in which we set a Federal standard for intoxication applicable to recreational vessel operators using a .10 blood alcohol concentration (BAC). The rule adopted any enacted State BAC standard of intoxication as the Federal BAC standard, and applied the State BAC standard to recreational vessel operators within that State. If a State did not have an enacted BAC standard for ''intoxication,'' a provision allowed us to adopt a State BAC standard for ''under the influence'' or ''while impaired,'' instead of ''intoxicated.'' In that final rule, we noted that we would consider revising the Federal BAC standard if the States developed a trend toward adopting the .08 BAC standard for operating a vessel on the water.

(b) Reasons for this rulemaking. We drafted the changes proposed in this rulemaking in response to recommendations from the National Boating Safety Advisory Council (NBSAC), as a way to update the existing regulations, and to ensure that terminology in our regulations conforms with current statutory authorities.

Although the number of boating deaths dropped from 1100 in 1986 to 821 in 1997, the number of incidents where alcohol was positively identified as a factor remained stable at about 110. A review of statistics on recreational boating accidents during 1997 showed that there was evidence, or a reasonable likelihood, that alcohol was consumed by the vessel's occupants in 27 percent of all boating accidents involving a fatality.

The Oil Pollution Act of 1990 revised 46 U.S.C. 2302(c) by substituting the term ''under the influence of alcohol, or a dangerous drug in violation of a law of the United States'' for the term ''intoxicated.'' The terms ''intoxication'' and ''intoxicated'' as used in 33 CFR parts 95 and 177, no longer conform to the current statutory authority and should be revised accordingly.

After studying recreational boating safety regulations in October 1997, NBSAC recommended that the Coast Guard track State BAC levels. They suggested that if we found a trend toward revising State standards to .08 BAC, then we should support that effort by revising the Federal standard, found in 33 CFR 95.020, to .08 BAC as well.

In 1987 only 21 States had enacted statutes using a BAC to define ''intoxication'' or ''under the influence'' for recreational vessel operation. Nineteen States used a .10 BAC and two States used a .08 BAC. Today 54 State jurisdictions, as defined in 46 U.S.C. 2101(36), have a BAC standard. Thirty-four use .10 BAC, nineteen use .08 BAC, and one uses .08 only when there has been an injury. Also, nine of the original twenty-one States revised their standard from .10 BAC to .08 BAC. We acknowledge that the trend among States is toward using a .08 BAC standard and we are proposing to revise the Federal BAC standard accordingly.

In a memorandum dated March 3, 1998, the President directed the Secretary of Transportation to develop an Action Plan to promote adoption of the .08 BAC standard for operating a vehicle on ''Federal property, including areas in national parks, and on Department of Defense installations, and ensuring strong enforcement and publicity of this standard.'' The Secretary's Action Plan includes the proposed revision of the Federal BAC standard for operator's of recreational vessels, providing support for the DOT effort on water as well as on land. The Federal BAC standard for operators of vessels that are inspected, or subject to inspection under Chapter 33 of Title 46, United States Code, will remain at .04 BAC.

Discussion of Proposed Rule

1. The headings for 33 CFR part 95 and § 95.020, as well as the text for §§ 95.001, 95.030, 95.040, and 177.07 would be revised by substituting the phrase ''under the influence of alcohol or a dangerous drug'' for ''intoxication'' or ''intoxicated.'' This would bring the text into conformance with current statutory authority.

2. Section 95.010 would be revised by adding definitions required to bring this part in line with the new terminology and standards.

3. Section 95.020 would be revised to adopt the .08 BAC standard as the Federal standard.

4. Section 95.025 would be revised to address adoption of State BAC standards that are considered comparable to the Federal BAC standard of ''under the influence'' of alcohol.

The current regulations adopt State enacted BAC standards for ''intoxication.'' If a State does not have a BAC standard for ''intoxication,'' the regulations adopt State BAC standards for ''under the influence,'' ''impairment,'' or any comparable BAC standard.

The proposed rule would similarly adopt enacted State BAC standards for ''under the influence.'' (typically .10 BAC or .08 BAC). However, if a State has not enacted a BAC standard for ''under the influence,'' the proposed rule would adopt an enacted State BAC standard for ''intoxication,'' ''impairment,'' or a comparable BAC standard.

In States that have enacted multiple BAC standards for ''under the influence,'' which are applicable to specific segments of the boating community—*e.g.* .02 BAC for operators under 21 years of age, the proposed rule

would adopt only the State BAC standard that applies to the general boating population.

Under the proposed rule, the revised Federal .08 BAC standard would only apply directly to recreational vessels operated in Iowa and New Mexico, which have not enacted a BAC standard; in South Carolina when its limited statute involving injury is not applicable; and, as defined in 33 CFR 2.05, on the navigable waters of the U.S. beyond State boundaries and on the high seas, for recreational vessels owned in the United States.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget (OMB) has not reviewed this rule under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

A draft Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT follows:

1. Cost of Proposed Rule

This rulemaking would impose no costs for the boating public. Costs to the government would be non-existent as well because the Coast Guard already trains its Boarding Officer personnel on use of the .08 BAC level to properly prepare them for working in those States with such a BAC level.

2. Benefit of Proposed Rule

This proposed rule is appropriate because boating accident statistics show that alcohol use remains a significant cause of recreational boating deaths and because we support a trend in State boating law toward the .08 BAC standard. The proposed rule is expected to reduce the number of recreational boating deaths and injuries resulting from accidents caused by operators under the influence of alcohol or a dangerous drug.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic effect on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This proposed revision of the Federal BAC standard applies to operators of recreational vessels on waters subject to the jurisdiction of the United States. These waters include navigable waters of the United States (as defined in 33 CFR 2.05), waters on lands owned by the United States (under 33 U.S.C. 733 by an authorized Federal Officer or over which the United States retains concurrent or exclusive jurisdiction), and waters within the territories and possessions of the United States and the Trust Territories of the Pacific Islands. This proposed revision of the Federal BAC standard will continue to apply to recreational vessels owned in the United States, while operating on the high seas (as defined in 33 CFR 2.05). Further, since this proposed rule would continue to adopt State enacted BAC standards, recreational vessel operators in States with enacted BAC standards would not be subject to a new BAC standard unless a State revises its own enacted BAC standard. Only those recreational vessel operators in States without enacted BAC standards and on navigable waters of the U.S. beyond State boundaries would be subject to a new BAC standard.

Because the provisions of the Regulatory Flexibility Act do not apply to individuals, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic effect on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effect on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Carlton Perry, Project Manager, Office of Boating Safety, by telephone at 202–267–0979, or by e-mail at cperry@comdt.uscg.mil.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this proposed rule under E.O. 13132 and have determined that, because the Federal BAC standard will not supercede or preempt any enacted State BAC standard, this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local or tribal government, or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)(a), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. The proposed rule makes a minor revision to the Federal BAC standard for the level at which an operator of a recreational vessel is deemed to be impaired. A ''Categorical Exclusion Determination'' is available in the

docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 95

Alcohol and alcoholic beverages, Drugs, Marine safety, Vessels.

33 CFR Part 177

Alcohol and alcoholic beverages, Drugs, Marine safety, Recreational vessels, Unsafe conditions.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 95 and 177 as follows:

SUBCHAPTER F—[AMENDED]

PART 95—OPERATING A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL OR A DANGEROUS DRUG

1. The authority citation for part 95 continues to read as follows:

Authority: 33 U.S.C. 2071; 46 U.S.C. 2302; 49 CFR 1.46.

2. Revise the part heading to read as shown above.

§ 95.001 [Amended]

3. In § 95.001(a), remove the words ''intoxication.'' and ''intoxicated'' and add, in their place, the words ''under the influence of alcohol or a dangerous drug.''

4. Amend § 95.010 by adding the following undesignated paragraphs in alphabetical order with the rest of the section as follows:

§ 95.010 Definition of terms as used in this part.

* * * * *

Blood Alcohol Concentration Level means a certain percentage of alcohol in the blood.

* * * * *

State means a State or Territory of the United States of America including but not limited to a State of the United States, American Samoa, the Commonwealth of the Northern Marianas Islands, District of Columbia, Guam, Puerto Rico, and the United States Virgin Islands.

* * * * *

Under the Influence means impaired or intoxicated by a drug or alcohol as a matter of law.

* * * * *

5. Amend § 95.020 by revising the section heading, the introductory text, and paragraph (a) to read as follows:

§ 95.020 Standard for under the influence of alcohol or a dangerous drug.

An individual is under the influence of alcohol or a dangerous drug when:

(a) The individual is operating a recreational vessel and has a blood alcohol concentration (BAC) level of .08 percent or more, by weight, in their blood;

* * * * *

6. Amend § 95.025 by revising the section heading, and paragraphs (a) and (b) to read as follows:

§ 95.025 Adoption of State blood alcohol concentration levels.

(a) This section applies to operators of recreational vessels on waters within the geographical boundaries of any State that has established by statute a blood alcohol concentration level for purposes of determining whether a person is operating a vessel under the influence of alcohol.

(b) If the applicable State statute establishes a blood alcohol concentration level at which a person is considered or presumed to be under the influence of alcohol, then that level applies within the geographical boundaries of that State instead of the level provided in § 95.020(a) of this part.

* * * * *

§ 95.030 [Amended]

7. Amend § 95.030 by revising the section heading and the introductory text to read as follows:

§ 95.030 Evidence of under the influence of alcohol or a dangerous drug.

Acceptable evidence of when a vessel operator is under the influence of alcohol or a dangerous drug includes, but is not limited to:

* * * * *

§ 95.040 [Amended]

8. In § 95.040, paragraph (a), remove the word ''intoxicated'' and add, in its place, the words ''under the influence of alcohol or a dangerous drug.''

PART 177—CORRECTION OF ESPECIALLY HAZARDOUS CONDITIONS

9. The authority citation for part 177 continues to read as follows:

Authority: 46 U.S.C. 4302, 4311; 49 CFR 1.45, and 1.46.

§ 177.07 [Amended]

10. In § 177.07(b), remove the word ''intoxicated'' and add, in its place, the words ''under the influence of alcohol or a dangerous drug.''

* * * * *

Dated: March 8, 2000.

Ernest R. Riutta,

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

[FR Doc. 00–6224 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 140, 141, 142, 143, 144, 145, 146, and 147

[USCG–1998–3868]

RIN 2115–AF39

Outer Continental Shelf Activities

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Coast Guard is extending the periods for public comment on its notice of proposed rulemaking on Outer Continental Shelf Activities. We received several requests to extend the comment period for an additional 90 days because of the length and complexity of the proposed rulemaking. We are changing the deadline for receipt of comments from April 5, 2000, to July 5, 2000. Also, due to requests submitted both to the Docket Management Facility and to the Office of Management and Budget (OMB), we are changing the deadline for receipt of comments by OMB on the proposed collection-of-information requirements from February 7, 2000, to July 5, 2000.

DATES: Comments and related material must reach the Docket Management Facility on or before July 5, 2000. Comments sent to OMB on collection of information must reach OMB on or before July 5, 2000.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following methods:

(1) By mail to the Docket Management Facility, (USCG–1998–3868), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

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

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

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

You may also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

FOR FURTHER INFORMATION CONTACT: For questions on this proposed rule, call Mr. James M. Magill, Vessel and Facility Operating Standards Division (G–MSO–2), telephone 202–267–1082 or fax 202–267–4570. For questions on viewing or submitting material to the docket, call Ms. Dorothy Walker, Chief of Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The NPRM, published on December 7, 1999 [64 FR 68416], encouraged interested persons to participate in this rulemaking by submitting written data, views, or arguments by April 5, 2000. It also invited comments on collection of information to be submitted by February 7, 2000. This request does the same, except that it invites their submitting them by July 5, 2000.

Persons submitting comments should include their names and addresses, identify this docket [USCG–1998–3868] and the specific section of the NPRM to which each comment applies, and give the reason for each comment. Please submit one copy of each comment and attachment in an unbound format, no larger that 8½ by 11 inches, suitable for copying and electronic filing, to the DOT Docket Management Facility at the address under **ADDRESSES.** If you want acknowledgement of receipt of your comment, enclose a stamped self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this NPRM in view of them.

Dated: March 13, 2000.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–6546 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–15–U

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2000–3]

Public Performance of Sound Recordings: Definition of a Service

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office is seeking comment on whether to amend its regulation that defines a ''Service'' for purposes of the statutory license governing the public performance of sound recordings by means of digital audio transmissions, in order to clarify that transmissions of a broadcast signal over a digital communications network, such as the Internet, are not exempt from copyright liability under section 114(d)(1)(A) of the Copyright Act.

DATES: Written comments are due April 17, 2000. Reply comments are due May 1, 2000.

ADDRESSES: If sent by mail, an original and ten copies of comments and reply comments should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. If hand delivered, they should be brought to: Office of the General Counsel, James Madison Memorial Building, Room LM–403, First and Independence Avenue, S.E., Washington, D.C. 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION:

Background

In 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995 (''DPRA''), Public Law 104–39, which created an exclusive right for copyright owners of sound recordings, subject to certain limitations, to perform publicly sound recordings by means of certain digital audio transmissions. Among the limitations on the performance was the creation of a new compulsory license for nonexempt, noninteractive, digital subscription transmissions, 17 U.S.C. 114(f), and an exemption for certain nonsubscription transmissions, 17 U.S.C. 114(d)(1)(A)(i)–(iii) (1995).

The scope of the exemption, however, has been debated since the passage of the DPRA. Broadcasters have taken the position that any broadcast, whether made over the air or over the Internet, falls within the scope of the section 114(d)(1)(A) exemptions. *See* Reply Comments of National Association of Broadcasters at 9–12 (dated June 20, 1997), submitted in Docket No. RM 97–1. On the other hand, copyright owners of the sound recordings have interpreted the scope of the exemption more narrowly. The Recording Industry Association of America (''RIAA''), on behalf of these copyright owners, has argued that transmissions over the Internet, generally known as webcasts, do not fall within the scope of the statutory exemptions and, instead, are subject to the copyright owners' exclusive rights under section 106(6). *See, e.g.*, RIAA Petition and Comments of RIAA at 9–12 (dated April 28, 1997), submitted in Docket No. RM 97–1.

Congress, however, did not consider this question when it first addressed the problems associated with the emergence of digital audio technology and its effects on the music industry because, at the time, it had insufficient information on which to act. It did not understand how nonsubscription services were utilizing the Internet to bring music to the public or how to license such enterprises. Therefore, it focused the initial legislation on the digital subscription services and the interactive services that were in operation at the time.

The result was the DPRA, a law which created a licensing scheme for the subscription services and the interactive digital audio services. 17 U.S.C. 114(d)(3) and (f) (1995). It soon became apparent, however, that with the rapid proliferation of the use of the Internet as a transmission medium and the confusion surrounding the question of how the DPRA applied to some nonsubscription digital audio services, further legislation was needed to achieve the dual purposes of the DPRA.[1] Staff of the House of Representatives Comm. on the Judiciary, 105th Cong., 2d Sess., Section-by-Section Analysis of H.R. 2281 as Passed by the United States House of Representatives on August 4, 1998 at 50–51 (Comm. Print, Serial No. 6, 1998).

These changes were part of the Digital Millennium Copyright Act of 1998 (''DMCA''), Public Law 105–304, which, among other things, amended sections 112 and 114 of the Copyright Act to clarify that ''the digital sound recording performance right applies to nonsubscription digital audio services such as webcasting'' and to address the licensing issues raised by the webcasters. *Id.* at 50. Specifically, Congress amended section 114 by creating a new statutory license for nonexempt eligible nonsubscription

[1] Congress had a two-fold purpose for enacting the DPRA: ''first, * * * to ensure that recording artists and record companies will be protected as new technologies affect the ways in which their creative works are used; and second, to create fair and efficient licensing mechanisms that address the complex issues facing copyright owners and copyright users as a result of the rapid growth of digital audio services.'' Staff of the House of Representatives Comm. on the Judiciary, 105th Cong., 2d Sess., Section-by-Section Analysis of H.R. 2281 as passed by the United States House of Representatives on August 4, 1998 at 49 (Comm. Print, Serial No. 6, 1998).

transmissions (*e.g.*, webcasting) and nonexempt transmissions by preexisting satellite digital audio radio services to perform publicly sound recordings in accordance with the terms and rates of the statutory license. 17 U.S.C. 114(f). The DMCA also amended section 114(d)(1)(A) to ''delete two exemptions that were either the cause of confusion as to the application of the DPRA to certain nonsubscription services (especially webcasters) or which overlapped with other exemptions.'' H.R. Rep. No. 105–796, at 80 (1998).

On March 1, 2000, RIAA filed a petition for a rulemaking with the Copyright Office asking that the Office determine the scope of the section 114(d)(1)(A) exemptions. Specifically, RIAA has requested that the Office adopt a rule ''clarifying that a broadcaster's transmissions of its AM or FM radio station over the Internet * * * is not exempt from copyright liability under section 114(d)(1)(A) of the Copyright Act.'' RIAA petition at 1 (filed March 1, 2000). RIAA states in its petition that it has attempted to negotiate voluntary agreements with broadcasters who stream their over-the-air AM or FM radio broadcast via the Internet or who have authorized a third party ''aggregator'' to retransmit an over-the-air radio broadcast via the Internet. It asserts that these discussions have not progressed beyond the initial stages because the parties cannot agree whether transmission of a broadcast over the Internet is subject to the digital performance right. Consequently, it has asked the Office to interpret section 114(d)(1)(A) and determine whether a broadcast transmission made via the Internet is exempt from copyright liability.

The Office agrees with RIAA that the resolution of this question has implications for both the section 112 [2] and the section 114 statutory licenses. For example, if it is ultimately decided that a broadcast transmission over the Internet falls outside the safe harbor carved out by the section 114(d)(1) exemptions, the webcaster must decide whether to make use of the statutory license under section 114(f) or whether to negotiate a private license with the copyright owners of the sound recordings. Alternatively, if the Office decides that a broadcast transmission which is streamed over the Internet is exempt under section 114(d)(1)(A), parties can avoid further negotiations over rates and terms for use of the sound recordings in those situations.

RIAA's Initial Arguments in Support of Its Petition

RIAA argues that the amendments to sections 112 and 114 support its view that broadcasters who engage in transmissions over the Internet are not exempt from copyright liability for these transmissions. First, RIAA notes that Congress had no intention of creating any new exemptions when it amended section 114(d)(1)(A), but merely sought to remove those exemptions that were the source of the confusion, either because it was unclear how the exemption applied to nonsubscription services or because the exemption was redundant. These changes were in no way intended to affect the provision that exempts nonsubscription broadcast transmissions. H.R. Rep. No. 105–796, at 80 (1998).

While RIAA does not dispute that there is a recognized exemption for over-the-air broadcast transmissions, it continues its analysis by noting that the definition of an ''eligible nonsubscription service,''—the entity which, by statute, may make use of the statutory license—specifically includes retransmissions of broadcast transmissions. Consequently, it argues that Congress never intended that broadcasts over the Internet be exempt under the provisions of section 114(d)(1)(B). Instead, Congress carved out specific exemptions for retransmissions of a nonsubscription broadcast transmission, and none of these directly address a retransmission over the Internet. 17 U.S.C. 114(d)(1)(B)(i)–(iv). Therefore, a retransmission of a nonsubscription broadcast transmission over the Internet would have to meet the requirements set forth in subsection (B) of section 114(d)(1) or be subject to the section 106(6) right of public performance.

In further support of its interpretation of the statutory license, RIAA observes that a webcaster who utilizes the section 114(d)(2) license is also eligible for a statutory license pursuant to section 112(e)(1)—a license which allows transmitting organizations to make one or more ephemeral recordings, depending upon the terms of the license. The section 112 license, however, allows only two different types of transmitting organizations to make use of the license: (1) A transmitting organization entitled to make a transmission of a sound recording under the section 114(f) license; or (2) A transmitting organization that makes use of the exemption specified in section 114(d)(1)(C)(iv). These limitations on the section 112 license thus appear to present a dilemma for the broadcasters. Namely, how do they make the necessary ephemeral recordings incident to streaming nonsubscription broadcast transmissions over the Internet if they cannot take advantage of the statutory license in section 112? For this reason, RIAA suggests that Congress did not intend to exempt nonsubscription broadcast transmissions that are retransmitted over the Internet under the general exemption for broadcast transmissions set forth in section 114(d)(1)(A). Otherwise, Congress would have made provisions for the making of the necessary ephemeral recordings used in these transmissions.

Proposed Rule and Comments

The foregoing discussion has been presented solely for the purpose of stating the arguments that have been made to the Office in support of the request to conduct this rulemaking. While the Office has made no determination on the merits of the arguments put forth by RIAA in its petition, the Office acknowledges that there appears to be a need to resolve the questions surrounding the applicability of the section 114(d)(1)(A) exemption to the activities of a broadcaster when it makes a public performance of a sound recording by means of a digital audio transmission.

The Copyright Office does not foresee any need to amend its current rule defining the term ''Service,'' 37 CFR 201.35(b)(2), in the event that a broadcast transmission is found to fall within the scope of the section 114(d)(1) exemptions. On the other hand, if the Office decides that transmissions of broadcast signals over a digital communications network, such as the Internet, are not exempt from copyright liability under section 114(d)(1)(A) of the Copyright Act, then it proposes amending the rule as set forth in this notice.

All interested parties are requested to file comments and replies with the Copyright Office in accordance with the information set forth in this document. Comments are invited, first, on whether the Office should address this issue in a rulemaking and, second, on whether the Office should adopt the regulatory language set forth in the notice or some other regulatory language in its place. The Copyright Office has posted the RIAA petition to its website (http://www.loc.gov/copyright/CARP/RIAApetition.pdf) in order to facilitate the dissemination of the information presented by RIAA in its petition.

[2] A transmitting organization that makes transmissions under the section 114(f) license may also make an ephemeral recording, under a separate statutory license, for the purpose of making the digital audio transmissions. 17 U.S.C. 112(e).

Statutory Authority

The Copyright Office initiates this proceeding under its authority to establish regulations for the administration of its functions and duties under title 17. 17 U.S.C. 702. The Office exercises its authority under section 702 when it is necessary ''to interpret the statute in accordance with Congress' intentions and framework and, where Congress is silent, to provide reasonable and permissible interpretations of the statute.'' 57 FR 3284, 3292 (January 29, 1992); *see also* 63 FR 3685, 3686 (January 26, 1998) (invoking section 702 authority to determine whether a local over-the-air broadcast signal may be retransmitted into the local market area under the provisions of the section 119 statutory license).

List of Subjects in 37 CFR Part 201

Copyright.

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

PART 201—GENERAL PROVISIONS

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

Authority: 17 U.S.C. 702.

2. Section 201.35(b)(2) is revised to read as follows:

§ 201.35 Initial Notice of Digital Transmission of Sound Recordings under Statutory License.

* * * * *

(b) * * *

(1) * * *

(2) A *Service* is an entity engaged in the digital transmission of sound recordings, pursuant to section 114(f) of title 17 of the United States Code, including, but not limited to, any entity that transmits an AM/FM broadcast signal over a digital communications network such as the Internet, regardless of whether the transmission is made by the broadcaster that originates the AM/FM signal or by a third party, and provided that such transmission meets the applicable requirements of the statutory license set forth in 17 U.S.C. 114(d)(2).

* * * * *

Dated: March 10, 2000.

David O. Carson,

General Counsel.

[FR Doc. 00–6419 Filed 3–15–00; 8:45 am]

BILLING CODE 1410–31–P

POSTAL SERVICE

39 CFR Part 913

Procedures for the Issuance of Administrative Subpoenas Under 39 U.S.C. 3016

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes to establish procedures for the issuance of administrative subpoenas in investigations of false representations and lotteries under 39 U.S.C. 3005(a). These subpoenas will require the production of records which contain evidence considered relevant or material in such investigations.

DATES: Comments must be received on or before April 17, 2000.

ADDRESSES: Written comments should be mailed to Civil Practice Section, U.S. Postal Service Law Department, 475 L'Enfant Plaza, SW, Washington, DC 20260–1135. Copies of all written comments will be available for inspection and photocopying between 8:15 a.m. and 4:45 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Elizabeth P. Martin, (202) 268–3022.

SUPPLEMENTARY INFORMATION: The Deceptive Mail Prevention and Enforcement Act, Pub. L. No. 106–168, 113 Stat. 1806, enacted on December 12, 1999, generally provides for the amendment of chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, and facsimile checks as well as amending provisions relating to administrative procedures and orders and adding civil penalties relating to such matters.

The Deceptive Mail Prevention and Enforcement Act enacted new 39 U.S.C. 3016 to grant the Postmaster General authority to issue administrative subpoenas requiring the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General considers relevant or material in any investigation conducted under 39 U.S.C. 3005(a), dealing with false representations and lotteries. The Act also authorizes new administrative civil penalties.

The Postal Service is proposing to add a new Part 913 to title 39 of the Code of Federal Regulations to establish the procedures to be used for the issuance of the administrative subpoenas authorized under 39 U.S.C. 3016. The proposed rules set forth the conditions under which subpoenas may be issued, the methods of service of subpoenas, the means by which subpoenas may be enforced, and the restrictions on the disclosure of subpoenaed information.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (39 U.S.C. 410(a)), the Postal Service invites comments on the proposed new Part 913 of title 39, Code of Federal Regulations.

List of Subjects in 39 CFR Part 913

Administrative practice and procedure, False representations, Lotteries.

For the reasons set out in the preamble, the Postal Service proposes to add Part 913 to title 39 of the Code of Federal Regulations as set forth below:

PART 913—PROCEDURES FOR THE ISSUANCE OF ADMINISTRATIVE SUBPOENAS UNDER 39 U.S.C. 3016

Sec.

913.1 Subpoena authority.
913.2 Service.
913.3 Enforcement.
913.4 Disclosure.

Authority: 39 U.S.C. 204, 401, 404, 3005, 3016.

§ 913.1 Subpoena authority.

(a) *General.* The General Counsel is responsible for the issuance of subpoenas in investigations conducted under 39 U.S.C. 3005(a), with authority to delegate that function to a Deputy General Counsel.

(b) *Production of records.* A subpoena issued by the General Counsel may require the production of any records (including computer records, books, papers, documents, and other tangible things which constitute or contain evidence) which the General Counsel considers relevant or material to an investigation.

(c) *Requests for subpoenas.* (1) A request for a subpoena shall be submitted to the Office of the General Counsel by a Postal Inspector, Inspector Attorney, or other individual specifically authorized by the Postal Inspection Service to submit such a request, after appropriate review by an Inspector In Charge or that person's designee.

(2) A request for a subpoena shall state the specific case, with an individual or entity identified as the subject, in which the subpoena is requested.

(3) A request for a subpoena shall contain a description of the records requested, and shall state how they are relevant or material to the investigation.

(4) The General Counsel, in his or her discretion, may require the requesting

individual to provide additional information, and honor requests to amend or supplement a request for a subpoena.

(d) *Form and issuance.* Every subpoena shall cite 39 U.S.C. 3016 as the authority under which it is issued, and shall command each person to whom it is directed to produce specified records at a time and place therein specified. The General Counsel shall sign the subpoena and enter the name of the individual or entity to whom it is directed.

§ 913.2 Service.

(a) *Service within the United States.* A subpoena issued under this section may be served by a person designated under 18 U.S.C. 3061 at any place within the territorial jurisdiction of any court of the United States.

(b) *Foreign service.* Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure describe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

(c) *Service on business persons.* Service of any such subpoena may be made upon a partnership, corporation, association, or other legal entity by—

(1) Delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

(2) Delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

(3) Depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

(d) *Service on natural persons.* Service of any subpoena may be made upon any natural person by—

(1) Delivering a duly executed copy to the person to be served; or

(2) Depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

(e) *Verified return.* A verified return by the individual serving any such subpoena setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

§ 913.3 Enforcement.

(a) *In general.* Whenever any person, partnership, corporation, association, or entity fails to comply with any subpoena duly served upon him, the General Counsel may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business (or in the case of a person outside the territorial jurisdiction of any district court, the district court for the District of Columbia), and serve upon such person a petition for an order of such court for the enforcement of this part.

(b) *Jurisdiction.* Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order entered shall be subject to appeal under 28 U.S.C. 1291. Any disobedience of any final order entered under this section by any court may be punished as contempt.

§ 913.4 Disclosure.

Any documentary material provided pursuant to any subpoena issued under this section shall be exempt from disclosure under 5 U.S.C. 552.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–6092 Filed 3–15–00; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 26, and 27

[WT Docket No. 00–32; FCC 00–63]

Transfer of 4.9 GHz Band From Federal Government Use

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to allocate and establish licensing and service rules for the 4940–4990 MHz band that has recently been transferred from Federal Government to private sector use as substitute spectrum for the 4635–4685 MHz band reclaimed for Federal Government use. This document also grants in part a Petition for Rulemaking filed by Global Frontiers, Inc. (Global) to revise, among other requests, the Commission's rules relating to this band. The action taken in this document is necessary to comply with Congressional mandate to transfer spectrum from the Federal government to the private sector, to permit and encourage the introduction of new services and the enhancement of existing services.

DATES: Submit comments on or before April 26, 2000; submit reply comments on or before May 17, 2000. Written comments by the public on the proposed information collections are due April 26, 2000. Written comments must be submitted by the Office Management and Budget (OMB) on the proposed information collections on or before May 15, 2000.

ADDRESSES: Send comments and reply comments to the Office of the Secretary, Federal Communications Commission, 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, Room 1-C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Ed Springer, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW, Washington, DC 20503 or via the Internet to Edward.Springer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Elias Johnson, 202–418–1310. For additional information concerning the information collections 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 Rule Making (NPRM) in WT Docket No. 00–32, FCC 00–63, adopted February 23, 2000, and released February 29, 2000. The complete text of the NPRM and Initial Regulatory Flexibility Analysis is available on the Commission's Internet site, at www.fcc.gov. It is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level,

445 12th Street, SW, Washington, DC, and may be purchased from the Commission's copy contractor, International Transcription Services, Inc., CY-B400, 445 12th Street SW, Washington, DC Comments may be sent as an electronic file via the Internet to http://www.fcc.gov/e-file/ecfs.html, or by e-mail to ecfs@fcc.gov.

Synopsis of the NPRM

1. In this NPRM, the Commission proposes to allocate and establish licensing and service rules for the 4940–4990 MHz (4.9GHz) band that has recently been transferred from Federal Government to private sector use as a substitute spectrum for the 4635–4685 MHz band reclaimed for Federal Government use. The Commission proposes to allocate the 4.9 GHz band for fixed and mobile services, except aeronautical mobile service, on a primary basis and seeks comment on the geographic area and spectrum blocks that should be used to license this spectrum. In addition, the Commission also proposes to license the 4.9 GHz band under part 27 of the Commission's Rules, except to the extent the Commission, in this NPRM, proposes to modify those rules to reflect the particular characteristics of this spectrum and the services that will be permitted to operate in this band. The Commission proposes to delete part 26 of the Rules (regarding General Wireless Communications Service) because it applies only to the 4660–4685 MHz band. The Commission also proposes that initial licenses for the 4.9 GHz band be acquired through competitive bidding under part I of the Commission's Rules. Furthermore, in a few instances, the Commission proposes to codify and conform certain rules for the 2.3 GHz band to provide for consistent regulation of part 27 services. Finally, the Commission grants in part a Petition for Rulemaking filed by Global Frontiers, Inc. (Global) to revise, among other requests, the Commission's rules relating to this band.

2. Briefly, the Omnibus Budget Reconciliation Act of 1993 (OBRA, Public Law 103–66 107 Stat. 312) required that the Secretary of Commerce identify at least 200 megahertz of spectrum then allocated for use by Federal Government agencies to be transferred to private sector use. The Commission, in the GWCS First Report and Order (60 FR 13071, March 10, 1995) among other things allocated the 4660–4685 MHz band on a primary basis to fixed and mobile services and proposed to designate this band for the new GWCS service. The subsequent Second GWCS Report and Order (60 FR 40712, August 9, 1995) established GWCS and adopted Part 26 of the Commission's Rules setting out licensing and operating rules for the service in the 4660–4685 MHz band. However, due to an evident lack of interest in this spectrum and certain concerns expressed by the United States Navy regarding the effect that transferring this spectrum to commercial use could have on its Cooperative Engagement Capability (CEC) system, the Department of Commerce, on March 30, 1999, notified the Commission that the Federal Government was reclaiming the 4635–4685 MHz band and identifying, as substitute spectrum, the 4.9 GHz band.

3. Global, in its Petition for Rulemaking (filed on November 24, 1999) requested that the Commission: (1) Designate the 4.9 GHz band for GWCS in lieu of the reclaimed 4660–4685 MHz band; (2) make the service more attractive to applicants that require broadband capability in order to serve the public; (3) speed the process of licensing applicants that are not mutually exclusive; and (4) allow mutually exclusive applicants to consult and negotiate solutions to their mutual exclusivity. Global asked that the Commission make available for GWCS the entire 4.9 GHz band, that the band be broken down into five 10 megahertz wide bands, and apparently that the band be licensed using Economic Areas (EAs). Global also requested that the 15 MHz aggregation limit contained in § 26.101(a) be increased, and that GWCS licensees be able to partition their service territories to entities other than just rural telephone companies. In addition, Global asked that the Commission clarify how applications are to be filed and that the Commission promptly process GWCS applications. Finally, Global requested that the Commission encourage the avoidance of mutual exclusivity through negotiated engineering solutions.

4. The NPRM proposes that licensees in the 4.9 GHz band be authorized to provide any fixed, mobile, or maritime mobile service, but not aeronautical mobile service. The NPRM seeks comment on this proposal. Further, the NPRM tentatively concludes that allocating the 4940–4990 MHz band to fixed and mobile services, except aeronautical mobile service, is consistent with section 303(y)(2) of the Communications Act (Act), 47 U.S.C. 303(y)(2), as amended by the Balanced Budget Act 1997, Public Law 105–33, 111 Stat. 251. The NPRM also invites comment on whether allocating the 4940–4990 MHz band to fixed and mobile services is in the public interest, and on whether a flexible spectrum allocation in this band would deter investment in communications and systems, or technology development. Further, the NPRM seeks comment regarding the extent to which significant flexibility in service rules may encourage such investments. Finally, the NPRM solicits comment on its tentative finding that the technical rules proposed in the NPRM satisfy the requirements of section 303(y)(2)(C).

5. The NPRM seeks comment on its tentative conclusion that the action taken in the Public Safety Reallocation Order, 63 FR 06669, February 10, 2000, allocating the 764 MHz band on a primary basis to fixed and mobile services, and designating this spectrum solely for public safety use, and in the First Report and Order WT Docket No. 96–86, 63 FR 58645, November 2, 1998, which adopted rules for licensing and operation for public safety in those bands, there is no need to set aside spectrum in the 4.9 GHz band for public safety use.

6. The NPRM next seeks comment on the Commission's proposals that the 4.9 GHz band be governed, in general, by part 27 of the Commission's Rules and that part 26 no longer serves a function and should be deleted from the Commission's Rules.

7. The NPRM does not propose to restrict the types of fixed and mobile services that can be provided in the 4.9 GHz band (other than aeronautical mobile). Consistent with this approach, the Commission notes that licensees may be required to comply with rules contained in other parts of the Commission's Rules. The Commission seeks comment generally on any provisions in existing, service-specific rules that may require specific recognition or adjustment to comport with the supervening application of part 27, as well as any provisions that may be necessary in part 27 to fully describe the scope of covered services and technologies.

8. The NPRM notes that the 4.9 GHz service will be subject to the Universal Licensing System (ULS). All 4.9 GHz licensees filing applications and other filings using FCC forms 601 through 605 or associated schedules must make these filings electronically in accordance with the electronic filing instructions provided by ULS, 47 CFR 1.913(b).

9. The NPRM next proposes that, similar to licensees in other Commission services, applicants in the 4.9 GHz band be allowed to request common carrier and non-common carrier status for authorization in a single license rather than require the

applicant to choose between common carrier and non-carrier services. This would enable 4.9 GHz licensees to provide all allowable services anywhere within its licensed area at any time, consistent with its regulatory status. In this regard, the NPRM proposes that applicants and licensees in the 4.9 GHz band be required to indicate a regulatory status based on any service they choose to provide, but not be required to describe their proposed services. The NPRM also proposes that if licensees change the service or services they offer, such that it would change their regulatory status, they must notify the Commission, within 30 days of the change although such change would not require prior Commission authorization. In addition to making these procedures applicable to the 4.9 GHz band, the NPRM also proposes to codify these procedures for the 2.3 GHz band, and seeks comment on these proposals.

10. The NPRM proposes that there be no additional restrictions on eligibility, other than the foreign ownership restrictions set forth in section 310 of the Commission's Act, and as indicated in this decision. In addition, consistent with Global's request, the NPRM tentatively concludes that licensees in the 4.9 GHz band should be permitted to obtain all of the 4.9 GHz licenses in a given geographic area, and that a spectrum cap is not necessary to prevent a 4.9 GHz licensee from exercising market power. The NPRM seeks comment on these issues.

11. Applicants in the 4.9 GHz band would be subject to section 27.12 of the Act, which implements the foreign ownership and citizenship requirements that restrict the issuance of licenses to certain applicants. An applicant requesting authorization only for non-common carrier services would be subject to section 310(a) but not to the additional prohibitions of section 310(b). An applicant requesting authorization for common carrier services (or for both common carrier and non-common carrier services) would be subject to both sections 310(a) and 310(b). Like common carriers, non-common carriers would be required to file the information whenever there are changes to their foreign ownership information. However, under the Commission's proposed rules, applicants requesting authorization exclusively to provide non-common carrier services would not be disqualified if its citizenship information reflects that it would be disqualified from a common carrier license or required to file a waiver. The NPRM solicits comment on these proposals.

12. The NPRM seeks comment on the appropriate geographic area to use for licensing the 4.9 GHz band. (*See* paras 41–43 of the full text of the NPRM.) Additionally, the NPRM invites comment on the appropriate size spectrum block or blocks that should be used to license the 4.9 GHz band. Global requests that the spectrum be divided into five 10 megahertz wide spectrum block. Alternatively, the NPRM seeks comment on whether this spectrum should be auctioned in two 25 MHz licenses. The NPRM requests comment on whether larger or smaller blocks would provide more options for services provided by licensees in the band, on whether the spectrum should be auctioned in paired spectrum blocks, on whether the Commission should license unpaired spectrum in the 4.9 GHz band, and on whether the Commission should make changes to its bidding rules to promote bidder flexibility

13. The NPRM seeks comment on whether to provide for license terms not to exceed 10 years from the date of original issuance and whether to provide a right to a renewal expectancy. (*See* paras. 48 through 50 of the full NPRM.) Further, the NPRM invites comments on the Commission's tentative conclusion that, in order to claim a renewal expectancy, a 4.9 GHz licensee involved in a comparative renewal proceeding must include at a minimum a showing including: (1) A description of current service in terms of geographic coverage and population served or links installed; (2) an explanation of the licensee's record of expansion, including a timetable for the construction of new base sites or links to meet changes in demand for service; (3) a description of the licensee's investments in its system; and (4) copies of any Commission Orders finding the licensee to have violated the Communications Act or any Commission rule or policy, and a list of any pending proceedings that relate to any matter described by the requirements for the renewal expectancy.

14. On December 20, 1996, the Commission released a Further Notice of Proposed Rulemaking in WT Docket No. 96–148, 62 FR 696, January 6, 1997, proposing, among other actions, to revise the partitioning rules for the band 4660–4685 MHz and to establish disaggregation rules for this band. The proposals contained in that document are superseded by the proposals discussed in the NPRM, and that proceeding is terminated to the extent that it addressed partitioning and disaggregation rules for the band 4660–4685 MHz.

15. The NPRM tentatively concludes, consistent with Global's request, to allow all 4.9 GHz licensees the flexibility to partition their service areas without any restriction, and to disaggregate their spectrum. Section 27.15 of the Commission's Rules permits licensees seeking approval for partitioning and disaggregation arrangements to request authorization from the Commission for partial assignment of a license, and provides that licensees may apply to partition their licensed geographic service areas or disaggregate their licensed spectrum at any time following the grant of their licenses. In the Report and Order adopting the rule, 62 FR 653, January 6, 1997, the Commission decided to permit geographic partitioning of any service area defined by the partitioner and partitionee, to permit spectrum disaggregation without restriction on the amount of spectrum to be disaggregated, and to permit combined partitioning and disaggregation. The NPRM requests comment on the Commission's proposal that licensees in the 4.9 GHz band be eligible to the same extent to partition service areas and disaggregate spectrum, and also on what limits, if any, should be placed on the ability of licensees to partition service areas and disaggregate spectrum.

16. The NPRM also requests comment on its proposal that 4.9 GHz applicants and licensees be required to, in the case of partitioning, file FCC form 603 and list the partitioned service area on a schedule to the application. Further, the NPRM proposes that licensees in the 4.9 GHZ band follow § 27.15(c) provisions against unjust enrichment and the remaining provisions governing partitioning and disaggregation in § 27.15 of the Commission's Rules.

17. The NPRM also seeks comment on the Commission's proposal regarding construction requirements for parties to partitioning, disaggregation, or combined partitioning and disaggregation agreements. The NPRM proposes to allow parties to partitioning agreements to choose between two options for satisfying the construction requirements. The first option provides that the partitioner and partitionee would each certify that it would independently satisfy the substantial service requirement for its respective partitioned area. If a licensee fails to meet this requirement during the relevant license term, that licensee's authorization would be subject to cancellation at the end of the license term. Under the second option, the partitioner would certify that it has met or will meet the substantial service requirement for the entire market. If the

partitioner fails to meet this standard during the relevant license term, however, only its license would be subject to cancellation at the end of the license term. The partitionee's license would not be affected by that failure.

18. The NPRM additionally proposes to allow parties to disaggregation agreements to choose between two options for satisfying the construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they each would share responsibility for meeting the substantial service requirement for the geographic service area. If parties choose this option, both parties' performance will be evaluated at the end of the relevant license term and both licenses could be subject to cancellation. The second option would allow the parties to agree that either the disaggregator or the disaggregatee would be responsible for meeting the substantial service requirement for the geographic service area. If parties choose this option, and the party responsible for meeting the construction requirement fails to do so, only the license of the non-performing party would be subject to cancellation.

19. The NPRM proposes construction standards and safe harbor provisions for 4.9 GHz licensees. As mandated by § 27.14(a) of the Commission's Rules, licensees would be required to provide ''substantial service'' in their service areas within 10 years of being licensed. A failure to meet this requirement would result in forfeiture of the license and the licensee's ineligibility to regain it. As proposed, licensees would be required to submit an acceptable showing to the Commission at the end of the license period demonstrating that they have provided substantial service during the license term or are providing substantial service at the end of the term. In addition, the NPRM proposes the safe harbors that would be applicable to 2.3 GHz licensee, as well as to 4.9 GHz licensees. The first safe harbor proposal states that for a licensee who chooses to offer fixed, point-to-point service, the construction of four permanent links per one million people in its licensed service area during its license term or the license-renewal mark would constitute substantial service. The second safe harbor proposal provides that, for a licensee who chooses to offer mobile services or point-to-point multipoint services, a demonstration of coverage to 20 percent of the population of its licensed service area during its licensed term or at the license-renewal mark would constitute substantial service.

20. Under the proposed approach, the Commission intends to reserve the right to review these construction requirements in the future if complaints are received related to section 309(j)(4)(B) of the Act, or if a reassessment is warranted because spectrum is being warehoused or is otherwise not being used despite demand. The Commission will also reserve the right to impose additional, more stringent construction requirements on licenses in the future in the event that actual anticompetitive or universal service problems develop. The NPRM seeks comment on these proposals.

21. The NPRM seeks comment on its tentative proposal that, for applicants in the 4.9 GHz band, providing common carrier or non-common carrier service, the Commission provide for a five-day period for filing petitions to deny applications, and a seven-day notice period for all auctionable services, as mandated for auctionable services in §§ 1.2108(b) and 1.2108(c) of the Commission's Rules.

22. The NPRM considers general common carrier obligations. The NPRM first invites comment on its proposal that the Commission exercise its authority to forbear from enforcing the same Title II of the Act requirements that the Commission has determined not to apply to CMRS licensees, for 4.9 GHz and 2.3 GHz licensees that provide common carrier fixed services. Title II of the Act imposes a variety of obligations on the operations of common carriers that are not otherwise imposed on wireless communications services. These operational requirements include the filing of tariffs, maintaining of records, liabilities, and discontinuance of service. The 1996 Act provides the Commission with the authority to forbear from Title II requirements. (*See* 47 U.S.C. 160, as added by the 1996 Act.) The statute requires that, before forbearing from applying any section of Title II, the Commission must find that each of the following applies:

(a) Enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory.

(b) Enforcement of such regulation or provision is not necessary for the protection of consumer; and

(c) Forbearance from applying such provision or regulation is consistent with the public interest.

The NPRM seek comment on the application of these criteria to the 4.9 and 2.3 GHz band.

23. The NPRM seeks comment regarding whether to include an Equal Employment Opportunity (EEO) provision in the Commission's rules applicable to services in the 4.9 GHz band, and if so, which of the Commission's EEO rules should be adopted. The NPRM also seek comment on whether the Commission's EEO rules should be applied to licensees at 2.3 GHz.

24. The NPRM next proposes to apply the technical standards of part 27, including power limits, equipment authorization, radiofrequency safety standards, emission limits, frequency stability, antenna structures and air navigation safety, international coordination and disturbance of AM station antenna patterns, as well as technical standards contained in other sections of the Commission's Rules, to 4.9 GHz licensees.

25. The NPRM offers two approaches to in-band interference control. Parties are asked to provide their analysis of both a general coordination requirement, in which the Commission would rely principally upon the use of coordination procedures to avoid harmful interference between the operation of licensees in adjacent service areas, and establishment of a field strength limit. Comments are particularly sought on issues such as coordination procedures and criteria, and on what the boundary limit should be. Comment is also sought on whether to modify § 27.64 of the Commission's Rules, which states that part 27 stations operating in full accordance with applicable Commission rules and the terms and conditions of their authorizations are normally considered to be non-interfering, and provides for Commission action to require modification to eliminate significant interference. The NPRM further invites comment on whether power limits and coordination procedures should be imposed to adequately protect radio astronomy operation.

26. The NPRM notes that the U.S. Navy's CEC system operates on multiple frequencies in the bands below the 4.9 GHz, and invites comment on what measures should be taken to protect the 4.9 GHz licensees from interference from Federal Government use of the adjacent band. For example, should certain technical standards be imposed on 4.9 GHz licensees?

27. The NPRM proposes to use the part 1 auction rules to initially license the 4.9 GHz band, and to move the remaining part 26 auction rules for the

band 4660–4685 MHz to the 4.9 GHz band. The NPRM also tentatively concludes that mutually exclusive initial applications for the 4.9 GHz band must be resolved through competitive bidding and that the Commission's previous determinations of auctionability is dispositive with regard to the substituted 4.9 GHz spectrum. (*See* para. 94 of the NPRM). The NPRM solicits comment on these tentative conclusions.

28. The NPRM proposes to conduct the auction for initial licenses in the 4.9 GHz band in conformity with the general competitive bidding rules set forth in part 1, subpart Q of the Commission's Rules, and consistent with the bidding procedures that have been employed in previous Commission auctions. The NPRM invites comment on this proposal and on whether any of the Commission's part 1 rules would be inappropriate in an auction for this service.

29. The NPRM considers the definition of small business in the context of the 4.9 GHz band. Specifically, the NPRM proposes to define a small business as any firm with annual average gross revenues for the three preceding years not in excess of $40 million. For entities that qualify as small businesses, the NPRM proposes to provide a bidding credit of 15 percent. The NPRM also proposes to define a very small business as one with average annual gross revenues for the three preceding years not in excess of $15 million. For entities that qualify as very small businesses, the NPRM proposes a bidding credit of 25 percent. The NPRM invites comment on the appropriateness of these standards and on related issues. (*See* paragraphs 101 through 103.) In calculating gross revenues for purposes of small business eligibility in 4.9 GHz auction, the NPRM proposes to attribute the gross revenues of the applicant, its controlling interests, and its affiliates.

Initial Regulatory Flexibility Analysis

30. As required by the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in the NPRM. The Commission requests written public comment on the analysis. In order to fulfill the mandate of the Contract with America Advancement Act of 1996 regarding the Final Regulatory Flexibility Analysis, the Commission asks a number of questions in the IRFA regarding the prevalence of small businesses in the affected industries.

31. Comments must be filed in accordance with the same filing deadlines as comments filed in this rulemaking proceeding, but they must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

***Ex Parte* Presentations**

32. For purposes of this permit-but-disclose notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed under the Commission's Rules. (*See generally* 47 CFR 1.1202, 1.1203, 1.1206(a).)

Pleading Dates

33. 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 April 26, 2000, and reply comments on or before May 17, 2000. Comments and reply comments should be filed in WT Docket No. 00–32. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, interested parties must file an original and four copies of all comments, reply comments, and supporting comments. If interested parties want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Interested parties should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, SW, Washington, DC 20554, with a copy to Eli Johnson, Policy Division, Wireless Telecommunications Bureau, 445 Twelfth Street, SW, Washington, DC 20554.

34. Comments may also be filed using the Commission's Electronic Comment Filing System (ECFS). 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. 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 obtain 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.

35. Comments and reply comments will be available for public inspection during regular business hours at the FCC Reference Center, Room CY–A257, at the Federal Communications Commission, 445 Twelfth Street, SW, Washington, DC 20554. Copies of comments and reply comments are available through the Commission's duplicating contractor: International Transcription Service, Inc. (ITS, Inc.), CY–B400, 445 12th Street, SW, Washington, DC 20054, (202) 857–3800.

Ordering Clauses

36. These actions are taken pursuant to sections 1, 4(i), 7, 10, 201, 202, 208, 214, 301, 303, 308, 309(j), and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157, 160, 201, 202, 208, 214, 301, 303, 308, 309(j), 310.

37. Notice is hereby given of the proposed regulatory changes described in the NPRM, and that comment is sought on these proposals.

38. The Petition for Rulemaking of Global Frontiers, Inc. To Revise Title 47, CFR, parts 2 and 26 in Order To Reallocate Frequencies to GWCS and Make Related Changes, is granted to the extent indicated.

39. Pursuant to sections 1, 4(i) and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and 332, the rulemaking proceeding captioned Geographic Partitioning and Spectrum Disaggregation by Commercial Mobile Radio Services Licensees, WT Docket No. 96–148, is terminated to the extent indicated.

40. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of the Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration

Initial Regulatory Flexibility Analysis

41. This is a synopsis of the Initial Regulatory Flexibility Act Statement in this Notice of Proposed Rulemaking (NPRM). The full text of Initial Regulatory Flexibility Act Statement may be found in Appendix A of the full NPRM.

42. As required by the Regulatory Flexibility Act (RFA) the Commission has prepared this Initial Regulatory

Flexibility Analysis (IRFA) [1] of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rulemaking (NPRM), WT Docket No. 00–32. 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 NPRM. The Commission will send a copy of the NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

Need for, and Objectives of, the Proposed Rules

43. The Commission's objectives in the NPRM are to: (1) Accommodate the introduction of new uses of spectrum and the enhancement of existing uses; (2) encourage commercial development of equipment that can operate in the 4.9 GHz band; (3) facilitate the awarding of licenses to entities who value them the most; and (4) create new jobs, foster economic growth and improve access to communications by industry and the American public. The Commission also seeks to ensure a regulatory plan for the 4.9 GHz band that will allow for the efficient licensing and use of the band, eliminate unnecessary regulatory burdens, enhance the competitive potential of the band, and provide a wide variety of radio services to the public.

Legal Basis for Proposed Rules

44. The proposed action is authorized under sections 1, 4(i), 7, 10, 201, 202, 208, 214, 301, 303, 308, 309(j), and 310 of the Communications Act of 1934, 47 U.S.C. 151, 154(i), 157, 160, 201, 202, 208, 214, 301, 303, 308, 309(j), 310.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

45. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under Section 3 of the Small Business Act, unless the Commission has developed one or more definitions that are appropriate for its activities. Under the Small business Act, a ''small business concern'' is one that: (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). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations.

46. The definition of ''small governmental entity'' is one with populations of fewer than 50,000. There are 85,006 governmental entities in the nation. This number includes such entities as states, counties, cities, utility districts and school districts. There are no figures available on what portion of this number has populations of fewer than 50,000. However, this number includes 38,978 counties, cities and towns, and of those, 37,556, or ninety-six percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all government entities. Thus, of the 85,006 governmental entities, the Commission estimates that ninety-six percent, or about 81,600, are small entities that may be affected by our rules.

47. The proposals in the NPRM affect applicants who wish to provide services in the 4.9 GHz band. The Commission notes that we have previously defined ''small entity'' for Blocks C and F broadband PCS licensees as firms that had average gross revenues of less that $40 million in the three previous calendar years. This regulation defining ''small entity'' in the context of broadband PCS auctions has been approved by the SBA. We also note that the Commission has adopted this same definition for 2.3 GHz and 39 GHz applicants, as well as for the band 4660–4685 MHz. With respect to prospective 4.9 GHz license applicants, the Commission proposes to use the small entity definition adopted in the Broadband PCS proceeding.

48. In addition, the Commission notes that if the proposed special small business definition were not to be used, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Bureau of the Census, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.

49. The NPRM observes that the capital costs of operational facilities in the 4.9 GHz band are likely to vary widely. Accordingly, the NPRM seeks to adopt small business size standards that afford licensees substantial flexibility. Thus, in addition to its proposal to adopt the general small business standard the Commission used in the case of broadband PCS, 2.3 GHz, 39 GHz, and 4660–4685 MHz licenses, the NPRM also proposes to adopt the definition for very small businesses, businesses with average annual gross revenues for the three preceding years not in excess of $15 million.

50. While the NPRM proposes to use these definitions, the Commission has not yet determined or proposed how many licenses will be awarded, nor will it know how many licensees will be small businesses until the auction, if required, is held. In addition, at this point in the proceeding, the Commission does not know how many licensees will partition their license areas or disaggregate their spectrum blocks, if partitioning and disaggregation are allowed. The Commission assumes that, for purposes of our evaluations and conclusions in the IRFA, all of the prospective licensees are small entities, as that term is defined by the SBA or our proposed definitions for the 4.9 GHz band. We invite comment on this analysis.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

51. Entities interested in acquiring spectrum in the 4.9 GHz band will be required to submit license applications and high bidders will be required to apply for their individual licenses. The proposals under consideration in this item also include requiring commercial licensees to make showings that they are in compliance with construction requirements, file applications for license renewals and make certain other filings as required by the Communications Act. The Commission requests comment on how these requirements can be modified to reduce the burden on small entities and still meet the objectives of the proceeding.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

52. The NPRM seeks data demonstrating build-out and other capital requirements for services in the 4.9 GHz band, as well as the anticipated start-up costs for providing service, and how these costs compare with costs for

[1] 5 U.S.C. 603, The RFA, 5 U.S.C. 601 *et. seq.,* has been amended by the Contract with America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAA). Title II of the CWAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

other services. Commenters are invited to use comparisons with other services for which the Commission has already established auction procedures as a basis for their comments regarding the appropriate definitions for small and very small businesses. Commenters are asked to address to what extent the proposed size standards will impact the ability of small businesses to acquire financing. In addition, the Commission seeks comment on whether the proposed designated entity provisions would be sufficient to promote participation by businesses owned by minorities and by women, and participation by rural telephone companies.

53. The Commission has reduced burdens wherever possible. To minimize any negative impact, however, the NPRM proposes certain incentives for small entities which will redound to their benefit. The Commission will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. The Commission seeks comment on significant alternatives commenters believe should be adopted.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

54. None

Paperwork Reduction Analysis

55. This NPRM contains proposed and modified information collections. As part of our continuing effort to reduce paperwork burdens, the Commission invites the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this NPRM. OMB comments are due 60 days from the date of publication of this NPRM in the **Federal Register**. Comments should address: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (2) the accuracy of the Commission's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: None.

Title: The Transfer of the 4.9 GHz Band from Federal Government Use: Notice of Proposed Rulemaking.

Form No.: FCC Forms 601, 602, 603, 604, 605.

Type of Review: New information collection.

Respondents: Business or other for profit.

Number of Respondents: 100.

Estimated Time Per Response: 113 hours.

Total Annual Cost Burden: 0.

Total Annual Burden: 11,300 hours.

Needs and Uses: The various information reporting and verification requirements, and the prospective coordination requirement will be used by the Commission to verify licensee compliance with Commission rules and regulations, and to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934. Such information has been used in the past and will continue to be used to minimize interference, verify that applicants are legally and technically qualified to hold licenses, and to determine compliance with Commission Rules.

List of Subjects

47 CFR Part 2

Radio.

47 CFR Parts 26 and 27

Communications common carriers, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–6605 Filed 3–14–00; 12:08 pm]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 65, No. 52
Thursday, March 16, 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

Submission for OMB Review; Comment Request

March 10, 2000.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal & Plant Health Inspection Service

Title: Animal Welfare.

OMB Control Number: 0579–0036.

Summary of Collection: The Laboratory Animal Welfare Act (AWA) (Public Law 890544) enacted August 24, 1966, required the U.S. Department of Agriculture, (USDA), to regulate the humane care and handling of dog, cats, guinea pigs, hamster, rabbits, and nonhuman primates. The legislation was the result of extensive demand by organized animal welfare groups and private citizens requesting a Federal law covering the transportation, care, and handling of laboratory animals. The Animal and Plant Health Inspection Service (APHIS), Regulatory Enforcement and Animal Care (AC) has the responsibility to enforce the Animal Welfare Act (7 U.S.C. 2131–2156) and the provisions of 9 CFR, Subchapter A, which implements the Animal Welfare Act. The purpose of the AWA is to insure that animal use in research facilities or exhibition purposes are provided humane care and treatment. To assure humane treatment of the animal during transportation in commerce and to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen. APHIS will collect information using several forms.

Need and Use of the Information: APHIS will collect health certificates, program of veterinary care, application for license and record of acquisition, disposition and transportation of animals. The information is used to ensure those dealers, exhibitors, research facilities, carriers, etc., are in compliance with the Animal Welfare Act and regulations and standards promulgated under this authority of the Act.

Description of Respondents: Business or other for-profit.

Number of Respondents: 8,231.

Frequency of Responses: Recordkeeping; reporting: On occasion; weekly; semi-annually; annually.

Total Burden Hours: 95,720.

Food and Nutrition Service

Title: Supplemental Form for Collecting Taxpayer Identifying Numbers.

OMB Control Number: 0584-NEW.

Summary of Collection: Section 3100(y) of the Debt Collection Improvement Act of 1996 (Public Law 104–134) requires all Federal agencies to obtain taxpayer identifying numbers (TINs) from all individuals and entities they do business with, and to furnish the TIN whenever a request for payment is submitted to Federal payment officials. A taxpayer identifying number can be either a Social Security Number or an Employer Identification Number. The Food and Nutrition Service will collect information using form FNS–711.

Need and Use of the Information: FNS will collect taxpayer identify numbers from individuals and entities receiving payments directly from the agency under any of the various nutrition and nutrition education programs. The information will be collected at the time of program application, and will only be collected once unless an entity renews its application or reapplies for program participation. If the information is not collected, FNS would be unable to include taxpayer identifying numbers with each certified request for payment.

Description of Respondents: Business or other for-profit; individuals or households; not-for-profit institutions.

Number of Respondents: 800.

Frequency of Responses: Reporting: On occasion; other (at time of app.).

Total Burden Hours: 66.

Food and Nutrition Service

Title: WIC Financial Management and Participation Report with Addendum.

OMB Control Number: 0584–0045.

Summary of Collection: The Women, Infants and Children Program (WIC) is authorized by Section 17 of the Child Nutrition Act (CNA) of 1966 (42 U.S.C. 1786), as amended. The Food and Nutrition Service (FNS) of USDA administers the WIC Program by awarding cash grants to State agencies. The State agencies award subgrants to local agencies to deliver program benefits and services to eligible participants. To streamline and reduce the reporting burden, the FNS–498 is revised and named FNS–798 with Addendum (FNS–798A) to allow a State agency's final monthly report for the report year (expanded to include closeout data) to serve as its closeout report in place of the FNS–227 with addendum (the FNS–227A). The addendum (FNS–798A) is needed by FNS in order to determine if each state

agency has met its statutory nutrition education and breastfeeding promotion and support minimum expenditure requirements found in 42 U.S.C. 1786(h)(3).

Need and Use of the Information: FNS will use the information reported each month for program monitoring, funds allocation and management, budget projections, monitoring caseload, policy development, and responding to requests from Congress and the interested public. FNS also uses the data to determine if the State has met the 97 percent performance standard for food and 10 percent performance standard for NSA.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 88.

Frequency of Responses: Reporting: Monthly.

Total Burden Hours: 4,638.

Animal and Plant Health Inspection Service

Title: Importation of Animal & Poultry, Animal/Poultry Products, Certain Animal Embryos, Semen, and Zoological Animals.

OMB Control Number: 0579–0040.

Summary of Collection: Title 21 U.S.C. authorizes sections 111, 114, 114a, 114–1, 115, 120, 121, 125, 126, 134a, 134f, and 134g of 21 U.S.C. These authorities permit the Secretary to prevent, control and eliminate domestic diseases such as brucellosis and tuberculosis, as well as to take actions to prevent and to manage exotic diseases such as foot-and-mouth disease and rinderpest. Disease prevention is the most effective method for maintaining a healthy animal population and enhancing the Animal and Plant Health Inspection Service (APHIS) ability to compete in exporting animals and animal products. To fulfill this mission APHIS must collect pertinent information from those individuals who import animals and poultry, animal and poultry products, zoological animals, or animal germplasm into the United States. APHIS will collect information using several forms.

Need and Use of the Information: APHIS will collect information on the origin of the animal or product to be imported, the health status of the animal to be imported and whether the animal or product was temporarily offloaded in another country during its journey to the United States. This vital information helps APHIS to ensure that these imports pose a negligible risk of introducing exotic animal diseases into the United States. If the information was not collected it would cripple or destroy APHIS ability to protect the United States from exotic animal disease incursions.

Description of Respondents: Farms.

Number of Respondents: 107,849.

Frequency of Responses: Recordkeeping; reporting: On occasion.

Total burden hours: 64,200.

Natural Resource Conservation Service

Title: Agriculture and Urban Flood Damage Surveys.

OMB Control Number: 0578–0007.

Summary of Collection: The Watershed Protection and Flood Prevention Act (P.L. 83–566) authorizes the Secretary of Agriculture to provide technical and financial help to local organizations in planning and carrying out watershed improvements. Section 3 of the law directs the Secretary to determine whether benefits anticipated from the improvements will exceed cost. The Natural Resources Conservation Service (NRCS) has been delegated the responsibility to carry out the intent of the law. NRCS primary objective is to work in partnership with the American people to conserve and sustain our natural resources. NRCS provides technical and financial assistance to flood damaged communities to control flooding. NRCS personnel collect specific data about flood damages in order to assess the cost of floods to individuals, farms, communities, governments, and others who own or control property affected by floods. NRCS will collect information using surveys forms.

Needs and Use of The Information: NRCS will collect information on the types of damage, ownership patterns, tenure, number of properties affected, and the shape and slope of the flood plain. The information collected is used to determine damages incurred as a result of the flooding. Information is collected directly from the landowners on a voluntary basis. If the landowner is unavailable or unwilling to provide the information, NRCS will make visual estimates and use secondary data.

Description of Respondents: Individuals or households; business or other for-profit; not-for-profit institutions; farms; Federal Government; State, Local or Tribal Government.

Number of Respondents: 768.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 936.

Food and Nutrition Service

Title: WIC Federal and State Agreement.

OMB Control Number: 0584–0332.

Summary of Collection: Section 17 of the Child Nutrition Act (CNA) of 1966, as amended, Form FNS–399 is the agreement between USDA and the State agency. The agreement empowers USDA to release funds to the State agency to operate the Women, Infants and Children (WIC) Program or the Farmers' Market Nutrition Program (FMNP). The Food and Nutrition Service (FNS) will collect information using form FNS–339.

Needs and Use of the Information: FNS will collect information to authorize payment of cash grants to State agencies, which operate the program locally through nonprofit organizations and must ensure coordination of the Program among the appropriate agencies and organizations. Each FMNP or WIC State agency desiring to administer the program shall annually enter into a written agreement with USDA for administration of the program in the jurisdiction of the State agency. If the information is not collected Federal funds cannot be provided to the State agency without a signed agreement.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 100.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 25.

William McAndrew,

Departmental Clearance Officer.

[FR Doc. 00–6539 Filed 3–15–00; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed Regional Supplement for Water Uses and Development

AGENCY: Forest Service, USDA

ACTION: Availability of regional supplement for comment under 36 CFR part 216.5.

SUMMARY: The Southwestern Region proposes to update the Region 3 Supplement to Forest Service Manual Chapter 2540—Water Uses and Development. This action is necessary to provide guidance for the analysis of groundwater development proposals under 36 CFR 251.5. The intended effect of this directive is to provide specific guidance for the protection of ground and surface water resources when water development is proposed for National Forest System lands.

DATES: The public is invited to comment for 30 days beginning March 16, 2000.

ADDRESSES: Southwestern Region, ATTN: Water Rights and Uses

Specialist, 517 Gold Avenue SW, Room 5439, Albuquerque, NM 87102

FOR FURTHER INFORMATION CONTACT: Lori Osterstock, 505–842–3254

SUPPLEMENTARY INFORMATION:

FSM 2500—WATERSHED AND AIR MANAGEMENT

R3 SUPPLEMENT 2500–2000–1

EFFECTIVE—DRAFT ONLY

CHAPTER 2540—WATER USES AND DEVELOPMENT

2541.03—Policy. Include high priority instream flows and standing waters when determining National Forest Water needs. Quantify and pursue State water rights for flows and standing waters not covered by the reservation doctrine after considering all strategic options. Strategy options include, but are not limited to;

1. Rely on senior and stable downstream appropriators to protect needed instream flows on the National Forest System.

2. Rely on constraints contained in special use permits as a means of maintaining instream flows or standing waters.

3. Protect instream flows or standing water through land acquisition.

4. Negotiate agreements or adjudication settlement stipulations that protect instream flows or standing waters.

2541.04c—Forest Supervisors.

Maintain and update annually the Forest's water uses, requirements, and rights inventory.

2541.35—Special Use Authorization for Water Developments. The following is guidance that specifically addresses the management of ground water resources. (See also Forest Service Manual (FSM) 2729).

Ground water beneath National Forest System (NFS) lands in the Region is a valuable resource that requires thoughtful and prudent management. Ground waters and surface waters are interconnected. Ground water discharge sustains base flows in NFS streams and is the source of water for springs and seeps. This ground water discharge is critical for sustaining aquatic and riparian ecosystems along with the numerous resources and activities dependent upon them.

Special use authorizations for removal of ground water from NFS lands shall be approved only when the long-term protection and enhancement of NFS streams, springs, seeps, and associated riparian and aquatic ecosystems can be assured unless such removal is documented in an Environmental Impact Statement.

Ground water removal on non-NFS lands adjacent to NFS lands may impact streams, springs, seeps and associated riparian and aquatic ecosystems on NFS lands. When a project proponent proposes to transport ground water across NFS lands, it is appropriate to analyze the potential impacts of the water removal as well as the impacts of the facilities to transport it. The extent to which each proposal to remove or transport ground water is analyzed depends on the scope and potential impact of the proposed action.

1. *Initial Screening for Development and Use of Ground Water.* As provided for in Title 36 of the Code of Federal Regulations (CFR) Part 251.54(b), initial proposals for ground water development may be presented to the Forest Service either verbally or in writing. When such presentation is made to the Forest Service, it should be explained to the project proponent that the permitting process for ground water use or transport is a discretionary activity, and that a permit for water use or transport may be denied if analysis indicates that NFS resources or adjacent water supplies will not be adequately protected. It should also be explained that the CFR provides for two levels of screening prior to initiating environmental analysis documentation. To pass the initial screening requirements, proposals to develop and use ground water derived from NFS lands, or derived from non-NFS lands and transported across NFS lands, must meet the following conditions:

a. The proposal to use or transport water must be consistent with applicable laws, regulations, policies, rules, and NFS land and resource management plans (FSM 2702 & 2703). Proposals shall be evaluated as specified in 36 CFR 251.54(e) and as follows:

b. The proposal to use or transport water must adequately protect NFS resources (FSM 2702.1 & 2541.34).

c. The proposal must be consistent with national policy not to encumber NFS lands just because it affords a proponent a lower cost when compared with alternatives located on non-NFS lands (FSM 2703.2)

d. Proposal to use ground water derived from NFS lands must include the use of appropriate water conservation measures (FSM 2541.21h).

e. When considering proposals to use water on non-NFS lands, preference should be given to those requests made by communities or other entities that best serve the public interest.

Proposals that do not meet the minimal requirements of the initial screening process shall be returned to the proponent as insufficient. The authorizing officer shall reply in writing if the proposal was presented in writing, or reply verbally if the proposal was presented verbally (36 CFR 251.54(e)(2)).

2. *Second-level Screening.* Additional information is required for proposals that pass initial screening. In second-level screening, the proposal is evaluated as described in 36 CFR 251.54(e)(5) and as follows.

a. If the intent of the proposal is to use ground water derived from NFS lands for a non-NFS purpose, the proponent must demonstrate that alternative water sources do not exist (FSM 2703.2). This would include documentation of the actions taken to secure water from other than NFS sources or the rationale explaining why is not feasible to do so. This may include a record of wells drilled, attempts to purchase water, hydrologic and geologic studies, or other similar information.

b. The quantity of water the proponent is currently seeking from NFS lands and the purpose of use of such water must be identified. If the proponent anticipates increased water needs in the future, such needs shall also be quantified.

c. Drilling activities themselves can negatively impact NFS resources. In instances where considerable disturbance may result from the drilling process itself, the proponent must demonstrate that there is reasonable likelihood of successfully completing any water wells and adequately mitigating any resource damage. Information that might support a proponent's rationale could include an inventory of all existing wells in the vicinity along with any available information such as driller's logs, well depths, well yields, water quality information, geophysical logs, and well construction details. In addition, information regarding favorable geologic conditions such as known water bearing formations (including location, aerial extent, lithology, and hydrologic characteristics) or favorable structural features. The proponent may be required to provide information describing current resource conditions to facilitate estimates of potential damage and/or potentially effective mitigation.

d. All anticipated facilities such as roads, power lines, pipelines, water storage tanks, and pumps that could ultimately be needed to produce and convey water across NFS lands must be identified. Proposals that involve construction and/or use of roads shall conform to the requirements of the Federal Land Policy and Management

Act (FLPMA) of 1976, specifically FLPMA Sections 502 and 505.

e. To assist in evaluating the potential for the proposal to affect NFS resources and adjacent water supplies, key resources and existing water supplies should be identified. The quantity, location, and/or thing of the proposed use of water will determine to what extent the following information needs are addressed. Typically, the greatest amount of information will be required of each proposal that contemplates the withdrawal of large quantities or water, building in or transiting environmentally sensitive locations, and/or withdrawal of water during peak periods of usage by others, sensitive periods of needs for fish and wildlife, or sensitive periods of needs for riparian and wetlands flora and fauna.

Information that may be required to assess potential impacts to neighboring water users and/or to resources both on and adjacent to NFS lands includes:

(1) The location and characteristics of all potentially affected surface and ground water resources including wells, streams, springs, seeps, and aquifers.

(2) Pertinent social information, including the identification of any potentially impacted individuals or groups and their water uses. Social impacts and environmental justice will be evaluated through the National Environmental Policy Act of 1969 process (NEPA) and through any applicable State process designed to protect the holders of water rights.

(3) The location and description of riparian vegetation.

(4) Any known Threatened, Endangered, or Sensitive species.

(5) Pertinent geologic information. This should include a map of the area identifying surface geology and any known subsurface formations and structural features. Hydrologic characteristics of the target aquifers such as transmissivity and storativity should also be included, if known.

(6) Pertinent hydrologic information. Provide any available information regarding water table or piezometric surface elevations including known seasonal fluctuations, direction and rate of ground water flow, recharge and discharge areas, surface water flow characteristics including volumes and peaks throughout the year, location of gaining and losing reaches of streams, and water quality.

(f) If the proposal does not pass second-level screening, it should be returned to the proponent with a written reason for rejection (36 CFR 251.54(g)(1)). NEPA analysis is not required to make this determination (36 CFR 251.54(e)(6)). If the proposal passes second-level screening, the proponent shall be notified that the Forest Service is prepared to accept a written formal application for a special use authorization. The Forest Service should begin the appropriate environmental analysis upon receipt of the formal application (36 CFR 251.54(g)(2)(ii)). The proponent should be advised that any information provided is likely to become public information once the formal application is received and a NEPA process initiated.

When for formal application is received, the proponent is referred to as the applicant.

3. *Environmental Analysis.* When screening indicates that the proposal includes high ground water production rates and/or potentially high impact well(s) or transmission facilities, substantial additional analysis may be necessary. An application may be approved in two phases, the first for exploration and the second for construction and/or production. Each phase requires NEPA documentation. When the application is to use existing wells, the evaluation procedures describe din paragraphs (a)–(c) may still apply.

Project applicants should be advised that obtaining approval for exploratory drilling and/or evaluation does not guarantee that construction of production phase facilities will be authorized. They should also be advised that there may be substantial mitigation measures required by the terms of a production authorization and that the scope of those measures may not be identified until the conclusion of the appropriate environmental analysis.

a. *Exploratory Drilling Procedures.* When screening indicates a reasonable likelihood of producing ground water without negative impacts to NFS resources or adjacent water supplies, NEPA documentation appropriate to the scale of exploration shall be completed. At this phase, a Categorical Exclusion (FSH 1909.15 Sec. 31.1(b)(8) or 31.2(8)) may be sufficient. If the responsible official decides to allow exploration on NFS lands, a temporary permit may be issued for the exploration and impact evaluation phase of the proposal. This temporary permit shall contain any conditions necessary to minimize impacts to Forest resources.

b. *Impact Evaluation Procedures.* If water supplies in sufficient quantities to meet the applicant's needs are located in existing wells or found through exploration, a detailed plan to determine impacts should be required. This plan will be site specific and designed to identify potential impacts to Forest resources and adjacent water supplies, and must be approved by the Forest Service prior to testing for impacts.

In considering requests to use water from a known aquifer underlying NFS lands, modeling drawdown and resultant impacts may be sufficient. Any modeling will be conducted using a ground water flow model approved by the Forest Service.

In the absence of sufficient information to model impacts, an aquifer test such as long-term pumping of existing and/or exploratory well(s) may be required. The purpose of the test is to evaluate the potential impacts of removing water at production levels from the well(s) under consideration. As testing occurs, there should be simultaneous measurements of water levels and/or pressures in other wells within the vicinity and of flows in adjacent surface waters. Any aquifer test(s) should be conducted during periods of appropriate flows in adjacent surface waters so that impacts can be identified and used to support modeling of drawdown characteristics and/or impacts to surface water resources over time. Chemical characterization may be necessary to further evaluate the potential connection between ground and surface water resources.

If the proposal involves the transport of ground water pumped from nearby non-NFS lands across NFS lands, the above testing may still be required to evaluate impacts of the ground water withdrawal on NFS resources and adjacent water supplies. (40 CFR, 1508.25 Scope).

c. The results of testing, monitoring, and/or modeling shall be analyzed to determine potential impacts to National Forest resources and adjacent water supplies. A decision to allow ground water production and/or conveyance shall be considered through the appropriate NEPA analysis and documentation. Refer to FSH 1909.15, chapters 30 and 40.

4. *Construction and Production Permitting.* The construction phase includes the construction of all infrastructures needed to pump, store, and convey water from its source to the place of use. Once a NEPA decision is in place, a special use authorization is needed to occupy and use NFS lands for the purposes of constructing and operating facilities designed to produce and convey ground water (36 CFR 251.54 (g)(5)). Refer to FSM 2711 for guidance on the type of permit and/or easement to issue. Refer to 36 CFR 251.56 for Terms and Conditions for permit issuance. Construction may be permitted separately from production.

Once a permit is issued, the applicant is referred to as the holder. Regardless of the length of time for which a permit is issued, it is important to note that the Forest Service may amend the permit at any time when it is in the public interest to do so (FSM 2711.2). Continued monitoring of water developments is necessary to verify that their operation remains in the public interest.

5. *Monitoring and Mitigation.* All monitoring or mitigation measures necessary to ensure protection of Forest resources during the construction of water pumping, storage, or transport facilities, and during the long-term removal of ground water, should be included in annual plans of operation attached to and made a part of the permit(s). Mitigation measures such as the cessation of pumping during critical times of the year or replacing water to streams and springs will be considered only if Forest resources can be protected over a long-term period.

a. The holder should be required to bear the costs of monitoring and mitigation either directly through permit language or indirectly through the use of a collection agreement that funds the Forest Service to accomplish the work.

b. If long term monitoring detects additional or unforeseen adverse impacts to Forest resources, or if mitigation measures do not adequately protect Forest resources, the permit shall be suspended or revoked as appropriate (36 CFR 251.60 (a)(2)(D). To reverse or prevent a suspension, the holder shall undertake such efforts as are necessary to eliminate adverse impacts not previously documented in an Environmental Impact Statement.

6. *Other Considerations.* Applicable laws and regulations governing wells and water rights shall be adhered to for all proposals. This includes State requirements for notifications, drilling permits, well abandonment procedures, and water rights, and federal (for example, Environmental Protection Agency) requirements and recommendations for monitoring wells, construction, sampling, and abandonment.

In the event that testing, modeling, or monitoring indicates a possibility that appropriable waters are or may be impacted, the Forest Service shall follow the procedures appropriate for the State(s) in which the development is located. If an appropriate State remedy is not available, the Forest Service may seek remedy in any court of jurisdiction. The Forest Service shall not issue a permit for construction or issue/reissue a permit for production unless the applicable State authorization has been granted for the proposed development.

In the event that a State unreasonably withholds authorization, the Forest Service shall consult with the Office of General Counsel regarding remedy.

Permits issued for exploration, evaluation, construction, and/or production do not convey a water right to the holder.

2541.4—Managing Water Rights. Decide if water rights appurtenant to acquired lands can and should continue to be used on the acquired lands. Make a decision within 1 year of acquisition on how and where acquired water rights will be used.

If it is determined that all or part of an acquired water right is not needed by the acquiring Forest, then such water rights will be made available to other Forests. Distribution of surplus water rights will be made by the Regional Forester in accordance with State laws and river basin compacts.

Dated: March 7, 2000.

James T. Gladen,

Deputy Regional Forester, Resources.

[FR Doc. 00–6520 Filed 3–15–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Northwest Sacramento Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Northwest Sacramento Provincial Advisory Committee (PAC) will meet on Wednesday, March 15, 2000, at the Sacramento River Discovery Center, Sale Lane, and the Training Center, Red Bluff Community Center, 1015 Kimball Road, Red Bluff, California. The meeting will start with a field trip to view the Sacramento River Discovery Center from 8:30 a.m. to 10:00 a.m. The meeting will reconvene at the Training Center, Red Bluff Community Center, at 10:30 a.m. and adjourn at 4:30 p.m. Topics for the meeting are: (1) Discussion on the Draft Fire Management Plan for the Shasta-Trinity National Forest; (2) research and monitoring of the Northwest Forest Plan; (3) updates on the Little Stony Creek Watershed Fuels and Clear Creek/Resource Conservation District proposal; and (4) public comment periods. All PAC meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Connie Hendryx, USDA, Klamah National Forest, 11263 N. Highway 3, Fort Jones, California 96032; telephone 530–468–1281; TDD (530) 468–2783; email:chendryx@fs.fed.us.

Dated: March 8, 2000.

Constance J. Henderyx,

PAC Support Staff.

[FR Doc. 00–6495 Filed 3–15–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Patent and Trademark Office (PTO).

Title: Practitioner Records Maintenance and Disclosure Before the Patent and Trademark Office.

Form Number(s): None.

OMB Approval Number: 0651–0017.

Type of Request: Extension of a currently approved collection.

Burden Hours: 2,270.

Number of Respondents: 230 for record keeping maintenance, and 100 for violation reporting.

Average Hours Per Response: Based on PTO time and motion studies, the agency estimates the burden hours required by practitioners to maintain client files to be 9 hours annually. The burden hours required to gather, prepare and submit a response to one violation report is estimated to be 2 hours.

Need and Uses: The information in this collection is necessary for the Patent and Trademark Office (PTO) to comply with Federal regulations 35 U.S.C. 6(a) and 35 U.S.C. 31. The Office of Enrollment and Discipline (OED) collects this information to insure compliance with the PTO Code of Professional Responsibility, 37 CFR 10.20–10.112. This Code requires that registered practitioners maintain complete records of clients, including all funds, securities, and other properties of clients coming into his/her possession, and render appropriate accounts to the client regarding such records, as well as report violations of the Code to the PTO. The registered practitioners are mandated by the Code to maintain proper documentation so they can fully cooperate with an investigation in the event of a report of an alleged violation and that violations are prosecuted as appropriate.

Affected Public: Individuals or households, businesses or other for-profit organizations, Federal Government, and State, Local or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Peter Weiss, (202) 395–3630.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Departmental Forms Clearance Officer, Office of the Chief Information Officer, (202) 482–3272, Department of Commerce, room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication to Peter Weiss, OMB Desk Officer, Room 10236, New Executive Office building, 725 17th Street, NW, Washington, DC 20503.

Dated: March 13, 2000.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–6494 Filed 3–15–00; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Census Advisory Committees

AGENCY: Economics and Statistics Administration, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Public Act 92–463, as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a joint meeting involving the 2000 Census Advisory Committee (CAC), the CAC of Professional Associations, the CAC on the African American Populations, the CAC on the American Indian and Alaska Native Populations, the CAC on the Asian Population, the CAC on the Native Hawaiian and Other Pacific Islander Populations, and the CAC on the Hispanic Population. This meeting will be primarily an informational meeting focusing on Census 2000 operations and activities.

DATES: On Friday, April 14, 2000, the meeting will begin at 8:45 a.m. and adjourn at approximately 5 p.m.

ADDRESSES: The meeting will take place at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 1647, Federal Building 3, Washington, DC 20233, telephone: 301–457–2308.

SUPPLEMENTARY INFORMATION: The CACs on the African American Population, the American Indian and Alaska Native Populations, the Asian Population, the Native Hawaiian and Other Pacific Islander Populations, and the Hispanic Population are composed of nine members each, appointed by the Secretary of Commerce. The Committees provide an organized and continuing channel of communication between the communities they represent and the U.S. Census Bureau on its effort to reduce the differential undercount for Census 2000 and on ways that census data can be disseminated to maximum usefulness to their communities and other users.

The CAC of Professional Associations is composed of thirty-six members appointed by the Presidents of the American Economic Association, the American Statistical Association, the Population Association of America, and the Chairman of the Board of the American Marketing Association. The Committee advises the Director, U.S. Census Bureau, on the full range of U.S. Census Bureau programs and activities in relation to its areas of expertise.

The 2000 Census Advisory Committee is composed of a Chair, Vice Chair, and up to forty member organizations. There are also sixteen ex-officio members, all appointed by the Secretary of Commerce. The Advisory Committee considers the goals of Census 2000 and user needs for information provided by that census. The Committee provides an outside user perspective about how operational planning and implementation methods proposed for Census 2000 will realize those goals and satisfy those needs. The Advisory Committee considers all aspects of the conduct of the 2000 Census of Population and Housing and makes recommendations to the Secretary of Commerce for improving that census.

A brief period will be set aside at the meeting for public comment. However, individuals with extensive statements for the record must submit them in writing to the Commerce Department official named above at least three working days prior to the meeting.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the U.S. Census Bureau Committee Liaison Officer on 301–457–2308, TDD 301–457–2540.

Dated: March 8, 2000.

Robert J. Shapiro,

Under Secretary for Economic Affairs, Economics and Statistics Administration.

[FR Doc. 00–6444 Filed 3–15–00; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or Suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 351.213 of the Department of Commerce (the Department) Regulations (19 CFR 351.213 (1997)), that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than the last day of March 2000, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period
Antidumping Duty Proceeding:	
AUSTRALIA: Canned Bartlett Pears	
A–602–039	3/1/99–12/31/99

	Period
BANGLADESH: Shop Towels	
A–538–802	3/1/99–2/29/00
BRAZIL: Ferrosilicon	
A–351–820	3/1/99–2/29/00
BRAZIL: Lead & Bismuth Steel	
A–351–811	3/1/99–12/31/99
CANADA: Iron Construction Castings	
A–122–503	3/1/99–2/29/00
CHILE: Standard Carnations	
A–337–602	3/1/99–12/31/99
COLOMBIA: Certain Fresh Cut Flowers	
A–301–602	3/1/99–12/31/99
ECUADOR: Certain Fresh Cut Flowers	
A–331–602	3/1/99–12/31/99
FINLAND: Viscose Rayon Staple Fiber	
A–405–071	3/1/99–12/31/99
FRANCE: Brass Sheet & Strip	
A–427–602	3/1/99–2/29/00
FRANCE: Lead & Bismuth Steel	
A–427–804	3/1/99–12/31/99
GERMANY: Brass Sheet & Strip	
A–428–602	3/1/99–2/29/00
GERMANY: Lead & Bismuth Steel	
A–428–811	3/1/99–12/31/99
INDIA: Sulfanilic Acid	
A–533–806	3/1/99–2/29/00
ISRAEL: Oil Country Tubular Goods	
A–508–602	3/1/99–12/31/99
ITALY: Certain Valves and Connections of Brass, for Use in Fire Protection Equipment	
A–475–401	3/1/99–12/31/99
ITALY: Brass Sheet & Strip	
A–475–601	3/1/99–2/29/00
JAPAN: Defrost Timers	
A–588–829	3/1/99–2/29/00
JAPAN; Stainless Steel Butt-Weld Pipe Fittings	
A–588–702	3/1/99–2/29/00
JAPAN: Television Receivers, Monochrome and Color	
A–588–015	3/1/99–12/31/99
MEXICO: Steel Wire Rope	
A–201–806	3/1/99–12/31/99
REPUBLIC OF KOREA: Steel Wire Rope	
A–580–811	3/1/99–12/31/99
SPAIN: Stainless Steel Bar	
A–469–805	3/1/99–2/29/00
SWEDEN: Brass Sheet & Strip	
A–401–601	3/1/99–2/29/00
TAIWAN: Light-Walled Welded Rectangular Carbon Steel Tubing	
A–583–803	3/1/99–2/29/00
THAILAND: Circular Welded Pipes & Tubes	
A–549–502	3/1/99–2/29/00
THE PEOPLE'S REPUBLIC OF CHINA: Chloropicrin	
A–570–002	3/1/99–2/29/00
THE PEOPLE'S REPUBLIC OF CHINA: Ferrosilicon	
A–570–819	3/1/99–2/29/00
THE PEOPLE'S REPUBLIC OF CHINA: Glycine	
A–570–836	3/1/99–2/29/00
THE UNITED KINGDOM: Lead & Bismuth Steel	
A–412–810	3/1/99–12/31/99
Countervailing Duty Proceeding:	
BRAZIL: Cotton Yarn	
C–351–037	1/1/99–12/31/99
BRAZIL: Certain Castor Oil Products	
C–351–029	1/1/99–12/31/99
BRAZIL: Lead & Bismuth Steel	
C–351–812	1/1/99–12/31/99
CHILE: Standard Carnations	
C–337–601	1/1/99–12/31/99
FRANCE: Brass Sheet and Strip	
C–427–603	1/1/99–12/31/99
FRANCE: Lead & Bismuth Steel	
C–427–805	1/1/99–12/31/99
GERMANY: Lead & Bismuth Steel	
C–428–812	1/1/99–12/31/99
INDIA: Sulfanilic Acid	
C–533–807	1/1/99–12/31/99

	Period
IRAN: In-Shell Pistachios	
C–507–501	1/1/99–12/31/99
ISRAEL: Oil Country Tubular Goods	
C–508–601	1/1/99–12/31/99
NETHERLANDS: Standards Chrysanthemums	
C–421–601	1/1/99–12/31/99
PAKISTAN: Shop Towels	
C–535–001	1/1/99–12/31/99
TURKEY: Certain Welded Carbon Steel Pipe and Tube	
C–489–502	1/1/99–12/31/99
TURKEY: Welded Carbon Steel Line Pipe	
C–489–502	1/1/99–12/31/99
THE UNITED KINGDOM: Lead & Bismuth Steel	
C–412–811	1/1/99–12/31/99
Suspension Agreements: None.	

In accordance with section 351.213 of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. The Department changed its requirements for requesting reviews for countervailing duty orders. Pursuant to 771(9) of the Act, an interested party must specify the individual producers or exporters covered by the order or suspension agreement for which they are requesting a review (Department of Commerce Regulations, 62 FR 27295, 27424 (May 19, 1997)). Therefore, for both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of March 2000. If the Department does not receive, by the last day of March 2000, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 8, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II for Import Administration.

[FR Doc. 00–6551 Filed 3–15–00; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Department of Agriculture; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC.

Docket Number: 00–001.

Applicant: U.S. Department of Agriculture, Albany, CA 94710.

Instrument: Picking and Gridding Q-Bot System.

Manufacturer: Genetix Ltd., United Kingdom.

Intended Use: See notice at 65 FR 3666.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a unique multi-tasking robot for selecting recombinant DNA inserts with: (1) a pneumatic picking head for sampling 3500 colonies per hour, (2) replication of plates (96 or 384 wells) to distribute clones, (3) ability to create high density arrays of bacteria on nylon filters and (4) a rearraying package. The National Institutes of Health advises in its memorandum of February 11, 2000 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 00–6549 Filed 3–15–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Application may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC.

Docket Number: 00–005.

Applicant: Ohio State University, OARDC, 1680 Madison Avenue, Wooster, OH 44691.

Instrument: Electron Microscope, Model H–7500–1.

Manufacturer: Hitachi Ltd., Japan.

Intended Use: The instrument is intended to be used for the study of agriculturally important pathogens in animals and various crops. The objectives of these experiments are to understand the molecular mechanisms underlying pathogenicity in agriculturally important animals and plants and improve yields. In addition, the instrument will be used for training students in electron microscopy techniques such as sample preparations and viewing as part of their graduate program. Application accepted by Commissioner of Customs: February 28, 2000.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 00–6550 Filed 3–15–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

AGENCY: International Trade Administration.

ACTION: Trade Event Notice.

SUMMARY: The U.S. Department of Commerce's International Trade Administration will announce its Clean Energy Trade Promotion Initiative at a White House Conference Center industry briefing on Tuesday, March 28, 2000, 2–4 PM. This initiative is designed to realize President Clinton's vision for enhanced exports of advanced U.S. company clean energy technology. It is composed of a series of trade missions designed to support U.S. energy industry exports to Brazil, China, India, Indonesia, Mexico, Qatar, Saudi Arabia, the United Arab Emirates and other select markets.

U.S. companies are invited to attend this briefing. The briefing will be held in the Truman Room of the White House Conference Center, 726 Jackson Place, NW (west side of Lafayette Park), on Tuesday, March 28, 2–4 PM.

FOR FURTHER INFORMATION CONTACT: Sam Beatty, International Trade Specialist, Office of Energy, Infrastructure and Machinery, 202–482–4179 or E-mail at *Samuel__Beatty@ita.doc.gov.*

Dated: March 10, 2000.

Sam Beatty,

Office of Energy, Infrastructure and Machinery.

[FR Doc. 00–6426 Filed 3–15–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Joint Recruiting Advertising Program (JRAP); OMB Number 0704–0351.

Type of Request: Reinstatement.

Number of Respondents: 141,497.

Responses Per Respondent: 1.

Annual Responses: 141,497.

Average Burden Per Response: 6 minutes.

Annual Burden Hours: 13,239.

Needs and Uses: Title 10, U.S. Code, Section 503, directs the Secretary of Defense to conduct intensive recruiting campaigns for the Armed Forces. In addition, the Secretary of Defense commissioned an independent review of military advertising. The results stress that the U.S. Armed Forces must find innovative ways to quickly capture and respond to the changing opinions and attitudes of military-eligible youth. The U.S. Armed Forces must continually refocus its advertising in this turbulent environment in order to ensure its message in timely and effective.

The Joint Market Research Program (JMRP) supports recruitment efforts by providing quick response, short duration, polling and surveying of youth in the United States. The primary goal of the JMRP is to obtain and disseminate timely information on the attitudes, opinions, trends, expectations, and aspirations held by today's youth. This information will become the foundation from which advertising messages will be crafted.

The Joint Recruiting Advertising Program (JRAP) supports Armed Forces recruitment efforts with cost-effective advertising. The JRAP ROTC Scholarship Folder, recruiting print advertisements, *www.myfuture.com,* Selective Service System Direct Mail brochures, and other direct mail brochures provide individuals with information about opportunities available in the Armed Forces. Individuals are provided with Business Reply Cards (BRCs) that they may voluntarily fill out to request additional information about the Armed Forces. When one branch of the Armed Forces receives a BRC, the information is promptly sent to the BRC respondent. The name of the BRC respondent is then added to mailing lists used by the Services for future mailings of Service-related enlistment, officer, and scholarship information brochures.

Additionally, Bates World Wide, JRAP's contracted advertising agency conducts short duration focus groups to obtain feedback from targeted populations (e.g. pre-teens, parents, teenagers, and young adults) concerning the marketability of television commercials and print advertisements. Questions are specifically targeted at the advertisement and no intrusive questions are asked.

Affected Public: Individuals or Households.

Frequency: On Occasion.

Respondent's Obligations: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 10, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–6431 Filed 3–15–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and the Clause at DFARS 252.232–7002, Progress Payments for Foreign Military Sales Acquisition; OMB Number 0704–0321.

Type of Request: Extension.

Number of Respondents: 430.

Responses Per Respondent: 12.

Annual Responses: 5,160.

Average Burden Per Response: 1.5 hours.

Annual Burden Hours: 7,740 (2,580 response hours and 5,160 recordkeeping hours).

Needs and Uses: Section 22 of the Arms Export Control Act (22 U.S.C. 2762) requires the U.S. Government to use foreign funds, rather than U.S. appropriated funds, to purchase military equipment for foreign governments. To comply with this requirement, the government needs to know how much to charge each country. The clause at 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions, requires each contractor whose contract includes foreign military sales (FMS) requirements to submit a separate progress payment request for each progress payment rate, and to submit a supporting schedule that clearly distinguishes the contract's FMS requirements from U.S. requirements. The Government uses this information to determine how much of each country's funds to disburse to the contractor.

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On occasion.

Respondents Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. Lewis W. Oleinick.

Written comments and recommendations on the proposed information collection should be sent to Mr. Oleinick at the Office of Management and Budget, Desk Officer for DoD (Acquisition), Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–6432 Filed 3–15–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of Secretary

[Transmittal No. 00–22]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, transmittal 00–22 with attached transmittal and policy justification.

Dated: March 10, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

2 MAR 2000
In reply refer to:
I-00/002053

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-22, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $96 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-22

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States pursuant to P. L. 96-8

(ii) Total Estimated Value:

Major Defense Equipment*	$ 56 million
Other	$ 40 million
TOTAL	$ 96 million

(iii) Description of Articles or Services Offered: A conversion of TPS-43F air surveillance radar to TPS-75V configuration, support equipment, spare and repair parts, modification kits, publications, U.S. Government and contractor engineering and logistics support services, personnel training and equipment and other related elements of logistic support

(iv) Military Department: Air Force (NHO)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: none

(vii) Date Report Delivered to Congress: 2 MAR 2000

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States - Conversion of TPS-43F Air Surveillance Radar

The Taipei Economic and Cultural Representative Office (TECRO) in the United States has requested a possible sale for the conversion of TPS-43F air surveillance radar to TPS-75V configuration, support equipment, spare and repair parts, modification kits, publications, U.S. Government and contractor engineering and logistics support services, personnel training and equipment and other related elements of logistic support. The estimated cost is $96 million.

This proposed sale is consistent with United States law and policy, as expressed in Public Law 96-8.

The proposed sale of radar will provide more responsive and timely information for air defense operations. The conversion of the AN/TPS-43 radar would significantly contribute to the modernization of its forces as well as allow modernization of obsolete radar. This radar is becoming unsupportable due to obsolescence.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Northrop Grumman Corporation, Bethpage, New York. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any U.S. Government representatives; however, it is estimated that approximately three months of contractor technical support will be required following delivery of the radar.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00–6433 Filed 3–15–00; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00–28]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00–28 with attached transmittal, policy justification and Sensitivity of Technology.

Dated: March 10, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

2 MAR 2000
In reply refer to:
I-00/002054

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-28, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office for defense articles and services estimated to cost $106 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-28

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 8 million
Other	$ 98 million
TOTAL	$ 106 million

(iii) **Description of Articles or Services Offered: One hundred sixty-two HAWK Intercept Aerial guided missiles, containers, modification kits, support equipment, testing, spare and repair parts, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support**

(iv) **Military Department: Army (YVQ, JBE, and IAB)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached**

(vii) **Date Report Delivered to Congress: 2 MAR 2000**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office - HAWK Intercept Aerial Missiles

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of 162 HAWK Intercept Aerial guided missiles, containers, modification kits, support equipment, testing, spare and repair parts, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support. The estimated cost is $106 million.

This proposed sale is consistent with United States law and policy, as expressed to Public Law 96-8.

This proposed sale will support the recipient's continued effort to modernize and enhance its air defense capabilities. Under the Missile Reliability Restoration program, the recipient operational inventory of HAWK missiles will be modified to the HAWK Intercept Aerial guided missiles. The recipient will have no difficulty absorbing these additional missiles into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor is Raytheon Company of Andover, Massachusetts. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of up to four U.S. Government representatives for one-week intervals over a six-year timeframe for logistic technical assistance. One contractor representative will be required for six years to perform technical assistance to the recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 00-28

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The MIM-23E and MIM-23L HAWK missile system contains more than 500 components which are Classified as well as components that are sensitive but not Classified. These items are so identified to protect the system from being defeated by exploiting specific system characteristics. Technology which must be protected is in the missile, radars, and control elements of the system. Continuous wave low noise Radio Frequency technology has been unique to HAWK for many years. The techniques for isolation of transmitter and receiver elements are difficult and sensitive.

2. If a technologically capable adversary were to obtain knowledge of these sensitive technologies, the possibility exists that countermeasures might be developed which could reduce weapon system effectiveness.

3. A determination has been made that the recipient can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 00–6434 Filed 3–15–00; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Appointment to Selected Non-Federal Entity Boards

AGENCY: Office of The Judge Advocate General, USAF; DoD.

ACTION: Notification of appointment of Air Force officials to selected non-Federal entity boards.

SUMMARY: The Office of The Judge Advocate General, in accordance with 10 U.S.C. 1033 and 10 U.S.C. 1589, announces the appointment of certain Air Force officials to provide limited management support to certain non-Federal entities authorized by statute and by DoD regulation (DoD 5500.7–R, Standards of Conduct, section 3–202). Federal statutes (10 U.S.C. 1033 and 10 U.S.C. 1589) authorize the Service Secretaries to authorize a member of the armed forces or an employee under the Secretary's jurisdiction to serve without compensation as a director, officer, or trustee, or to otherwise participate in the management of certain military welfare societies. In the Air Force, the designated military welfare society is the Air Force Aid Society, Inc. Additionally, 10 U.S.C. 1033 and 10 U.S.C. 1589 permit the Service Secretaries to make appointments to other non-profit non-Federal entities that fall within certain categories. Those categories include entities that regulate and support the athletic programs of the service academies (including athletic conferences) and entities that accredit service academies and other schools of the armed forces (including regional accrediting agencies.) Non-Federal entities in these categories must be predesignated by the Secretary of Defense. The Secretary of Defense's authority for such designations was delegated to the Department of Defense General Counsel, who has designated all of the organizations, and concurred in all of the appointments, listed below. Appointments made under this authority extend to the named officials, as well as to their successors. The authority granted pursuant to these appointments is limited to providing oversight, advice to, and coordination with, the designated entity. Authorization does not extend to participation in day-to-day operations of the entity, nor to the expenditure of appropriated funds (except in direct support of the employee). Expenditures will not include travel and transportation allowances incurred by the employee in a travel status. Finally, participation in the management of the non-Federal entity may not constitute the employee's primary duty.

The Secretary of the Air Force has made the following appointments with the concurrence of the Department of Defense General Counsel:

(1) To the Board of Trustees of the Air Force Aid Society, Inc.: Secretary of the Air Force, F. Whitten Peters; Chief of Staff of the Air Force, General Michael E. Ryan; Deputy Chief of Staff, Personnel, Lieutenant General Donald L. Peterson, The Surgeon General of the Air Force, Lieutenant General Paul K. Carlton, Jr.; The Judge Advocate General of the Air Force, Major General William A. Moorman; Deputy Assistant Secretary of the Air Force (Budget), Major General Larry Northington; and Chief Master Sergeant of the Air Force, Chief Master Sergeant Frederick J. Finch.

(2) To the Mountain West Conference Board of Directors: The United States Air Force Academy Superintendent, Tad J. Oelstrom.

(3) To the Southern Association of Colleges and Schools: Division Chief for Academic Affairs, Air University, Dr. Dorothy Reed; Commandant, School of Advanced Airpower Studies, Colonel Steve Chiabotti; Commander, Community College of the Air Force, Colonel James McBride.

(4) To the Middle States Association of Colleges and Schools: Commander, Air Force Institute of Technology, Colonel George Haritos.

FOR FURTHER INFORMATION, CONTACT: Questions should be mailed to HQ USAF/JAG, 1420 Air Force Pentagon, Washington DC 20330–1420, Attn: Jane Love. Ms Love can be reached by telephone at 703–614–4075, by fax at 703–614–2205, or by e-mail to jane.love@af.pentagon.mil.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 00–6521 Filed 3–15–00; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Final Notice of Issuance and Modification of Nationwide Permits

AGENCY: Army Corps of Engineers, DoD.

ACTION: Correction.

SUMMARY: This document contains corrections to the final notice of issuance and modification of Nationwide Permits (NWPs) which was published in the **Federal Register** on Thursday, March 9, 2000 (65 FR 12818–12899). On pages 12818, 12819, 12822, 12841, and 12861 the date ''June 5, 2000'' is to be replaced with ''June 7, 2000.'' June 7, 2000, is the correct effective date for the new and modified NWPs, as well as the correct expiration date for NWP 26.

In summary, NWP 26 will expire on June 7, 2000. The new and modified NWPs, including the new and modified NWP general conditions, will become effective on June 7, 2000. States and Tribes must make their Section 401 Water Quality Certification and Coastal Zone Management Act consistency determinations by June 7, 2000.

In addition, there were some inconsistencies concerning the economic and workload cost estimates in the March 9, 2000, **Federal Register** notice. The ½ acre alternate replacement NWP package in the Institute for Water Resources (IWR) report is similar to the new NWPs published in the March 9, 2000, **Federal Register** notice. We have concluded that the economic impacts and costs are approximately the same for both. On page 12820, we correctly stated that the IWR report indicated that the ½ acre alternative replacement NWP package would result in direct compliance costs that are approximately 30% less than the $46 million in direct compliance costs that would be incurred by permit applicants due to the July 21, 1999, proposal. Based on these assumptions, the alternate replacement NWP package would result in approximately $32 million in direct compliance costs incurred by permit applicants. However, on page 12819 we incorrectly indicated an increase in direct costs to permit applicants of approximately $20 million; the correct amount is approximately $32 million.

Dated: March 10, 2000.

Approved by:

Charles M. Hess,

Chief, Operations Division, Office of Deputy Commanding General for Civil Works.

[FR Doc. 00–6498 Filed 3–15–00; 8:45 am]

BILLING CODE 3710–92–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

[Recommendation 2000–2]

Configuration Management, Vital Safety Systems

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice, recommendation.

SUMMARY: The Defense Nuclear Facilities Safety Board has made a

recommendation to the Secretary of Energy pursuant to 42 U.S.C. 2286a(a)(5) concerning configuration management, vital safety systems.

DATES: Comments, data, views, or arguments concerning this recommendation are due on or before April 17, 2000.

ADDRESSES: Send comments, data, views, or arguments concerning this recommendation to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Pusateri or Andrew L. Thibadeau at the address above or telephone (202) 694–7000.

Dated: March 13, 2000.

John T. Conway,

Chairman.

Recommendation 2000–2

The Defense Nuclear Facilities Safety Board (Board) continues a strong interest in safety systems and their effectiveness at defense nuclear facilities. These systems are at the heart of safety at the facilities. Department of Energy (DOE) Standards 3009 and 3016 provide guidance for the identification of safety systems and associated Technical Specifications as important elements of maintaining safety of facilities and operations. In addition, the implementation guide to DOE Order 420.1, Facility Safety, provides guidance on design and procurement of safety systems to attain and sustain reliability in performance.

Most of the facilities of interest to the Board were constructed many years ago, and are undergoing the deterioration attached to aging. It is important that their protective features be maintained serviceable and effective. In the following, the Board recommends measures necessary to ensure reliable performance of the safety systems of both the older facilities and the ones that are relatively new, and in particular stresses the actions required to ensure viability of confinement ventilation systems. Confinement ventilation systems are relied on almost everywhere by DOE as the principal system to protect the public and collocated workers at its more hazardous facilities.

Previous Issuances by the Board on Safety Systems

In May 1995, the Board issued DNFSB/TECH–5, Fundamentals for Understanding Standards-Based Safety Management of Department of Energy Defense Nuclear Facilities, which stressed the importance, among other things, of functions that preserve those structures, systems, and components that are relied upon to protect the public, workers, and the environment (e.g., configuration management, training, and maintenance). In October 1995, the Board issued DNFSB/TECH–6, Safety Management and Conduct of Operations at the Department of Energy's Defense Nuclear Facilities. The report underscored the importance of conduct of operations as the body of practice, or operational formality, that implements the Safety Management System for a defense nuclear facility. Operational formality includes ''Supervision by highly competent personnel who are knowledgeable as to the results of the safety analysis and operating limits for the facility or activity.'' Key aspects of facility Safety Management Systems discussed in these two reports are central to the issues addressed herein.

In 1996, in response to Recommendation 95–2, Safety Management, DOE provided the Board a plan for upgrading safety management of its defense nuclear facilities. DOE Orders 5480.22, Technical Safety Requirements, and 5480.23, Nuclear Safety Analysis Reports, established requirements for identifying design features important to safety and the conditions/controls to ensure safe operation. DOE authorized its contractors to grade facilities by hazard category and to tailor the comprehensive safety assessments according to hazard potential and operational future. This upgrade effort has reaffirmed the important safety role played by confinement ventilation systems. (See enclosed Appendix B of DNFSB/TECH–26). In general, these systems have been designated as important to safety, making them subject to more stringent quality assurance, maintenance, surveillance, and configuration management programs in recognition of their safety functions. Commitments to such programs are typically made in the Authorization Agreements that capture the contractor-DOE agreed upon conditions for performing the work.

Issuances Concerning Confinement Ventilation Systems

Some of the Board's analyses concerning safety systems focused on confinement ventilation systems in particular. In March 1995, the Board issued DNFSB/TECH–3, Overview of Ventilation Systems at Selected DOE Plutonium Processing and Handling Facilities, which addressed the design of confinement ventilation systems. In its June 15, 1995, letter forwarding that report, and in subsequent correspondence in July 1995, the Board requested that DOE evaluate the design, construction, operation, and maintenance of ventilation safety systems in terms of applicable DOE and industry standards.

In a letter dated October 30, 1997, the Board pointed out the problem of wetting high efficiency particulate air (HEPA) filters during tests of fire sprinkler systems, and the need for complex-wide guidance from DOE concerning the relationship between maintaining filter integrity and fire fighting strategies. HEPA filters are key components of confinement ventilation systems. In its June 8, 1999, letter concerning HEPA filters installed in confinement ventilation systems, the Board requested a report outlining the steps DOE plans to take to resolve those issues. In recent weeks, individual Board members and the Board's staff have met informally with DOE representatives to resolve differences concerning DOE's proposed response to the Board's request.

Current Status of Ventilation Systems

As a part of its continuing oversight of these vital safety systems, the Board's staff has recently completed a review of the operational data on confinement ventilation systems as reported in DOE's Operational Reporting and Processing System (ORPS). The data reviewed covered the period July 1998 to December 1999. An analysis of these data is documented in report DNFSB/TECH–26. This review indicates that the reliability of these systems, for reasons not readily evident, may not be adequate, given the vital safety function they serve.

The operational data reveal deficiencies in areas of test and surveillance, quality assurance (replacement components), maintenance, configuration management, training and qualification, and conduct of operations. One can reasonably deduce from such observations that there exists no single entity assigned responsibility for the configuration and operational state of these systems as a whole.

The Board recognizes that many confinement ventilation systems now require less air flow and permit more particulate loading than in original designs. This allows for more extended useful life than might otherwise be tolerable, particularly with adequate preventive care. However, the operational data suggest that less than optimum care is being given to these systems, considering their age.

Status of Safety Systems in General

Many of DOE's nuclear facilities were constructed years ago and are approaching end-of-life status. Under these circumstances, some degradation of reliability and operability of systems designed to ensure safety can reasonably be expected. To some extent, the effects of aging can be offset by increased surveillance and maintenance. A point occurs, however, where costs for upkeep justify major upgrades or replacement, particularly where mission needs are projected well into the future. While a considerable number of high-hazard defense nuclear facilities have such long-term missions (greater than 10 years, for example), others undergoing phase-outs and decommissioning do not. Some facilities must continue to rely on operational safety systems, such as ventilation systems, to serve a safety function even after their operational mission has ended and well into the decommissioning process. Long-term or short-term, however, the performance required for safety must be ensured.

It has been a long-standing practice in the nuclear business to designate a ''system engineer'' for each major system vital to successful operation of hazardous processes. Some DOE contractors have done so on occasions (*e.g.,* the Defense Waste Processing Facility at the Savannah River Site), but this practice is not as prevalent as it should be. The Board believes that having specific individuals outside the operational forum, tasked with the configuration management (design and operational constraints) of systems designated as important to safety, would go a long way to ensuring the dependable service such systems must provide.

Recommendation

Considerable upgrading of programs for ensuring reliable and effective performance of confinement ventilation systems has occurred during the years 1995–1999. However, the frequency and variety of off-normal occurrences that continue to be reported clearly indicate that more attention to these vital systems is needed. Likewise, other systems serving equally vital safety functions might well benefit from similar attention. Towards such an end, the Board recommends that the Department of Energy:

1. Establish a team, expert in confinement ventilation systems, to survey the operational records during the past 3 years and the current operational condition of all confinement ventilation systems now designated or that should be designated as important to safety in defense nuclear facilities (i.e., safety class, safety significant, defense-in-depth). In so doing:

a. Assess the root cause or causes for less than satisfactory operational history of these systems and recommend an action plan to address the causes. In so doing evaluate such programs as may exist to ensure reliable system performance. These should include surveillance, maintenance (including quality assured inventory of replacement parts), configuration management (system descriptions, drawings and specifications), and requisite training and qualification of operators.

b. Estimate the remaining system lifetime with and without refurbishing as a function of reliability; (e.g., 1 year—95%, 10 years—50%) and recommend such upgrades or compensating measures as may be appropriate to ensure reliability, current or future, commensurate with the safety functions being served.

2. Include key elements of the plan for addressing the HEPA filters issues identified in the Board's June 8, 1999, letter in any plan developed in response to this recommendation.

3. Amend appropriate directives and associated contract requirements documents (e.g., DOE Order 430.1A, Life Cycle Asset Management, DOE Order 420.1, Facility Safety), to require for the confinement ventilation system and every other major system designated as important to safety:

a. The development and maintenance of documentation that captures key design features, specifications, and operational constraints to facilitate configuration management throughout the life cycle.

b. The designation of a ''system engineer'' during each facility life cycle—design, construction, operation and decommissioning with:

(1) The requisite knowledge of the system safety design basis and operating limits from the safety analysis; and

(2) The lead responsibility for the configuration management of the design.

c. The education and training of successor ''system engineers'' as may be required because of contractor organizational changes, facility life cycle change, or other causes for reassignments.

4. Task the Federal Technical Capability Panel established in response to Board Recommendation 93–3 to:

a. Survey the availability and sufficiency of personnel in DOE with expertise in these vital safety systems.

b. Recommend to DOE senior management such actions as may be appropriate to augment, redeploy or otherwise bring such expertise more effectively to bear in the life-cycle-management of vital safety systems.

c. Add to DOE's technical staff qualification program the requisites for qualifying as subject matter experts for these vital systems.

d. Develop descriptions of functions and responsibilities for inclusion in the Function and Responsibilities Authorities Manual for individuals serving as subject matter experts on vital safety systems.

5. Make the scrutiny of the status of all systems serving to protect the public, workers and the environment a regularized part of the assessments performed as required by DOE P 450.5, Line Environment, Safety and Health Oversight. Include in such review the programs, such as quality assurance, maintenance, configuration management and conduct of operations, that contribute much to ensuring these systems will operate as intended.

John T. Conway,

Chairman.

Appendix—Transmittal Letter to the Secretary of Energy, Defense Nuclear Facilities Safety Board

March 8, 2000

The Honorable Bill Richardson
Secretary of Energy
1000 Independence Avenue, SW
Washington, DC 20585–1000

Dear Secretary Richardson: Designs of the Department of Energy's (DOE's) high hazard defense nuclear facilities typically include systems whose reliable operation is vital to the protection of the public, workers and the environment. Operations are constrained by technical safety requirements and operational limits established by analyzing the hazards of the operations and the capability of design features to prevent or mitigate consequences of potential mishaps or operational disruptions caused by either man or natural phenomena. The availability and operability of such systems and the conditions specifying operational limits are included in the written agreements established by DOE with its contractors as conditions for authorizing performance of work.

Ventilation systems installed in many defense nuclear facilities are among those that provide vital safety functions. Such systems contribute much to the safe environment for workers and serve a vital confinement function should work process upsets and mishaps result in airborne releases of hazardous materials.

The Defense Nuclear Facilities Safety Board (Board) has advised DOE in various ways during the past several years of the need to increase attention to ventilation systems and of the steps we believe would lead to more certain performance of their important safety functions. Although DOE has responded to some extent, the upgrade

efforts to date have been less comprehensive and effective than the matter merits.

The Board further believes that DOE's upgrades of ventilation systems could well serve as a model for implementing similar programs for other vital safety systems that may be needed in defense nuclear facilities.

The Board believes this matter requires additional DOE attention. More explicitly, the Board recommends for your consideration an action plan structured to address the elements set forth in the enclosed Recommendation 2000–2, Configuration Management, Vital Safety Systems.

The Board's recommendation is directed explicitly at systems for ensuring nuclear safety. This is in keeping with the Board's enabling legislation. However, the concepts advocated could be applied to good advantage to systems designed for safety management of hazardous material and processes of non-nuclear nature as well. In the spirit of Integrated Safety Management (ISM) to which DOE is committed, DOE is encouraged to do so.

Recommendation 2000–2, Configuration Management, Vital Safety Systems, was unanimously approved by the Board, and is submitted to you pursuant to 42 U.S.C. § 2286a(a)(5), which requires the Board, after receipt by you, to promptly make this recommendation available to the public. The Board believes the recommendation contains no information which is classified or otherwise restricted. To the extent this recommendation does not include information restricted by the Department of Energy under the Atomic Energy Act of 1954, 42 U.S.C. §§ 2161–68, as amended, please arrange to have this recommendation promptly placed on file in your regional public reading rooms.

The Board will publish this recommendation in the **Federal Register**.

Sincerely,

John T. Conway,

Chairman.

[FR Doc. 00–6571 Filed 3–15–00; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF ENERGY

Environmental Management Advisory Board; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Advisory Board. The Federal Advisory Committee Act (Pub. Law No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 13, 2000 and Friday, April 14, 2000.

ADDRESSES: U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW, (Room 1E–245), Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: James T. Melillo, Executive Director of the Environmental Management Advisory Board, (EM–10), 1000 Independence Avenue SW, (Room 5B–161), Washington, DC 20585. The telephone number is 202–586–4400. The Internet address is *james.melillo@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To provide the Assistant Secretary for Environmental Management (EM) with advice and recommendations on issues confronting the Environmental Management Program from the perspective of affected groups, as well as state, local, and tribal governments. The Board will contribute to the effective operation of the Environmental Management Program by providing individual citizens and representatives of interested groups an opportunity to present their views on issues facing the Office of Environmental Management and by helping to secure consensus recommendations on those issues.

Tentative Agenda

Thursday, April 13, 2000

Public Meeting Opens (1:00 P.M.)
—Approve Minutes of September 22–23, 1999 Meeting
Opening Remarks
Budget Update
Worker Health & Safety Committee Report
—Integrated Safety Management Implementation*
—Environment, Safety and Health in Technology Development*
Contracting and Management Committee Report
—Shared Savings*
—Project Management*
Long-Term Stewardship Committee Report
—Institutional Controls*
—Next Steps for Stewardship
Technology Development & Transfer Committee Report
—Environmental Management Science & Technology Performance Measures*
Science Committee Report
Integration and Transportation Committee Report
Public Comment Period and Adjournment (5:15 P.M.)

Friday, April 14, 2000

Opening Remarks (8:30 A.M.)
Board Discussion
Public Comment Period
Board Business
—Votes on EMAB Findings & Resolutions
—New Business
—Set Date for Next Board Meeting (October 2000)
Public Comment Period
Meeting Adjourns (12:00 P.M.)
*The Board anticipates recommendations to be presented on this topic.

Public Participation: This meeting is open to the public. If you would like to file a written statement with the Board, you may do so either before or after the meeting. If you would like to make an oral statement regarding any of the items on the agenda, please contact Mr. Melillo at the address or telephone number listed above, or call the Environmental Management Advisory Board office at 202–586–4400, and we will reserve time for you on the agenda. You may also register to speak at the meeting on April 13–14, 2000, or ask to speak during the public comment period. Those who call in and or register in advance will be given the opportunity to speak first. Others will be accommodated as time permits. The Board Chairs will conduct the meeting in an orderly manner.

Transcript and Minutes: We will make the minutes of the meeting available for public review and copying by approximately May 13, 2000. The minutes and transcript of the meeting will be available for viewing on the Internet at *http://www.em.doe.gov/emab/products.html* and at the Freedom of Information Public Reading Room (1E–190) in the Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585. The Room is open Monday through Friday from 9:00 a.m.–4:00 p.m. except on Federal holidays.

Issued in Washington, D.C. on March 10, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–6503 Filed 3–15–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meeting

AGENCY: Department of Energy.

ACTION: Notice of Meeting.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on March 23, 2000, at the headquarters of the IEA in Paris, France in connection with a meeting of the IEA's Standing Group on Emergency Questions (SEQ).

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202–586–6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation

Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meeting is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the headquarters of the IEA, 9, rue de la Federation, Paris, France, on March 23, 2000, beginning at approximately 8:45 a.m. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the IEA on March 23, including a preparatory encounter among company representatives from approximately 8:45 a..m. to 9 am.

The Agenda for the preparatory encounter among company representatives is to elicit views regarding items on the SEQ's Agenda. The Agenda for the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following Agenda:

1. Adoption of the Agenda
2. Approval of the Summary Record of the 97th Meeting
3. SEQ Work Program
   —The Year 2000 Work Program of the SEQ
   —The Year 2001 Work Program of the SEQ
4. Special Session on Tanker Market Developments and Oil Security Issues
5. Policy and Legislative Developments in Member Countries
   —Recent Developments in the EPCA
   —Developments in other IEA Countries
6. Follow-up to the Seminar on Oil Stock Strategy and the Disruption Simulation Exercise
7. Emergency Response Reviews
   —Review of Poland
   —Publication: The Emergency Response Potential of IEA Countries in 2000
   —Draft Report to the Governing Board on the Completed Emergency Response Review Cycle
   —Schedule of Reviews
8. Report on IEA'S Y2K Response Activities
9. Current IAB Activities
10. Report to the SEQ by the Working Group on Petroleum Coke
11. Emergency Reserve Issues
   —Emergency Reserve and Net Import Situation of IEA Countries on October 1, 1999
   —Emergency Reserve and Net Import Situation of IEA Countries on January 1, 2000
   —Draft Report to the Governing Board
   —Emergency Reserve Situation of IEA Candidate Countries
   —Unavailable Stocks
12. Emergency Data System and Related Questions
   —Monthly Oil Statistics October 1999
   —Monthly Oil Statistics November 1999
   —Monthly Oil Statistics December 1999
   —Base Period Final Consumption Q498/Q399
   —Base Period Final Consumption Q199/Q499
   —Quarterly Oil Forecast—Current Quarter Q12000
13. Emergency Reference Guide
   —Update of Emergency Contact Points List
14. Other Business
   —IEA/ASCOPE Seminar on Oil Security Issues
   —Dates of September and November Meetings
   —Website version of Emergency Response Guide

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), this meeting is open only to representatives of members of the IAB and their counsel, representatives of members of the SEQ, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission, and invitees of the IAB, the SEQ, or the IEA.

Issued in Washington, D.C., March 10, 2000.

Mary Anne Sullivan,

General Counsel.

[FR Doc. 00–6636 Filed 3–15–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 00–10–NG]

Office of Fossil Energy; RDO Foods Co.; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it issued an Order granting RDO Foods Co. (RDO) authorization to import up to 1,423 Mcf of natural gas per day from Canada and gas required for pipeline transportation from April 1, 2000, through October 31, 2008. RDO is the owner and operator of a food processing plant in North Dakota. The natural gas will be imported near Noyes, Minnesota, under a supply arrangement between RDO and ProGas Limited.

The Order may be found on the FE web site at http://www.fe.doe.gov, or on our electronic bulletin board at (202) 586–7853. It is also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities Docket Room, 3E–033, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585–0334, (202) 586–9478. The Docket Room is open between the hours of 8:00 am and 4:30 pm, Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 9, 2000.

John W. Glynn,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.

[FR Doc. 00–6506 Filed 3–15–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Regarding Bonneville Power Administration's Subscription Power Sales to Customers and Customer's Sales of Firm Resources

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of final policy.

SUMMARY: BPA is publishing a final policy regarding the amount of Federal power a customer may purchase under a BPA subscription power sales contract under sections 5(b) and 9(c) of the Northwest Electric Power Planning and Conservation Act, (the Northwest Power Act), P.L. 96–501, and section 3(d) of the Act of August 31, 1964, (the Northwest Preference Act), P.L. 88–552. This final policy modifies BPA's 1994 Non-Federal Participation Capacity Ownership Contracts and Section 9(c) Policy. *See* Section IV.B, Modifications to 1994 Non-Federal Participation Capacity Ownership Contracts and Section 9(c) Policy.

EFFECTIVE DATE: This policy is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Hansen, Public Involvement and Information Specialist, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208–3621, telephone (503) 230–4328 or 1–800–622–4519.

Information can also be obtained from your BPA Account Executive or from:

- Mr. Allen Burns, Vice President, Requirements Marketing, 905 N.E. 11th, P.O. Box 3621, Portland, OR 97208, telephone (503) 230–7640
- Mr. Rick Itami, Manager, Eastern Power Business Area, 707 W. Main Street, Suite 500, Spokane, WA 99201, telephone (509) 358–7410
- Mr. John Elizalde, Manager, Western Power Business Area, 905 N.E. 11th, P.O. Box 3621, Portland, OR 97232, telephone (503) 230–5371
- Mr. Steve Oliver, Vice President, Bulk Marketing and Transmission Services,

905 N.E. 11th, P.O. Box 3621, Portland, OR 97208, telephone (503) 230–3295

SUPPLEMENTARY INFORMATION: On December 21, 1998, BPA published its Power Subscription Strategy and accompanying Record of Decision for selling Federal power under new contracts with its publicly and cooperatively owned utility, investor-owned utility and direct service industrial customers. The Power Subscription Strategy stated overall policies for determining the amount of Federal power to be offered to Pacific Northwest public utility and investor-owned utility customers under section 5(b)(1) of the Northwest Power Act.

On May 6, 1999, BPA published a **Federal Register** Notice (64 FR 24376) with a draft proposed policy for determining the net requirements of publicly and cooperatively owned utility and investor-owned utility customers. BPA sought public comment on its proposed polices for determining utility customer net requirements under section 5(b)(1) of the Northwest Power Act. Adoption of a final policy is important to a successful implementation of BPA's post-2001 power sales contracts under BPA's Power Subscription Strategy.

On October 28, 1999, BPA published a **Federal Register** Notice (64 FR 58099) with a revised draft policy proposal based upon comments received on the earlier proposal and requested additional comment on this revised draft policy. After having reviewed and considered the additional comment, the Administrator has decided to adopt this final policy. Review and analysis of public comment will be published in the Administrator's Record of Decision (ROD) that is related to this final policy. This ROD is expected to be available in March.

This final policy provides guidance on implementation of the Power Subscription Strategy under applicable statutes and describes how certain factual determinations will be made regarding the amount of Federal power publicly and cooperatively owned utilities, or investor-owned utilities may purchase from BPA under section 5(b)(1) of the Northwest Power Act. BPA's determination of this amount, as described in this policy, is affected by a customer's export of hydroelectric resources and non-hydroelectric resources out of the Pacific Northwest in accordance with section 9(c) of the Northwest Power and section 3(d) of the Northwest Preference Act. BPA will review a customer's export of power or output from resources under BPA's Section 9(c) Policy as set forth in Section IV.B.

Environmental Compliance: This final policy is consistent with BPA's Business Plan Final Environmental Impact Statement (DOE/EIS–0183, June 1995), the Business Plan Record of Decision (ROD), signed August 15, 1995, and the subsequent tiered Power Subscription Strategy ROD, signed December 21, 1998.

I. Relevant Statutory Provisions

The Northwest Power Act provisions are:

5(b)(1) Whenever requested, the Administrator shall offer to sell to each requesting public body and cooperative entitled to preference and priority under the Bonneville Project Act of 1937 [16 U.S.C. 832 *et seq.*] and to each requesting investor-owned utility electric power to meet the firm power load of such public body, cooperative or investor-owned utility in the region to the extent that such firm power load exceeds—

(A). The capability of such entity's firm peaking and energy resources used in the year prior to December 5, 1980, to serve its firm load in the region, and

(B) Such other resources as such entity determines, pursuant to contracts under this chapter, will be used to serve its firm load in the region.

5(b)(1) In determining the resources which are used to serve a firm load, for purposes of subparagraphs (A) and (B), any resources used to serve a firm load under such subparagraphs shall be treated as continuing to be so used, unless such use is discontinued with the consent of the Administrator, or unless such use is discontinued because of obsolescence, retirement, loss of resource, or loss of contract rights. 16 U.S.C. 839c(b)(1)

9(c) Any contract of the Administrator for the sale or exchange of electric power for use outside the Pacific Northwest shall be subject to limitations and conditions corresponding to those provided in sections 2 and 3 of the Act of August 23, 1964 (16 U.S.C 837a and 837b) for any contract for the sale, delivery, or exchange of hydroelectric energy or peaking capacity generated within the Pacific Northwest for use outside the Pacific Northwest. In applying such sections for the purposes of this subsection, the term ''surplus energy'' shall mean electric energy for which there is no market in the Pacific Northwest at any rate established for the disposition of such energy, and the term ''surplus peaking capacity'' shall mean electric peaking capacity for which there is no demand in the Pacific Northwest at the rate established for the disposition of such capacity. The authority granted, and duties imposed upon, the Secretary by sections 5 and 7 of such Act (16 U.S.C. 837d and 837f) [16 U.S.C. 837d and 837f] shall also apply to the Administrator in connection with resources acquired by the Administrator pursuant to this chapter. *The Administrator shall, in making any determination, under any contract executed pursuant to section 839c of this title, of the electric power requirements of any Pacific Northwest customer, which is a non-Federal entity having its own generation, exclude, in addition to hydroelectric generated energy excluded from such requirements pursuant to section 3(d) of such Act (16 U.S.C. 837b(d)), any amount of energy included in the resources of such customer for service to firm loads in the region if (1) such amount was disposed of by such customer outside the region, and (2) as a result of such disposition, the firm energy requirements of such customer other customers of the Administrator are increased. Such amount of energy shall not be excluded, if the Administrator determines that through reasonable measures such amount of energy could not be conserved or otherwise retained for service to regional loads. The Administrator may sell as replacement for any amount of energy so excluded only energy that would otherwise be surplus.* 16 U.S.C. 839f(c) (emphasis supplied).

The Northwest Preference Act provision is:

3(d) The Secretary, in making any determination of the energy requirements of any Pacific Northwest customer which is a non-Federal utility having hydroelectric generating facilities, shall exclude any amounts of hydroelectric energy generated in the Pacific Northwest and disposed of outside the Pacific Northwest by the utility which, through reasonable measures, could have been conserved or otherwise kept available for the utility's own needs in the Pacific Northwest. The Secretary may sell the utility as a replacement therefor only what would otherwise be surplus energy. 16 U.S.C. 837b(d).

II. Scope of the Policy

The Policy on Determining Net Requirements as described in section III addresses the amount of Federal power that BPA is obligated to offer to customers requesting contracts to serve firm power loads under section 5(b)(1) of the Northwest Power Act. Purchasers eligible to request a contract under section 5(b)(1) include public body, cooperative, or investor-owned utilities in the region.[1] BPA has a corresponding statutory duty when determining the net requirements of a requesting purchaser to apply the provisions of section 9(c) of the Northwest Power Act and section 3(d) of the Regional Preference Act. BPA's modification to its 1994 Non-Federal Participation Section 9(c) Policy (1994 NFP Policy) is contained in section IV. Such provisions direct the Administrator to determine whether an export or proposed export of a

[1] The policy also addresses any sales of Federal power BPA makes under section 5(b) in settlement of a customer's right to service under the residential exchange program created under section 5(c) of the Northwest Power Act. While recognizing that this is a settlement, it does not affect the application of, or change, the policy regarding the net requirements of any customer.

requesting purchaser's non-hydroelectric or hydroelectric resource(s) would result in an increase in the firm energy requirements of any of BPA's customers. Findings by BPA that the export of such resources are likely to increase BPA's firm obligations, and that the resource could have been conserved, or otherwise retained to serve regional loads, will result in a reduction (decrement) [2] of the amount of Federal power and energy available for purchase under section 5(b)(1) equal to the amount of power and energy, and for the duration, of the export. Determinations under the policy will be made by BPA based on demonstrations made by the customer and other available information.

III. Policy on Determining Net Requirements

A. Determination of the Amount of Federal Power for Sale Under Section 5(b)(1)

1. BPA will determine the amount of Federal power for sale under section 5(b)(1) in the manner described below. In making this determination BPA will reduce the amount of Federal power a customer may purchase in accordance with section 9(c) of the Northwest Power Act and section 3(d) of the Northwest Preference Act.

(a) BPA will offer an amount of Federal power for sale to a customer under section 5(b)(1) based upon such customer's actual retail firm power loads in the region. To establish the customer's actual retail firm power loads in the region, BPA shall use either the actual measured load of the customer, or the customer's own actual load forecast. However, if BPA finds the customer's forecast unreasonable, or the customer has not produced such a forecast, BPA will substitute its own forecast. (Any actual or forecast loads of the customer shall exclude any wholesale loads served by the customer. Wholesale loads means power sales made by the customer using its own resources to serve its own wholesale customers who are purchasing to resell the power at wholesale or retail.)

(b) For purposes of determining the amount of Federal power BPA will offer to existing customers in the post-2001 period, BPA will require an existing customer to continue to use all generating and contractual resources included in the Firm Resource Exhibit (FRE) of such customer's current 1981 or 1996 power sales contracts for the 1998–1999 operating year.[3] BPA will not, however, require customers to continue the use of resources identified in their 1998–99 FREs under any one of the following conditions: (1) The customer's contractual resource(s) expires prior to October 1, 2001; (2) the customer's generating resource(s) is determined by BPA to be lost due to obsolescence, retirement, or loss of resource in accordance with section III.B.1 (loss of generating resources); or (3) the customer's contractual resource(s) is determined to be lost in accordance with section III.B.2 (loss of contractual resources). In addition, customers who were given express written consent by the Administrator to permanently remove a resource from use in serving regional firm power loads are not required to return such resources to use.

(c) BPA will require that all Federal surplus firm power contracts or excess Federal power contracts with terms which specify that such power be used to serve the customer's retail firm power load in the region be so applied.

(d) Under a section 5(b)(1) contract customers may elect to dedicate other generating resources or contractual resources, in addition to generating resources or contractual resources customers must use to serve load under section III.A.1.(b), to serve their consumer load. Customers can also agree to contractually commit power purchases from the market (market purchases) to serve any remaining amounts of their retail firm power load in the region which is not served by (1) generating resources or contractual resources that a customer must use to serve load under section III.A.1.(b); and (2) additional generating resources or contractual resources that a customer elects to use under this section. Application of additional generating resources, contractual resources, or market purchases by a customer under a section 5(b)(1) contract shall be as follows:

(i) All additional generating resources or contractual resources shall be used for their remaining useful life except for (1) the customer's generating or contractual resources added pursuant to section III.C (renewable resources), (2) the customer's generating resources determined by BPA to be lost during the term of the contract due to obsolescence, retirement, or loss of resource in accordance with section III.B.1 (loss of generating resources), (3) the customer's contractual resources determined by BPA to be lost during the term of the contract in accordance with section III.B.2 (loss of contractual resources), or (4) the customer's generating or contractual resources where BPA has provided express written consent to permanently remove the resource. The remaining useful life of new contractual resources shall not be less than the term of the customer's section 5(b)(1) contract.

(ii) Market purchases used to serve retail firm power load in the region shall be used for the entire 5 year rate period for which BPA establishes rates of general application, except as provided in section III.D.2.

(iii) Consistent with the customer's section 5(b)(1) contract and the customer's product selection, a customer who elects to use market purchases to serve load that does not match the customer's existing resources and delivery of Federal power from time to time shall make such market purchases to serve that portion of load that does not match such customer's existing resources and delivery of Federal power under all such circumstances.

(e) BPA will apply the Declaration Parameters included in the Power Products Catalog to establish the amount of power available from the customer's generating and contractual resources under the Subscription contract. Because the Declaration Parameters are subject to revision, BPA will use the Declaration Parameters in effect at the time of BPA's contract offer to determine the amount of Federal power offered. The customer may declare a reduction in the amount of power that would otherwise be available from its own generating and contractual resources by the amount of power the customer uses from such resources to serve its wholesale loads, defined above, which were served prior to December 5, 1980, and which continue to be served by such resources.

2. In addition to subsections III.A.1.(a) through (e), BPA shall reduce the amount of Federal power offered to a customer under section 5(b)(1) when such reductions are consistent with the application of BPA's Section 9(c) Policy as modified, and resultant findings made under section 9(c) of the Northwest Power Act and section 3(d) of the Northwest Preference Act.

[2] The 1994 Section 9(c) Policy BPA published uses the term ''decrement'' to mean a decrease or reduction in BPA's obligations to sell power to a customer under its section 5 power sales contract with BPA. When used in this Policy and modification of that Policy the terms ''decrement,'' ''reduce'' or ''reduction'' have the same meaning.

[3] BPA's requirement that the customer continue using the customer's resources listed in its FRE for the 1998–1999 operating year is based upon a decision made in BPA's Power Subscription Strategy. The decision was to establish a baseline for determining the customer's resources expected to continue serving regional firm power loads in the post-2000 period.

B. Statutory Discontinuance for a Customer's Generating and Contractual Resource

1. A customer's non-Federal generating resource is considered no longer used to serve regional retail firm power load under a section 5(b)(1) contract if the resource's use is permanently discontinued due to obsolescence, retirement, or loss.

(a) Obsolescence is a permanent discontinuance of a generating resource resulting from the inability to continue to operate such resource at the end of its useful life due to lack of available replacement parts, deterioration of the physical facility, or lack of sources of fuel supply.

(b) Retirement is a permanent discontinuance of a generating resource for which the customer can demonstrate that the cost of replacements, improvements, or additions necessary to continue to operate the resource, combined with the resource's variable operating costs, exceed the reasonable economic return over the remaining life of the resource. The customer will demonstrate the reasonable economic return of the resource by comparing the costs to the customer of replacing the resource with market purchases plus the cost to permanently shut down the resource to the cost of continuing to operate the resource.

(c) Loss of a resource is a permanent discontinuance caused by factors beyond the reasonable control of the customer and which the best efforts of the customer are unable to remedy. Such factors include, but are not limited to, complete destruction of the resource, complete loss of the Federal or State license to own or operate the resource, or complete and/or partial reduction of the capability of a resource to the extent of the loss resulting from requested operations or orders of a cognizant State or Federal agency directly or indirectly affecting the operation of the resource and changing its planned capability.

2. A customer's contractual resource is considered no longer used to serve regional firm power load if the customer experiences a permanent loss of contract rights. Loss of contract rights must result from expiration of the term of the contract, after any extensions of the contract unilaterally available to the customer, or from factors beyond the reasonable control of the customer and which the best effort of the customer are unable to remedy. The Administrator may grant consent to a customer's permanent discontinuance of a contract resource upon expiration of such contract notwithstanding a customer's right to renew or extend such contract if the customer demonstrates that substantial and material changes in the terms of a successor contract, such as price, will deny the basic benefit of the bargain to the customer which effectively results in the loss of existing contract rights.

C. Use of New Renewable Resources To Serve Retail Firm Power Loads

1. A customer may elect to use a new renewable resource to serve its regional retail firm power load for a specified period which is less than the term of its section 5(b)(1) contract; provided, however, that such new renewable resource is part of the first 200 aMW of all new renewable resources requested by all BPA customers under this section to serve regional retail firm power load each year or, once that 200 aMW limit has been reached, a new renewable resource that BPA has agreed in writing can be so used without regard to the 200 aMW limit. A customer may choose to elect to use a new renewable resource at the time of contract execution and during an annual review of such customer's net load requirements under its section 5(b)(1) contract.

2. Only new renewable resources that meet the standards established to qualify for BPA's conservation and renewable resource discount may be used under this section.

3. Application of a new renewable resource under section III.C.1 shall reduce the customer's net requirements load.

D. Changes in the Amount of Federal Power Purchased During the Term of a Contract

1. Under a section 5(b)(1) contract BPA will require a customer to submit annual reports that track and forecast the customer's retail firm power loads in the region, except for customers who purchase the full service product and for whom BPA meters their total retail load. The purpose for the annual report is to provide information that shows any increase or reduction in the amount of the customer's retail firm power loads in the region from the amount served when the contract was executed. Based on such load information, or BPA's forecast of the customer's load if BPA finds the customer's load forecast is unreasonable, BPA shall make an annual determination of the net firm requirement load of the customer under a section 5(b)(1) contract as follows.[4] First, BPA will account for:

(a) The generating and contractual resources a customer is required to use to serve firm power load in the region under section III.A.1.(b) (1998–99 FRE firm resources);

(b) Additional resources a customer has elected to use under section III.A.1.(d) (additional generating and contractual dedicated resources); and

(c) Power purchases from the market that a customer has contractually committed to purchase in their 5(b)(1) contract, consistent with section III.A.1.(d) (market purchases).

Second, BPA will make adjustments for:

(d) Changes in a customer's new renewable resources used to serve retail firm power load in the region, as provided for in section III.C.1 (renewable resources);

(e) Changes in the customer resources serving its load pursuant to III.A.1.(b) and III.A.1.(d) based on BPA's determination of a statutory discontinuance under section III.B.

(f) Any reductions in the amount of power a customer may purchase under a section 5(b)(1) contract due to the annual export review under section III.D.3; and,

(g) Changes in the customer's hydroelectric resource capability declarations due to changes in coordinated planning allowed under section III.A.1(e).

2. If BPA's annual determination of a customer's net firm requirement load results in a finding that the amount of Federal power a customer can purchase is less than the contracted amount of power to be purchased for the next contract year, then the customer shall first remove from use for its regional firm load, for a period of one year, any market purchases the customer has agreed to use under its BPA contract. Such removal shall be in an amount and shape equal to the difference between the amount of Federal power a customer can purchase for the next year and the amount and shape of Federal power a customer has contracted to purchase for the next contract year.

If the amount of Federal power a customer can purchase after the removal of the market purchases is still less than the amount of power the customer has contracted to purchase for the next contract year, then BPA will implement the mitigation measure for load loss specified in the customer's section 5(b)(1) contract and reduce the amount of Federal power a customer is obligated to purchase. Alternatively, BPA will

[4] Such reports may be in addition to other load or resource information the customer is required to provide BPA on its loads or resources for contract administration and planning purposes. Such determinations may be in addition to other determinations of net firm power requirements loads made more frequently under the terms of the customer's contract.

consent to the customer's removal of a generating resource or contractual resource from use for its regional firm load, for a period of one year. The portion of a customer's generating resource or contractual resource removed shall be equal to the difference between the amount and shape of Federal power a customer can purchase and the amount and shape of Federal power the customer has contracted to purchase for the next contract year. Any customer resources, other than market purchases, which are removed from use in serving the customer's regional firm load service under this section, are subject to BPA's determinations made under sections 9(c) of the Northwest Power Act and 3(d) of the Northwest Preference Act. If the customer's use of that resource results in a reduction or decrease in BPA's obligation to provide power under section III.D.3, then BPA will recalculate the amount of power a customer may purchase for the upcoming year as provided under this section (III.D.2).

3. On an annual basis as provided under a section 5(b)(1) contract BPA will review the export of power from a customer's regional non-Federal generating and contractual resources and, if required, will reduce the amount of Federal power a customer may purchase in accordance with section IV of this policy. BPA shall reduce the amount of power a customer may purchase for the longer of the remainder of the year or the duration of the export during the period between annual reviews based on a determination by BPA in accordance with section IV.

4. BPA shall make available additional amounts of power to a customer under a section 5(b)(1) contract to serve the customer's regional loads which were formerly available by a customer's generating resources or contractual resources but are no longer required to be used to serve the customer's retail firm power loads in the region, in accordance with section III.B (statutory discontinuance). Such service shall be on 6 months notice that such an event has occurred or as mutually agreed.

IV. Scope of the Section 9(c) Policy

A. Modification to BPA's Non-Federal Participation Section 9(c) Policy

BPA's modification to its 1994 Non-Federal Participation Section 9(c) Policy (1994 NFP Policy) is set forth in section B. BPA's 1994 NFP, as modified, is retitled: BPA's Section 9(c) Policy.

BPA reaffirms the application of its 1994 section 9(c) policy and legal interpretation published in July of 1994. The context for some of the determinations made in the 1994 NFP policy was, in part, prior exports and new exports of firm power from customer resources out of the region by participation in the new, Third AC Intertie. The interpretation has been of general application since 1994 to customer exports. BPA is now modifying the policy to address certain issues which were not previously addressed. Prior determinations made under the 1994 NFP Policy remain in effect for the duration of the export sale.

In the 1994 NFP Policy, BPA did not address the export of firm power from Investor-Owned Utility (IOU) resources because the IOUs were not placing any firm power loads on BPA under their section 5(b)(1) power sales contracts with BPA. *See* footnote 3, page B–10, BPA's 1994 NFP Policy. Since the IOUs were not taking any power service from BPA, reductions pursuant to a section 9(c) determination in their service under those section 5(b)(1) contracts would not have affected their BPA service. Presently, BPA is preparing new section 5(b)(1) power sales contracts for the post-2001 period to be offered to customers eligible to purchase Federal power. BPA anticipates that IOUs will take firm power service from BPA under new 5(b)(1) contracts. BPA will require that the export of firm power from resources of IOUs be accounted for, in setting BPA's net firm load obligations under those contracts. Additionally, the 1994 NFP Policy is modified to update the technical provisions as discussed in section B.

B. Section 9(c) Policy

Section 1. Northwest Power Act Section 9(c) Determinations

As required by the Northwest Power Act, BPA shall make its Section 9(c) determinations for the exports of its customers. Export for purposes of this policy means the sale of the firm power output of a generating or contractual resource in a manner that such output is not planned to be used solely to serve firm consumer load in the Region as the term ''Region'' is defined in section 3(14) of the Northwest Power Act.

Section 2. Finding Required

In examining the export of Pacific Northwest resources, BPA shall make its finding based on the following requirements of Section 9(c):

(a) BPA shall analyze whether the customer's exports would result in an increase in the electric power requirements of any of its customers in the region. BPA shall do this by examining its load/resource forecasting and planning documents to determine the impact the exports will have on BPA's and its customers' ability to meet Pacific Northwest load presently and in the future. BPA shall also analyze the information available from other sources including least-cost plans and load/resource information of Pacific Northwest utilities which do not currently place any load on BPA.

(b) BPA shall review the specific resources being exported on an annual basis unless the customer requests review for a longer period to determine if the resources being exported are hydroelectric resources and if not, whether they are conservable. BPA shall review categories of resources eligible for export for a period selected by BPA. If the resources are not hydroelectric resources and BPA determines the resource is not conservable (see section 6.(b) for a description of those resources BPA has determined are conservable), BPA shall determine if such exports will result in an increase in the firm energy requirements of its customers and if so, determine whether the resource could be otherwise retained for service to regional loads by using reasonable means. If BPA finds in its analysis that the fully allocated nominal cost of the resource a customer is proposing to export exceeds the fully allocated nominal cost of the region's marginal resource, BPA will conclude that such resource can be exported without having to decrement the customer's section 5(b) utility power sales contract.

Section 3. Scope of Section 9(c) Policy

This Section 9(c) Policy addresses a customer's exports of power from Pacific Northwest resources out of the region. BPA shall make its Section 9(c) determinations based on a factual determination using information about the specific resource the customer intends to export.

Section 4. Data on Specific Resources

BPA shall base its Section 9(c) determination on specific information BPA has obtained from the customer on the resources it intends to export. The customer shall provide this information when it notifies BPA that it intends to export a resource or when BPA requests information regarding a possible export. This includes, but is not limited to, the following information:

(a) Name of the resource to be exported;

(b) Location of the resource;

(c) Type of resource;

(d) Whether the resource is currently in any Pacific Northwest utility's firm resource exhibit;

(e) Whether the resource is planned or existing;

(f) Type of transaction or sale, and if it is a seasonal exchange, the terms of the exchange, and

(g) The cost of the resource (including reasonable rate of return) included in the customer's retail rates and a forecast of such costs for each year of the proposed export.

BPA will also consider any prior history of the resource including prior efforts to market it to BPA or other Pacific Northwest utilities.

Section 5. Prior Case-by-Case Section 9(c) Interpretations

BPA will not modify its existing determinations on Pacific Northwest utility exports including its 1994 NFP Policy determinations and will apply its prior case-by-case interpretations of Section 9(c), and Section 3(d) of the Regional Preference Act to such decisions without modification. Therefore, BPA incorporates by reference in this Policy these prior interpretations of Sections 9(c) and 3(d) and the determinations made thereunder for the duration of the export sale.

Section 6. Categories of Resources

(a) *Exports That Will Not be Decremented by BPA:* Under this Section 9(c) Policy determination, BPA will determine based on the finding in section 2 of this policy whether the export of certain resources will not result in an increase in the electric power requirements of any of its customers. If the export of a resource does not increase the firm energy requirements of BPA's customers or could not otherwise be retained for service to regional loads, the resource may be exported without a reduction in BPA's firm load obligation under the customer's Section 5(b) utility power sales contract.

(b) *Exports That Will be Decremented by BPA:* BPA has determined based on its prior policy interpretations of Northwest Power Act Section 9(c) that the following categories of resources are conservable and if they are exported BPA shall decrement the customer's Section 5(b) power sales contract:

(1) All Pacific Northwest hydroelectric resources owned or purchased by a Pacific Northwest utility, whether or not dedicated in any Pacific Northwest utility's firm resource exhibit; and

(2) All Section 5(b)(1)(A) and 5(b)(1)(B) thermal resources that are currently dedicated by a utility in any customer's firm resource exhibit.

Section 7. System Sales

BPA shall utilize a case-by-case approach to system sales. BPA shall require the exporting utility to submit an operating plan for the duration of the export, identifying these specific resources or categories of resources supporting the system sale. If the export is a system sale made up solely of a customer's resources that individually would not result in a decrement if each resource were exported standing alone, then BPA would not decrement a customer's firm power purchase under section 5(b) for such a system sale. BPA shall decrement the customer's section 5(b) utility power sales contract in the amount and to the extent the system sale involves the export of the planned capability of hydroelectric resources to support a power sale (whether or not in a firm resource exhibit); the planned capability of a non-hydroelectric resource that is in a firm resource exhibit, or if not, that could otherwise be retained to serve regional load; or any portion of the sale that is a prohibited resale of Federal power.

Any customer that was previously a Contracted Requirements customer of BPA, and which is currently purchasing power and energy from BPA under its power sales contract, shall have BPA's firm power obligation under its section 5(b)(1) contract reduced in the amount and to the extent a system sale involves the resources described above for the duration of the export sale. If the customer was not placing load on BPA under its section 5(b) utility power sales contract at the time of the export sale, then at such time as the customer requests to place a firm load obligation on BPA, BPA shall make an appropriate determination and may reduce its energy sales to such customer in the amount and to the extent the export sale involves the resources described above and for any remaining duration of the export sale.

If the exporting utility does not provide an operating plan identifying the resources supporting the system sale, BPA will treat the system sale as made up of resources that would result in a decrement of the customer's section 5(b) utility power sales contract.

Section 8. Seasonal Exchange

Any seasonal exchange between a customer and an out of region entity which results in no net regional energy deficit during any Operating Year shall not result in a decrement by BPA of the customer's Section 5(b) utility power sales contract.

Section 9. Resource Offer

A customer may offer a resource to BPA or to all other Pacific Northwest customers. If neither BPA, nor any Pacific Northwest customer, purchases the offered resource (offered at the customer's cost including a reasonable rate of return), the resource may then be exported without a decrement of the customer's Northwest Power Act section 5(b) power sales contract. If offered for sale to BPA, the resource shall be treated as an unsolicited proposal. If BPA proposes to acquire the resource, and if it is greater than 50 aMW or offered for longer than 5 years, it will be subject to the Northwest Power Act Section 6(c) process, which can take more than 12 months.

Section 10. Consumer-Owned and Independent Power Producer-Owned Resources

If a customer contracts to purchase and then export any consumer-owned resource or any resource developed by an independent power producer, such resource shall be subject to this Policy as a generating or contract resource of the purchasing customer as appropriate.

Section 11. BPA Notification

BPA shall notify in writing any customer which has exported a resource or proposes to export a resource of the outcome of BPA's Section 9(c) determination. The BPA notification shall be made within 30 working days from the date BPA receives the information specified in Section 4 about a specific resource.

C. Scope of the Section 9(c) Policy

BPA's Section 9(c) Policy addresses the effect of exports of resources by any public body, cooperative, or investor-owned utility purchasing power under a section 5(b) contract for service after October 1, 2001. The findings and interpretations of this Section 9(c) Policy shall be applied to all exports occurring after publication of this Section 9(c) Policy. Customers that have exported resources prior to publication of the Section 9(c) Policy may face a reduction in the amount of Federal power that BPA will offer at the time they request a contract under section 5(b)(1) for service after September 30, 2001. A reduction in BPA's obligation to provide firm power requirements to a customer under its section 5(b)(1) contract will be based on a case-by-case factual determination regarding the export of a resource by a BPA customer, and may be based on the regional load resource balance at the time of the export and other factors. BPA shall address the effect of exports of resources

by a customer purchasing power under a contract pursuant to section 5(c), section 5(d)(1), or section 5(f) of the Northwest Power Act on a case-by-case basis.

D. Subscription 9(c) Study

BPA will perform a Subscription 9(c) Study. The study will provide part of the factual basis for determining whether an export of a resource during the period from October 1, 2001, through September 30, 2006, is likely to result in an increase in the firm energy requirements of BPA customers, and if so, whether the resource could be otherwise retained to serve regional loads.

Responsible Official: Mr. Sydney Berwager, Subscription Policy Manager, is the official responsible for the development of the final policy for addressing issues under section 5(b) of the Northwest Power Act regarding the amount of Federal power a customer may purchase under BPA subscription power sales contracts, and the Section 9(c) Policy which modifies the 1994 NFP Section 9(c) Policy.

Issued in Portland, Oregon, on February 22, 2000.

Judith A. Johansen,

Administrator and Chief Executive Officer.

[FR Doc. 00–6505 Filed 3–15–00; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC00–505–001, FERC–505]

Information Collection Submitted for Review and Request for Comments

March 10, 2000.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission did not receive any comments in response to an earlier **Federal Register** notice of November 16, 1999 (64 FR 62183).

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before April 17, 2000.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, N.W. Washington, D.C. 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at michael.miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC–505 ''Application for License/Relicense for Water Projects 5MW or Less Capacity.''

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0115. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. This is a mandatory information collection requirement.

4. *Necessity of Collection of Information:* Submission of the information is necessary to fulfill the requirements of Sections 9 and 10(a) of the Federal Power Act (FPA) in order for the Commission to make a required finding that the proposal for a hydropower project is economically feasible, technically, and environmentally sound, and is best adapted to the comprehensive plan of development of the water resources of the region. Under Section 405(c) of the public Utilities Regulatory policies Act of 1978, the Commission may in its discretion (by rule or order) grant an exemption in whole or in part from the requirements of Part 1 of the FPA to small hydropower projects having a proposed installed capacity of 5,000 kilowatts or less. The information collected in the form of a written application for a license and used by commission staff to determine the broad impact of a hydropower license application.

Respondent Description: The respondent universe currently comprises on average, 12 applicants subject to the Commission's jurisdiction.

6. *Estimated Burden:* 4,512 total burden hours, 12 respondents, 1 response annually, 376 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 4,512 hours ÷ 2,080 hours per year × $111,545 per year = $241,966, average cost per respondent = $20,168.

Statutory Authority: Sections 4(e), 9, 10, 14 and 15 of the Federal Power Act (FPA), 16 U.S.C. 791A *et seq.*

David P. Boergers,

Secretary.

[FR Doc. 00–6448 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–612–000]

Ameren Operating Companies; Notice of Informal Settlement Conference

March 10, 2000.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 9:00 a.m. on Friday, March 24, 2000, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Thomas J. Burgess at (202) 208–2058, or Dawn K. Martin at (202) 208–0661.

David P. Boergers,

Secretary.

[FR Doc. 00–6454 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–1787–000]

Cabrillo Power II LLC; Notice of Filing

March 8, 2000.

Take notice that on March 1, 2000, Cabrillo Power II LLC filed a quarterly report for the quarter ending December 31, 1999.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 28, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–6458 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–213–000]

Colorado Interstate Gas Company, Colorado Springs Utilities, Public Service Company of Colorado, and Cheyenne Light, Fuel and Power Company v. Amoco Production Company, Antares Oil Corporation/ Oxford Consolidated, Inc., Atlantic Richfield Company, Banks Oil Company, Beymer and Beymer, Inc., Calvin Exploration, Inc., Colony Energy Corporation, Edwin L. & Berry R. Cox, Ensource Inc., W.L. Hartman, W.L. Hartman Trust, Inter-American Energy Corp., K&E Drilling Company, Inc., Kimbark Oil & Gas Co., Jay Kornfeld, La Jolla Properties, Inc., R.W. Lange, Mapco Oil & Gas Company, Northern Pump Company, Osborn Heirs Company, Resource Tax Group, Shannon Energy Corporation, Sunburst Exploration Company, Thompson Cattle Co., Albert A. Thornbrough, Union Pacific Resources Company (formerly Champlin Petroleum Company), Walter Kuhn Drilling Company, White & Johnson, L.L.P., Edgar J. White, and Woods Petroleum Corporation; Notice of Complaint

March 10, 2000.

Take notice that on March 8, 2000, Colorado Interstate Gas Company, Colorado Springs Utilities, Public Service Company of Colorado, and Cheyenne Light, Fuel, and Power Company (collectively Complainants) filed with the Federal Energy Regulatory Commission (Commission) a complaint against Amoco Production Company, et al. (Amoco et al.) pursuant to 18 CFR 385.206. According to Complainants, Amoco et al. were operators of natural gas wells to whom CIG paid reimbursements of the Kansas ad valorem tax after October 4, 1983, a tax that the Commission and the United States Court of Appeals have held not to be an eligible add-on under Section 110 of the Natural Gas Policy Act. Complainants allege that Amoco et al. have not complied with Commission orders requiring Amoco et al. to furnish CIG with working interest owner data necessary to allow CIG to prepare invoices for refunds of the Kansas ad valorem tax. Some of the operators that comprise Amoco et al. have provided no working interest owner data at all; others have provided only partial data. According to Complainants, efforts by the Commission and efforts by CIG have failed to prompt Amoco et al. to provide the necessary data. According to Complainants, the lack of the needed data has severely hindered CIG's ability to recover and flow back to its former sales customers the illegal collections.

Complainants ask the Commission to use whatever enforcement tools are available to the Commission to ensure that Amoco et al. provide CIG with the necessary data. These tools include holding non-complying operators responsible for the full amount of the refund as reflected in CIG's November 1997 Statement of Refunds Due in Docket No. RP98–54.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 28, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 28, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–6453 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 588–000 and 2683–003]

James River II, Inc.; Notice Terminating Proceedings

March 10, 2000.

The above-captioned dockets involve licensing proceedings for the Glines Canyon Project No. 588 and the Elwha Project No. 2683, located on or near the Olympic National Park in Washington State. The Elwha River Ecosystem and Fisheries Restoration Act, Pub. L. No. 102–495, 106 Stat. 3173 (1992), removed the Commission's jurisdiction to process the applications in these dockets, but left a residual jurisdiction to preserve the status quo. Pursuant to

appropriations legislation enacted by Congress in 1999, and a statutory warranty deed dated February 29, 2000, title to the two projects has been transferred to the U.S. Department of the Interior, which now owns and manages the projects. Accordingly, the Commission's jurisdiction over these projects having been fully extinguished, the above-captioned dockets are closed and the proceedings therein are terminated.

David P. Boergers,

Secretary.

[FR Doc. 00–6456 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EG00–96–000, EG00–95–000 and EG00–97–000]

Mexican Business Trust No. 111014–6, et al; Notice of Amendment to Application for Commission Determination of Exempt Wholesale Generator Status

March 10, 2000.

Take notice that on March 8, 2000, Mexican Business Trust No. 111014–6 (the Trust); Banco Nacional de Mexico, S.A., Institucion de Banca Multiple Division Fiduciaria, Grupo Financiero Banamex-Accival (the ''Trustee'' under Mexican Business Trust No. 111014–6); and Termoelectrica del Golfo, S. de R.L. de C.V. (TEG and together with the Trust and Trustee, Applicants), tendered for filing with the Federal Energy Regulatory Commission an amendment to their application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Any person desiring to be heard concerning the amended application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The Commission will limit its consideration of comments to those that concern the adequacy of the amended application. All such motions and comments should be filed on or before March 31, 2000, and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection or on the Internet at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–6452 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–50–000]

Northeast Energy Associates, a Limited Partnership v. Boston Edison Company; Notice of Filing

March 10, 2000.

Take notice that on March 8, 2000, Northeast Energy Associates, a Limited Partnership, tendered for filing a complaint against Boston Edison Company alleging violations of the Interconnection Agreement between those parties.

Any person desiring to be heard or protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 20, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Answers to the complaint shall also be due on or before March 20, 2000.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–6450 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–49–000]

NRG Power Marketing, Inc. v. New York Independent System Operator, Inc.; Notice of Complaint

March 10, 2000.

Please take notice that on March 8, 2000, NRG Power Marketing, Inc. (NRG) tendered for filing a Complaint against the New York Independent System Operator, Inc. (NYISO) objecting to the NYISO's retroactive reductions of the market clearing prices for power provided during particular hours on December 11 and 12, 2000.

A copy of this filing was served upon Respondent, the NYSIO.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 28, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 28, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–6457 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–212–000]

NUI Corporation (City Gas Company of Florida, Division) v. Florida Gas Transmission Company; Notice of Complaint

March 10, 2000.

Take notice that on March 9, 2000, NUI Corporation (City Gas Company of Florida Division) (NUI/City Gas) filed a

complaint against Florida Gas Transmission Company (FGT) stating that FGT has filed to afford NUI/City Gas the full rights it holds under the regulatory Right of First Refusal (ROFR), in direct contravention of Commission policy and precedent as well as FGT's relevant tariff provisions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be field on or before March 28, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http:/ /www/ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 28, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–6451 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–1618–003]

PJM Interconnection, L.L.C.; Notice of Filing

March 8, 2000.

Take notice that on March 1, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing revised pages to the PJM Open Access Transmission Tariff reflecting Atlantic City Electric Company's settlement point-to-point transmission service rates approved in the January 31, 2000, Letter Order issued in this Docket.

Copies of this filing were served upon all members of PJM, the official service list compiled by the Secretary in this docket and the state commissions within the PJM control area.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 22, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–6459 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–1259–000, et al.]

Louisiana Generating LLC., et al.; Electric Rate and Corporate Regulation Filings

March 8, 2000.

Take notice that the following filings have been made with the Commission:

1. Louisiana Generating LLC, Cajun Electric Power Cooperative, Inc., Louisiana Generating LLC

[Docket Nos. ER00–1259–000, EL00–38–000 and EC00–48–000]

Take notice that on March 3, 2000, Louisiana Generating LLC (Generating) filed a response to the requests for clarification filed by Southwestern Electric Power Company (SWEPCO) in the above-referenced proceedings.

Comment date: March 20, 2000, in accordance with Standard paragraph E at the end of this notice.

2. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. EC00–60–000]

Take notice that on March 1, 2000, Northern States Power Company (Minnesota) and Northern States Power (Wisconsin) (jointly NSP) tendered for filing pursuant to Section 203 of the Federal Power Act (the FPA) and Part 33 of the Commission's Regulations, an application for the transfer of operational control over substantial portions of the jurisdictional transmission facilities of NSP to the Midwest Independent Transmission System Operator, Inc. (Midwest ISO or MISO) to be effective on the Transfer Date as defined in the Midwest ISO Agreement.

NSP states it has served a copy of the filing on the utility commissions in Minnesota, Michigan, North Dakota, South Dakota and Wisconsin.

Comment date: March 31, 2000, in accordance with Standard paragraph E at the end of this notice.

3. Sithe Northeast Generating Company, Inc., Sithe Maryland Holdings LLC, Sithe New Jersey Holdings LLC, Sithe Pennsylvania Holdings LLC, Sithe Power Marketing, L.P., Reliant Energy Power Generation, Inc.

[Docket No. EC00–61–000]

Take notice that on March 1, 2000, Sithe Maryland Holdings LLC, Sithe New Jersey Holdings LLC, Sithe Pennsylvania Holdings LLC (collectively, the Sithe PJM Companies), Sithe Power Marketing, L.P., their corporate parent, Sithe Northeast Generating Company, Inc., and Reliant Energy Power Generation, Inc. (collectively, the Applicants) submitted for filing, pursuant to Section 203 of the Federal Power Act, and Part 33 of the Commission's regulations, an application seeking authorization from the Commission for assignment of interests in certain wholesale power agreements from Sithe Power Marketing to the Sithe PJM Companies and the sale of the equity interests in the Sithe PJM Companies to Reliant Energy Power Generation, Inc., and the transfer of control over associated jurisdictional facilities of the Sithe PJM Companies as part of the transaction.

Comment date: March 31, 2000, in accordance with Standard paragraph E at the end of this notice.

4. Statoil Energy Trading, Inc., Statoil Energy Services, Inc. and Amerada Hess Corporation

[Docket No. EC00–62–000]

Take notice that on March 1, 2000, Statoil Energy Trading, Inc. (SETI), Statoil Energy Services, Inc. (SESI) and Amerada Hess Corporation (AHC) filed an application under Section 203 of the Federal Power Act for approval of the transfer from SETI to SESI of certain wholesale electric power sales agreements currently held by SETI, and the transfer of control over the jurisdictional facilities of SESI to AHC through AHC's acquisition of SESI's common stock.

Comment date: March 31, 2000, in accordance with Standard paragraph E at the end of this notice.

5. Sierra Pacific Power Company, Nevada Power Company, Portland General Electric Company

[Docket No. EC00–63–000]

Take notice that on March 3, 2000, Sierra Pacific Power Company (Sierra), Nevada Power Company (Nevada Power), and Portland General Electric Company (PGE) tendered for filing pursuant to Section 203 of the Federal Power Act a Joint Application for Authorization and Approval of Acquisition and Indirect Merger. This Application requests authorization and approval of (i) the acquisition of PGE by Sierra Pacific Resources (SPR), the parent of Sierra and Nevada Power, and (ii) the indirect merger of the jurisdictional facilties of PGE with those of Sierra and Nevada Power (collectively, the Transaction).

Comment date: March 31, 2000, in accordance with Standard paragraph E at the end of this notice.

6. Duke Energy Vermillion, LLC.

[Docket No. EG00–108–000]

Take notice that on March 2, 2000, Duke Energy Vermillion, LLC (Duke Vermillion) filed an application with the Federal Energy Regulatory Commission (the Commission) for determination of exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935, as amended, and Part 365 of the Commission's Regulations.

Duke Vermillion is a Delaware limited liability company that will be engaged directly and exclusively in the business of owning and operating all or part of one or more eligible facilities to be located in Cayuga, Vermillion County, Indiana. The eligible facilities will consist of an approximately 640 MW gas-fired single cycle electric generation plant and related interconnection facilities. The output of the eligible facilities will be sold at wholesale.

Comment date: March 29, 2000, in accordance with Standard paragraph E at the end of this notice.

7. Duke Energy Madison, LLC

[Docket No. EG00–109–000]

Take notice that on March 2, 2000, Duke Energy Madison, LLC (Duke Madison) filed an application with the Federal Energy Regulatory Commission (the Commission) for determination of exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935, as amended, and Part 365 of the Commission's Regulations.

Duke Madison is a Delaware limited liability company that will be engaged directly and exclusively in the business of owning and operating all or part of one or more eligible facilities to be located in Madison Township, Butler County, Ohio. The eligible facilities will consist of an approximately 640 MW gas-fired single cycle electric generation plant and related interconnection facilities. The output of the eligible facilities will be sold at wholesale.

Comment date: March 29, 2000, in accordance with Standard paragraph E at the end of this notice.

8. Liberty Generating Company, LLC

[Docket No. EG00–110–000]

Take notice that on March 3, 2000, Liberty Generating Company, LLC (Liberty), a limited liability company with its principal place of business at 7500 Old Georgetown Road, Bethesda, Maryland 20814, filed with the Federal Energy Regulatory Commission (Commission), an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Liberty proposes to construct, own or lease and operate a nominally rated 1090 MW natural gas-fired, combined cycle power plant in the city of Linden, Union County, New Jersey. The proposed power plant is expected to commence commercial operation in the second quarter of 2003. All output from the plant will be sold by Liberty exclusively at wholesale.

Comment date: March 29, 2000, in accordance with Standard paragraph E at the end of this notice.

9. South Eastern Generating Corporation

[Docket No. EG00–111–000]

Take notice that on March 3, 2000, South Eastern Generating Corporation (Applicant), 1585 Broadway, New York, NY 10036–8293, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant, a Delaware corporation, intends to own and/or operate an eligible facility in Georgia. The facility will consist of a 100–MW combustion turbine generating unit, as well as interconnecting transmission facilities necessary to effect sales of electric energy at wholesale.

Comment date: March 29, 2000, in accordance with Standard paragraph E at the end of this notice.

10. XENERGY, Inc.

[Docket No. ER97–2517–007]

Take notice that on March 3, 2000, XENERGY, Inc. (XENERGY), tendered for filing a notice of status change with the Commission in connection with the pending merger between Energy East Corporation and Central Maine Power Company (CMP). The filing includes an amendment to XENERGY's power sales tariff and code of conduct to incorporate CMP as an affiliate.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. NYSEG Solutions, Inc.

[Docket No. ER99–220–005]

Take notice that on March 3, 2000, NYSEG Solutions, Inc., tendered for filing a notice of status change with the Commission in connection with the pending merger between Energy East Corporation and Central Maine Power Company (CMP). The filing includes an amendment to NYSEG Solutions, Inc.'s power sales tariff and code of conduct to incorporate CMP as an affiliate.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. New York State Electric & Gas Corporation

[Docket No. ER99–221–002]

Take notice that on March 3, 2000, New York State Electric & Gas Corporation (NYSEG), tendered for filing a notice of status change with the Commission in connection with the pending merger between Energy East Corporation and Central Maine Power Company (CMP). The filing includes an amendment to NYSEG's power sales tariff and code of conduct to incorporate CMP as an affiliate.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Carthage Energy, LLC

[Docket No. ER99–2541–001]

Take notice that on March 3, 2000, Carthage Energy, LLC (Carthage), tendered for filing a notice of status change with the Commission in connection with the pending merger between Energy East Corporation and Central Maine Power Company (''CMP''). The filing includes an amendment to Carthage's power sales tariff and code of conduct to incorporate CMP as an affiliate.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. South Glens Falls LLC

[Docket No. ER00–262–001]

Take notice that on March 3, 2000, South Glens Falls LLC (South Glens Falls), tendered for filing a notice of

status change with the Commission in connection with the pending merger between Energy East Corporation and Central Maine Power Company (CMP). The filing includes an amendment to South Glens Falls' power sales tariff and code of conduct to incorporate CMP as an affiliate.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER00–1788–000]

Take notice that on March 2, 2000, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing a Notice of Cancellation for Engelhard Power Marketing, Inc., a customer under Allegheny Power's Open Access Transmission Service Tariff, Standard Generation Service Rate Schedule and Point-to-Point Transmission Service Tariff.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: March 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Wisconsin Energy Corporation

[Docket No. ER00–1789–000]

Take notice that on March 2, 2000, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing revisions to its FERC Rate Schedule Nos. 81 and 82. The agreements are being modified to bring them into compliance with the Commission's Order No. 888. Service contemplated by those agreements will be conducted pursuant to Wisconsin Energy Corporation Operating Companies' FERC Electric Tariff, Original Volume No. 1.

Wisconsin Electric respectfully requests an effective date coincident with the commercial service date of the Central Upper Peninsula Transmission Project. The CUPT Project is expected to be completed in late March. Wisconsin Electric will inform the Commission of the exact in-service date. Wisconsin Electric is authorized to state that Edison Sault Electric Company joins in the requested effective date.

Copies of the filing have been served on Upper Peninsula Power Company, Edison Sault Electric Company, Cloverland Electric Cooperative, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: March 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Idaho Power Company

[Docket No. ER00–1790–000]

Take notice that on March 2, 2000, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission Service Agreements for Firm Point-to-Point Transmission Service between Idaho Power Company and Coral Power, L.L.C.

Comment date: March 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. Wisconsin Public Service Corporation

[Docket No. ER00–1791–000]

Take notice that on March 3, 2000, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Service Agreement with El Paso Energy Merchant, L.P., providing for transmission service under FERC Electric Tariff, Volume No. 1.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Liberty Generating Company, LLC

[Docket No. ER00–1792–000]

Take notice that on March 3, 2000, Liberty Generating Company, LLC (Liberty), submitted for filing, pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's Regulations, a Petition for authorization to make sales of capacity, energy, and certain Ancillary Services at market-based rates and to reassign transmission capacity. Liberty proposes to construct a nominally rated 1090 MW natural gas-fired, combined cycle power plant in the City of Linden, Union County, New Jersey.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. New York State Electric & Gas Corporation

[Docket No. ER00–1793–000]

Take notice that on March 3, 2000 New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35, a service agreement (the Service Agreement) under which NYSEG is providing capacity and/or energy to 3M Company in accordance with NYSEG's FERC Electric Tariff, Original Volume No. 3.

NYSEG requests an effective date for the Service Agreement of November 1, 1999.

NYSEG has served copies of the filing upon the New York State Public Service Commission and 3M.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. PJM Interconnection, L.L.C.

[Docket No. ER00–1794–000]

Take notice that on March 3, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing revised pages to the PJM Open Access Transmission Tariff to reflect new PJM Border rates for point-to-point transmission service and Non-Zone Network Load rates for Network Integration Service.

PJM requests an effective date of June 1, 2000.

Copies of this filing were served upon all PJM Members and the state electric regulatory commissions in the PJM Control Area.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. Indianapolis Power & Light Company

[Docket No. ER00–1795–000]

Take notice that on March 3, 2000, Indianapolis Power & Light Company filed an Interconnection, Operation and Maintenance Agreement between West Fork Land Development Company, L.L.C., and Indianapolis Power & Light Company in the above-captioned docket.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. Roswell Energy, Inc.

[Docket No. ER00–1796–000]

Take notice that on March 3, 2000, Roswell Energy, Inc. (Roswell), petitioned the Commission for acceptance of Roswell Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

Roswell intends to engage in wholesale electric power and energy purchases and sales as a marketer. Roswell is not in the business of generating or transmitting electric power. Roswell is neither an affiliate

nor owns or is associated with any affiliate.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

24. Consumers Energy Company

[Docket No. ER00–1798–000]

Take notice that on March 3, 2000, Consumers Energy Company (Consumers), tendered for filing an executed service agreement for Firm Point-to-Point Transmission Service to the Commonwealth Edison Company pursuant to Consumers' Open Access Transmission Service Tariff filed on July 9, 1996.

The agreement has an effective date of February 21, 2000.

Copies of the filed agreements were served upon the Michigan Public Service Commission and the transmission customer.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

25. Northeast Utilities Service Company

[Docket No. ER00–1799–000]

Take notice that on March 3, 2000, Northeast Utilities Service Company (NUSCO), tendered for filing a Service Agreement with Entergy Power Marketing Corporation (EPMC) under the NU System Companies' Sale for Resale Tariff No. 7.

NUSCO requests that the Service Agreement become effective February 7, 2000.

NUSCO states that a copy of this filing has been mailed to EPMC.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

26. Wisconsin Public Service Corporation Docket No.

[Docket No. ER00–1800–000]

Take notice that on March 3, 2000, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Service Agreement with El Paso Energy Merchant, L.P., providing for transmission service under FERC Electric Tariff, Volume No. 1.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

27. Sierra Pacific Power Company, Nevada Power Company, Portland General Electric Company

[Docket No.ER00–1801–00]

Take notice that on March 3, 2000, Sierra Pacific Power Company (Sierra), Nevada Power Company (Nevada Power), and Portland General Electric Company (PGE) (collectively, the Applicants), tendered for filing pursuant to Section 205 of the Federal Power Act a Joint Open Access Transmission Tariff (the Joint OATT). The Applicants' filing of the Joint OATT is in connection with the proposed acquisition of Portland General Electric Company by Sierra Pacific Resources, the holding company parent of Sierra Pacific Power Company and Nevada Power Company (the Transaction). The Joint OATT will apply to the transmission service provided by the Applicants subsequent to the Transaction.

28. Rochester Gas and Electric Corporation

[Docket No. ER00–1802–000]

Take notice that on March 2, 2000, Rochester Gas and Electric Corporation (RG&E), tendered for filing an Application in the above-referenced proceeding docket requesting that the Commission extend the authorization previously granted to RG&E to make sales to an affiliate in conjunction with the Retail Access Program and the Retail Access Pilot Program.

Comment date: March 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

29. South Eastern Generating Corporation

[Docket No. ER00–1803–000]

Take notice that on March 3, 2000, South Eastern Generating Corporation petitioned the Commission for acceptance of its Rate Schedule FERC No. 1, the granting of certain blanket approvals, including the authority to sell electricity at market-based rates, and the waiver of certain of the Commission's Regulations.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

30. Panda Leesburg Power Partners, L.P.

[Docket No. ER00–1804–000]

Take notice that on March 3, 2000, Panda Leesburg Power Partners, L.P. (Panda Leesburg), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, and for the purpose of permitting Panda Leesburg to assign transmission capacity and to resell Firm Transmission Rights, to be effective no later than sixty (60) days from the date of its filing.

Panda Leesburg intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Panda Leesburg sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Neither Panda Leesburg nor any of its affiliates is in the business of transmitting or distributing electric power.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

31. Panda Midway Power Partners, L.P.

[Docket No. ER00–1805–000]

Take notice that on March 3, 2000, Panda Midway Power Partners, L.P. (Panda Midway), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, and for the purpose of permitting Panda Midway to assign transmission capacity and to resell Firm Transmission Rights, to be effective no later than sixty (60) days from the date of its filing.

Panda Midway intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Panda Midway sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Neither Panda Midway nor any of its affiliates is in the business of transmitting or distributing electric power.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

32. AmerGen Vermont, LLC

[Docket No. ER00–1806–000]

Take notice that on March 3, 2000, AmerGen Vermont, LLC (AmerGen), tendered for filing a power sales agreement for wholesale power sales transactions between AmerGen and PECO Energy Company.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

33. Western Resources, Inc.

[Docket No. ER00–1813–000]

Take notice that on March 3, 2000, Western Resources, Inc. (Western), tendered for filing First Revised Sheet No. 1 superseding Original Sheet No. 1 of Western's FERC Rate Schedule No. 6,

Market Based Power Sales Tariff. Western states that the purpose of the filing is to remove Kansas City Power & Light Company from the definition of ''affiliate'' contained in the Market Based Power Sales Tariff, in light of the termination of the companies' proposed merger.

Comment date: March 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–6447 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Scoping Meetings and Site Visit and Soliciting Scoping Comments

March 10, 2000.

Take notice the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Minor License.

b. *Project No.:* P–2694–002.

c. *Date filed:* September 27, 1999.

d. *Applicant:* Nantahala Power and Light.

e. *Name of Project:* Queens Creek Hydroelectric Project.

f. *Location:* On Queens Creek, near the town of Topton, in Macon County, North Carolina. 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:* Mr. John Wishon; Nantahala Power and Light; 301 NP&L Loop Road; Franklin, NC 28734; (828) 369–4604.

i. *FERC Contact:* Kevin Whalen (202) 219–2790, kevin.whalen@ferc.fed.us.

j. *Deadline for filing scoping comments:* May 12, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary; Federal Energy Regulatory Commission; 888 First Street, NE; Washington, DC 20426.

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 is not ready for environmental analysis at this time.

l. *Description of the Project:* The project consists of the following existing facilities: (1) A 78-foot-high, 382-foot-long earth-faced rock fill dam; (2) a 4-foot-wide by 4-foot-high horizontal intake structure, having a trashrack with 1.0-inch clear bar spacing; (3) a 6,250-foot-long steel penstock leading to a concrete and steel powerhouse containing a single generating unit, having an installed capacity of 1,440 kilowatts; (4) a 37-acre impoundment that extends approximately 0.7 miles upstream; and (5) appurtenant facilities. The applicant estimates the total average annual generation would be approximately 5,000 megawatt hours.

m. *Location 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 20246, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.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.

n. *Scoping Process:* The Commission intends to prepare an Environmental Assessment (EA) on the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

The Commission will hold scoping meetings, one in the daytime and one in the evening, to help us identify the scope of issues to be addressed in the EA.

The daytime scoping meeting will focus on resource agency concerns, while the evening scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Daytime meeting	Evening meeting
Date: April 12, 2000 ..	Date: April 12, 2000.
Time: 2:00 pm	Time: 7:00 pm.
Place: NP&L Corporate Headquarters located at 301 NP&L Loop Road, Franklin, NC.	Place: NP&L Corporate Headquarters located at 301 NP&L Loop Road, Franklin, NC.

To help focus discussions, we will distribute a Scoping Document (SD1) outlining the subject areas to be addressed in the EA to the parties on the Commission's mailing list. Copies of the SD1 also will be available at the scoping meeting.

Site Visit

The applicant and Commission staff will conduct a project site visit on Wednesday, April 12, 2000. We will meet at 10:00 am at the NP&L substation located adjacent to the Queens Creek powerhouse. If you would like to attend, please call Mr. John Wishon, NP&L, at (828) 369–4604, no later than April 10, 2000.

Objectives

At the scoping meetings, staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including view points in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission

proceeding on the project. Individuals presenting statements at the meetings will be asked to sign in before the meeting starts and to clearly identify themselves for the record.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist staff in defining and clarifying the issues to be addressed in the EA.

David P. Boergers,

Secretary.

[FR Doc. 00–6455 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

March 10, 2000.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Exempt:

1. CP00–14–000, CP00–15–000 and CP00–16–000	2–7–00	Sneed Collard.
2. CP00–14–000, CP00–15–000 and CP00–16–000	2–7–00	Sneed Collard.
3. CP00–14–000, CP00–15–000 and CP00–16–000	2–7–00	Sneed Collard.
4. CP00–14–000, CP00–15–000 and CP00–16–000	2–8–00	Sneed Collard.
5. CP00–14–000, CP00–15–000 and CP00–16–000	2–9–00	Sneed Collard.
6. CP00–14–000, CP00–15–000 and CP00–16–000	2–9–00	Sneed Collard.
7. CP00–14–000, CP00–15–000 and CP00–16–000	2–10–00	Sneed Collard.
8. CP00–14–000, CP00–15–000 and CP00–16–000	2–10–00	Sneed Collard.
9. CP00–14–000, CP00–15–000 and CP00–16–000	2–14–00	Janet Rowe.
10. CP00–14–000, CP00–15–000 and CP00–16–000	2–14–00	Sneed Collard.
11. CP00–14–000, CP00–15–000 and CP00–16–000	2–14–00	Todd Mattson.
12. CP00–14–000, CP00–15–000 and CP00–16–000	2–23–00	Mark Cline.
13. CP00–14–000, CP00–15–000 and CP00–16–000	2–25–00	Mark Cline.
14. CP00–14–000, CP00–15–000 and CP00–16–000	2–28–00	Mark Cline.
15. CP00–14–000, CP00–15–000 and CP00–16–000	2–29–00	Mark Cline.
16. CP99–599–000,	3–2–00	Paul Friedman, FERC.
17. Project No. 2188–032	2–28–00	Kemper M. McMaster.
18. Project No. 11541–001	2–4–00	Sergiu Serban, FERC.
19. CP98–150–000	3–2–00	Matthew J. Brower.

David P. Boergers,

Secretary.

[FR Doc. 00–6449 Filed 3–15–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6560–7]

Brownfields Showcase Communities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; solicitation of statements of interest from communities interested in being designated as Brownfields Showcase Communities.

SUMMARY: Programs within the following Federal agencies are participating in the selection of Brownfields Showcase Communities: Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Appalachian Regional Commission, Federal Housing Finance Board, General Services Administration, and Small Business Administration.

DATES: Submit Statements of Interest on or before April 17, 2000. All proposals must be postmarked or sent to EPA via registered or tracked mail by the deadline cited above.

ADDRESSES: Address Statements of Interest to Gayle Rice or Sven-Erik Kaiser, U.S. EPA (5105), 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Gayle Rice, 202–260–8431 or Sven-Erik Kaiser, 202–260–5138. Additional information, if any, will be updated on the Internet Worldwide Web at the

Universal Resource Location address of ''http://www.epa.gov/brownfields.'' Persons lacking Internet access can communicate with the contact persons listed above.

SUPPLEMENTARY INFORMATION:

Background

Brownfields are abandoned, idled or underused industrial and commercial properties where expansion or redevelopment is complicated by real or perceived contamination. The Brownfields Initiative was launched to empower States, communities, Tribes, and other stakeholders in economic redevelopment to work together to prevent, assess, clean up, and sustainably reuse brownfields. Communities have asked for more interaction among all levels of government, the private sector, and non-governmental organizations. In response, Federal agencies have joined together to strengthen and improve their collaborative efforts to clean up and reuse contaminated property.

A partnership of Federal agencies with interests in brownfields redevelopment has been formed to offer special technical, financial and other assistance to selected communities. These communities are called Brownfields Showcases Communities and are models demonstrating the benefits of focused attention on brownfields. To date, the Federal partners have designated 16 Brownfields Showcase Communities. The Federal partners plan to designate ten additional Brownfields Showcase Communities, distributed across the country, varying by size, resources and community background.

Goals

The goals of the Brownfields Showcase Communities project are to:

- Promote environmental protection, restoration to the land, air and water, economic redevelopment, job creation, community revitalization, greenspace development, energy efficiency and public health protection, through the assessment, cleanup, and sustainable reuse of brownfields;
- Link Federal, State, tribal, and local public, private and non-governmental action supporting community efforts to restore and reuse brownfields; and
- Develop national models demonstrating the positive results of public, private and non-governmental collaboration in addressing brownfields challenges.

The Federal partners intend to select a broad array of Showcase Communities that will serve as models for other communities across the nation. The Federal partners seek proposals that link brownfields activities with other community empowerment, sustainable development and community livability efforts. Special consideration will be given to Federal Empowerment Zones and Enterprise Communities (EZ/ECs), communities with populations of under 100,000, Federally recognized Indian tribes and Base Realignment and Closure communities seeking early transfer of property. The Federal partners will also look for opportunities to link brownfields cleanup with related air and water quality efforts.

Benefits

A community will receive the following benefits from being designated as a Brownfields Showcase Community:

- National visibility for a community's brownfields efforts;
- Coordinated delivery of technical and financial support from participating Federal agencies. Participating agencies and programs will vary for each Showcase Community depending upon the particular Showcase's needs and plans. For example, an urban Showcase Community might be served by different programs and resources than a rural community;
- Financial assistance, grants and cooperative agreements from participating agency programs subject to the requirements of those programs and the availability of funds; and
- Staff support in the form of a Federal employee assigned to each Showcase Community to assist with coordination and implementation activities.

Structure of the Statement of Interest

To be considered for selection as a Brownfields Showcase Community, interested communities should submit a Statement of Interest that includes the following information:

- Project title;
- Location: city, county, and state or reservation, tribally-owned lands, etc., of the Showcase area;
- Project contact, organization, phone, fax and e-mail address;
- Name and contact information of the representative of the appropriate governmental subdivision (Mayor, County Executive, Tribal President) if different from the project director;
- Date submitted: the date when the proposal is postmarked or sent to EPA via registered or tracked mail;
- Project Summary: explain how designation as a Brownfields Showcase Community will help the community meet its objectives and the goals of the Brownfields Showcase Community project; and
- Related Designations: identify whether the applicant or the area for the proposed Showcase Community project is designated as a Federal or State Brownfields pilot, Federal or State Empowerment Zone, Enterprise Community, Economic Development Administration designated Economic Development District or other special economic area.

Statements of Interest are limited to *two pages.* Supplemental materials such as appendices, maps, records, etc., will not be considered during the initial screening phase of the selection process. All communities, or regional groupings of communities, are eligible for consideration as a Brownfields Showcase Community. Previous designation as an EPA brownfields pilot is not a requirement for consideration, nor are such communities precluded from applying. Statements of Interest will be accepted from any party, but must be submitted in partnership with a governmental entity to be eligible for consideration.

Selection Process

Selection of the Brownfields Showcase Communities will be done in two phases. During Phase I, interested communities are invited to submit two-page Statements of Interest which describe how the community's designation as a Showcase Community will advance the goals of the Showcase Communities project as described above. For example:

- A community with well-defined brownfields problems that can be addressed effectively through environmental cleanup and sustainable reuse is more likely to be considered as a candidate community than a community that suspects that there are brownfields problems in their jurisdiction that may require attention.
- A community with an established network of working relationships among Federal, State, and local governments, and other public and private stakeholders is more likely to be considered as a candidate community than a community which is just beginning to create these types of relationships;
- A community that has begun preliminary work such as cleanup and redevelopment planning, securing private investors, and exploring public financial opportunities is more likely to be considered as a candidate community than a community that has just started to address its brownfields issues. Within two years after designation, a Brownfields Showcase

Community should be able to demonstrate success in dealing with cleanup and reuse issues.

The Showcase Communities Selection Board, which represents the participating Federal agencies, will evaluate the Statements of Interest. It will screen the applications to create a list of about 25 candidate communities which will then be invited to move into Phase II of the selection process.

During Phase II, the candidate communities will be invited to submit more detailed proposals which more fully describe their brownfields efforts. At that stage, communities will be encouraged to submit supporting materials which demonstrate the breadth of support for their application within the community. The Showcase Communities Selection Board will then evaluate and select the ten Brownfields Showcase Communities, using the detailed criteria listed below.

1. BROWNFIELDS POTENTIAL: Describe the brownfields that exist, or are perceived to exist, in the community. Discuss the potential for environmental restoration and the type of reuse anticipated in the near-term.

2. COMMUNITY NEED: Describe how this is an area with social and economic conditions that would benefit from Federal assistance for brownfields cleanup and redevelopment.

3. LOCAL COMMITMENT: Describe the degree of local commitment to brownfields cleanup and redevelopment including existing community efforts and investment of community resources.

4. FEDERAL, STATE, AND LOCAL PARTNERSHIPS: Describe the Federal, State, and local agencies and organizations participating in the community's brownfields activities, including other programs and funds available for brownfields activities.

5. STRATEGIC PLANNING: Describe the community's brownfields plan and how the brownfields plan is linked to broader strategies of economic redevelopment, job creation, increased environmental protection including improved air and water quality, green development, livability and sustainability.

6. MANAGEMENT CAPABILITY: Describe prior experience or knowledge in managing similar redevelopment, cleanup, and community participation activities. Also describe what specific planning and programmatic requirements have been met for Federal financing programs anticipated for use.

7. ENVIRONMENTAL JUSTICE: Describe the extent to which low-income, minority, and other disadvantaged communities will participate in the development of community brownfields redevelopment activities, including this application and the proposed Showcase Community project.

8. NATIONAL REPLICABILITY: Describe how the community will serve as a model for other similarly situated communities in addressing brownfields redevelopment.

Communities that are invited to submit Phase II proposals should respond directly to these criteria in their proposals. Further application requirements and guidelines will be provided to the candidate communities to assist them in preparing their application. Note that in Phase I (the initial Statement of Interest) of the selection process, interested communities should consider the detailed criteria, but do not have to respond to each criterion.

Dated: March 3, 2000.

Timothy Fields, Jr.,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 00–6391 Filed 3–15–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00647; FRL–6497–5]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 3–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) to review the following sets of scientific issues being considered by the Agency pertaining to: Insect Repellent Product Performance Testing Guideline Evaluation and Implementing Probabilistic Ecological Assessments: A Consultation.

The meeting is open to the public. Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access, should contact Paul Lewis or Laura Morris at the address listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the meeting so that appropriate arrangements can be made.

DATES: The meeting will be held on Wednesday, April 5, through Friday, April 7, 2000, from 8:30 a.m. to 5:30 p.m.

ADDRESSES: Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA. The telephone number for the Sheraton hotel is: (703) 486-1111.

Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00647 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Paul Lewis or Laura Morris, Designated Federal Officials, FIFRA SAP (7101C), Office of Science Coordination and Policy, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW. Washington, DC 20460; telephone number: (703) 305–5369; fax number: (703) 605–0656; e-mail address: lewis.paul or morris.laura@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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 meeting agenda and copies of EPA background documents for the meeting will be available by mid March, 2000. The meeting agenda and EPA primary background documents will be available on the FIFRA SAP web site at http://www.epa.gov/scipoly/sap.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–00647. 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 ı2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How Can I Request to Participate in this Meeting?

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–00647 in the subject line on the first page of your response. Members of the public wishing to submit comments should contact the persons listed under **FOR FURTHER INFORMATION CONTACT** to confirm that the meeting date and the agenda have not been modified or changed.

Interested persons are permitted to file written statements before the meeting. To the extent that time permits, and upon advanced written request to the persons listed under **FOR FURTHER INFORMATION CONTACT** interested persons may be permitted by the Chair of the FIFRA Scientific Advisory Panel to present oral statements at the meeting. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard, etc). There is no limit on the length of written comments for consideration by the Panel, but oral statements before the Panel are limited to approximately 5 minutes. The Agency also urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral and/or written statements should notify the persons listed under **FOR FURTHER INFORMATION CONTACT** and submit 40 copies of the summary information. The Agency encourages that written statements be submitted before the meeting to provide Panel Members the time necessary to consider and review the comments.

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), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW. 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, CM ı2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your 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 docket control number OPP–00647. Electronic comments may also be filed online at many Federal Depository Libraries.

II. Background

A. Purpose of the Meeting?

This 3–day meeting concerns several scientific issues undergoing consideration within the EPA/Office of Pesticide Programs (OPP). The 2 session topics to be addressed during the 3–day meeting are indicated as follows:

The first session will focus on an evaluation of the insect repellent product performance testing guideline. Inconsistencies have developed in product performance testing and labeling of insect repellents. In order to minimize this variance, EPA has developed draft product performance testing guidelines and appropriate label language. This guideline recommends specific methods for conducting product performance testing of insect repellents. As a guideline, it does not impose mandatory requirements. It does, however, reflect the Agency's considered recommendations for minimum steps necessary to develop reliable data on repellent product performance. In addition, the product performance testing guidelines are intended to supercede EPA, Pesticide Assessment Guidelines, Subdivision G: 95–9, ''Treatments to control pests of humans and pests'' and 95–10, ''Mosquito, black fly, nonbiting midge, and biting midge.''

A performance standard represents the minimum level of product performance which would normally be acceptable for protecting the public health, when required, or for economic control of a pest or pest combination at a specific site. These guidelines are concerned with product performance testing for evaluation of pesticides used to repel mosquitos, biting flies, fleas, chiggers and ticks from human skin and outdoor premises. EPA intends to use the data form guidelines studies to help determine the adequacy of the labeling of insect repellant products. The label language proposed by the Agency is intended to standardize and improve the information provided by the consumer. The Agency will be asking the Panel's advice on the adequacy of the proposed testing guidelines and protocols for human insect repellants.

The second session will entail a consultation on implementing probabilistic ecological assessments. The purpose of this consultation is to provide the FIFRA SAP with a progress report regarding the EPA/OPP/Environmental Fate and Effect Division's (EFED) initiative to revise the ecological assessment process. Following the recommendations of the May, 1996 FIFRA SAP and building on previous efforts within the Division, EFED began a new initiative in 1997 to revise the ecological assessment process. The main focus on this initiative is to identify, develop, and validate tools and methodologies to conduct probabilistic ecological assessments and improve risk characterization.

A key component of this initiative has been the Ecological Committee on FIFRA Risk Assessment Methods (ECOFRAM), which refers to the workgroups who have been developing recommendations for revising the assessment process. ECOFRAM completed their draft reports in May, which were reviewed by a peer input panel in June, 1999.

Another key component is EFED's Probabilistic Risk Assessment Implementation Team (Implementation Team), which is charged with developing an implementation plan to

incorporate probabilistic tools and methods to evaluate the ecological risk from pesticides. They are responsible for the technical evaluation and review of the ECOFRAM reports and workshop comments, which were used as a starting point for developing an approach for implementing changes to the current deterministic assessment process.

Thus, EFED will provide the Panel with an update regarding the progress of this initiative and seeks the Panel's comments and recommendations. EFED's presentation will include a summary of the ECOFRAM draft reports, the peer input panel comments, and an overview of the conceptual risk assessment model being proposed by the Implementation Team. This model is based on a tiered approach for implementing aquatic and terrestrial probabilistic assessments in OPP.

B. Panel Report

Copies of the Panel's report of their recommendations will be available approximately 45 working days after the meeting, and will be posted on the FIFRA SAP web site or may be obtained by contacting the Public Information and Records Integrity Branch at the address or telephone number listed in Unit III. of this document.

List of Subjects

Environmental protection.

Dated: March 7, 2000.

Steven Galson,

Director, Office of Science Coordination and Policy.

[FR Doc. 00–6513 Filed 3–13–00; 2:22 pm]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00439A; FRL–6498–9]

Pesticide Program Dialogue Committee (PPDC); Inert Disclosure Stakeholder Workgroup; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the Inert Disclosure Stakeholder Workgroup. The workgroup was established to advise the Pesticide Program Dialogue Committee (PPDC) on ways of making information on inert ingredients more available to the public while working within the mandates of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and related Confidential Business Information (CBI) concerns.

DATES: The meeting will be held on Monday, March 20, 2000, from 10 a.m. to 5:30 p.m. and Tuesday March 21, 2000, from 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Holiday Inn Hotel, 625 First St., Alexandria, VA 22314; Telephone number (703) 548–6300.

FOR FURTHER INFORMATION CONTACT: Cameo Smoot, Field and External Affairs Division, Office of Pesticide Programs (7506C), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone: (703) 305–5454; e-mail address: smoot.cameo@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

The Inert Disclosure Stakeholder Workgroup is composed of participants from the following sectors: environmental/public interest and consumer groups; industry and trade associations; pesticide users; Federal, State and local governments; the general public; academia and public health organizations.

The Inert Disclosure Stakeholder Workgroup will advise the United States Environmental Protection Agency, through the Pesticide Program Dialogue Committee (PPDC), on potential measures to increase the availability to the public of information about inert ingredients (also called ''other ingredients'') under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Among the factors the workgroup will be asked to consider in preparing its recommendations are: existing law regarding inert ingredients and Confidential Business Information (CBI); current Agency processes and policies for disseminating inert ingredient information to the public, including procedures for the protection of CBI; the informational needs for a variety of stakeholders; and business reasons for limiting the disclosure of inert ingredient information.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. Additional information about the activities of the Pesticide Program Dialogue Committee can be found at http://www.epa.gov/pesticides/ppdc/.

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPP–00439A. The administrative record consists of the documents specifically referenced in this notice, any public comments received and other information related to the Inert Disclosure Stakeholder Workgroup Meeting, including any information claimed as CBI. This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How Can I Participate in this Meeting?

The Inert Disclosure Stakeholder Workgroup meeting is open to the public. Outside statements are welcome. Oral statements will be limited to 5 minutes per individual or group. Oral statements will be accepted in the afternoon of Monday, March 20th only. Any person who wishes to file a written statement can do so before or after the Workgroup meeting. These statements will become part of the permanent file in the administrative record referenced above in Section II (2) and will be provided to the Workgroup members for their information. The Agency requests that participants limit their use of fragranced products on behalf of persons attending who have expressed a concern about chemical sensitivity.

1. *By mail*. You may 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, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please reference docket control number OPP–00439A on all comments submitted.

2. *In person or by courier*. PIRIB, Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your request electronically by e-mail to: ''opp-docket@epa.gov.'' Do not submit any information electronically that you consider to be Confidential Business Information (CBI). Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify your comments by docket control number OPP–00439A. You may also file a request online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Pesticides, Inerts, PPDC.

Dated: March 10, 2000.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 00–6512 Filed 3–13–00; 2:22 pm]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–922; FRL–6494–9]

Notice of Filing a Pesticide Petition To Establish a Tolerance for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–922, must be received on or before April 17, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–922 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Treva Alston, Minor Use, Inerts, and Emergency Response Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8373; e-mail address: alston.treva@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, 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/.

2. *In person*. The Agency has established an official record for this action under docket control number PF–922. 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 PF–922 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, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., 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 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your 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 docket control number PF–922. 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:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. 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?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 8, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Rohm and Haas Company

8E4957

EPA has received a pesticide petition (8E4957) from Rohm and Haas Company, 100 Independence Mall West, Philadelphia, PA 19106-2399 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180.1001(c) and (e) to establish an exemption from the requirement of a tolerance for butyl acrylate/vinyl acetate/acrylic acid copolymer when used in accordance with good agricultural practices as an inert ingredient in pesticide formulations applied to growing crops in or on the raw agricultural commodity (RAC) after harvest or to animals. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

Analytical method. Rohm and Haas is petitioning that butyl acrylate/vinyl acetate/acrylic acid copolymer be exempt from the requirement of a tolerance based upon the low risk polymer as per 40 CFR 723.250. Therefore, an analytical method to determine residues of butyl acrylate/vinyl acetate/acrylic acid copolymer in RACs has not been proposed.

B. Toxicological Profile

Acute toxicity. In the case of certain chemical substances that are defined as ''polymers,'' the Agency has established a set of criteria which identifies categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compounds compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Butyl acrylate/vinyl acetate/acrylic acid copolymer conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low risk polymers.

1. Butyl acrylate/vinyl acetate/acrylic acid copolymer is not a cationic polymer, nor is it capable of becoming a cationic polymer in the natural aquatic environment.
2. Butyl acrylate/vinyl acetate/acrylic acid copolymer contains as an integral part of its composition the atomic elements carbon, hydrogen, oxygen and less than 0.10% sulfur.
3. Butyl acrylate/vinyl acetate/acrylic acid copolymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250 (d)(2)(iii).
4. Butyl acrylate/vinyl acetate/acrylic acid copolymer is not designed, nor is it reasonably anticipated to substantially degrade, decompose or depolymerize.
5. Butyl acrylate/vinyl acetate/acrylic acid copolymer is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.
6. Butyl acrylate/vinyl acetate/acrylic acid copolymer is not a water absorbing polymer with a number average molecular weight greater than or equal to 10,000 daltons.
7. The minimum number average molecular weight of butyl acrylate/vinyl acetate/acrylic acid copolymer is 18,500 daltons. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights

greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

8. Butyl acrylate/vinyl acetate/acrylic acid copolymer has a minimum number average molecular weight of 18,500 and contains less than 2% oligomeric material below molecular weight 500 and less than 5% oligomeric material below 1,000 molecular weight.

9. Butyl acrylate/vinyl acetate/acrylic acid copolymer does contain aliphatic ester groups as reactive functional groups. However, these reactive groups are not intended or reasonably anticipated to undergo further reactions under usual environmental conditions.

10. In addition, butyl acrylate/vinyl acetate/acrylic acid copolymer is compliant with the Food and Drug Administration (FDA) regulations under 21 CFR for contact with food as a component in adhesives (21 CFR 175.105), as a component of paper and paperboard in contact with dry foods (21 CFR 176.180) and aqueous and fatty foods (21 CFR 176.170) with limitations as set forth in 21 CFR 176.170(c).

C. Metabolite Toxicology

Endocrine disruption. There is no evidence that butyl acrylate/vinyl acetate/acrylic acid copolymer is an endocrine disrupter, where as substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact GI tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

D. Aggregate Exposure

1. *Dietary exposure*. Butyl acrylate/vinyl acetate/acrylic acid copolymer is not absorbed through the intact GI tract and is considered incapable of eliciting a toxic response.

Drinking water. Based upon the aqueous insolubility of butyl acrylate/vinyl acetate/acrylic acid copolymer, there is no reason to expect human exposure to residues in drinking water.

2. *Non-dietary exposure*. Butyl acrylate/vinyl acetate/acrylic acid copolymer is widely used in multilayer paper packaging production, as a component in box and packaging sealant, and to a lesser extent in the ''casing'' found on books for protection. Although there may be exposures to the compound through dietary, non-occupational and most likely not through drinking water, the chemical characteristics of this compound are such that there is reasonable certainty of no harm from aggregate exposure.

E. Cumulative Effects

There are data to support cumulative risk from butyl acrylate/vinyl acetate/acrylic acid copolymer, since polymers with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact GI tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response. Therefore, there is no reasonable expectations of increased risk due to cumulative exposure.

F. Safety Determination

1. *U.S. population*. Butyl acrylate/vinyl acetate/acrylic acid copolymer causes no safety concerns because it conforms to the definition of a low risk polymer given in 40 CFR 723.250(b) and as such is considered incapable of eliciting a toxic response. Also, there are no additional pathways of exposure (non-occupational, drinking water, etc.) where there would be additional risk.

2. *Infants and children*. Butyl acrylate/vinyl acetate/acrylic acid copolymer causes no additional concern to infants and children because it conforms to the definition of a low risk polymer given in 40 CFR 723.250(b) and as such is considered incapable of eliciting a toxic response. Also there are no additional pathways of exposure (non-occupational, drinking water, etc.) where infants and children would be at additional risk.

G. International Tolerances

We are not aware of any country requiring a tolerance for butyl acrylate/vinyl acetate/acrylic acid copolymer. Nor have there been any CODEX Maximum Residue Levels established for any food crops at this time.

[FR Doc. 00–6567 Filed 3–15–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATION COMMISSION

Sunshine Act Meeting

March 10, 2000; FCC To Hold Open Commission Meeting Friday, March 17, 2000

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, March 17, 2000, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, S.W., Washington, D.C.

Item No.	Bureau	Subject
1	Common Carrier and Wireless Telecommunications.	Title: Numbering Resource Optimization (CC Docket No. 99–200). Summary: The Commission will consider a Report and Order and Further Notice of Proposed Rule Making concerning strategies for numbering resource optimization.
2	Office of Engineering and Technology ..	Title: Inquiry Regarding Software Defined Radios. Summary: The Commission will consider a Notice of Inquiry concerning issues related to software defined radio technology, including the current state of software defined radio technology, interoperability between radio services, the efficiency of spectrum use, and the equipment approval process.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418–0500; TTY (202) 418–2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800; fax (202) 857–3805 and 857–3184; or TTY (202) 293–8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its__inc@ix.netcom.com. Their Internet address is http://www.itsi.com.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http:/

/www.fcc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834–0100; fax number (703) 834–0111.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–6609 Filed 3–13–00; 4:57 pm]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 16, 2000 10:00 a.m., MEETING OPEN TO THE PUBLIC

The following items were added to the agenda:

Revised Draft Advisory Opinion 1999–40: National Rural Electric Cooperative Association.

Revised Draft Advisory Opinion 2000–03: American Society of Anesthesiologists.

DATE AND TIME: Tuesday, March 21, 2000, 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: Thursday, March 23, 2000, at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes.

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. 00–6720 Filed 3–14–00; 3:33 pm]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1320–DR]

Kentucky; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Kentucky (FEMA–1320–DR), dated February 28, 2000, and related determinations.

EFFECTIVE DATE: March 2, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective March 2, 2000.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 00–6544 Filed 3–15–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1318–DR]

Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–1318–DR), dated February 28, 2000, and related determinations.

EFFECTIVE DATE: February 28, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 28, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia, resulting from a severe winter storm on January 25–30, 2000, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended (''the Stafford Act'').

I, therefore, declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide assistance for debris removal (Category A), emergency protective measures (Category B), and utilities (Category F) under Public Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Stephen Emory of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster:

The City of Alexandria, City of Colonial Heights, City of Emporia, City of Fairfax, City of Franklin, City of Fredericksburg, City of Hopewell, City of Petersburg, City of Richmond, City of Suffolk, City of Williamsburg, and the counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Giles, Goochland, Grayson, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King George, King William, King and Queen, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Madison, Mecklenburg, Middlesex, Montgomery,

Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Warren, Washington, Westmoreland, Wise, Wythe, and York.

All counties within the Commonwealth of Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–6541 Filed 3–15–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1319–DR]

West Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–1319–DR), dated February 28, 2000, and related determinations.

EFFECTIVE DATE: February 28, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 28, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of West Virginia, resulting from flooding, severe storms, and landslides beginning on February 18, 2000, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is determined to be warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Justo Hernandez of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of West Virginia to have been affected adversely by this declared major disaster:

Barbour, Braxton, Cabell, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Kanawha, Lewis, Marion, Mason, Monongalia, Putnam, Ritchie, Roane, Tyler, Upshur, Wetzel, and Wirt Counties for Individual Assistance.

All counties within the State of West Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–6542 Filed 3–15–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1319–DR]

West Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of West Virginia (FEMA–1319–DR), dated February 28, 2000, and related determinations.

EFFECTIVE DATE: February 28, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of West Virginia is hereby amended to include the Public Assistance program for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 28, 2000:

Barbour, Braxton, Cabell, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Kanawha, Lewis, Marion, Mason, Monongalia, Putnam, Roane, Tyler, Upshur, Wetzel, and Wirt Counties for Public Assistance (already designated for Individual Assistance).

Lincoln, Pocohontas, Preston, Randolph, Taylor, and Tucker Counties for Public Assistance.

Lincoln County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–6543 Filed 3–16–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL TRADE COMMISSION

Advisory Committee on Online Access and Security

AGENCY: Federal Trade Commission.

ACTION: Notice of meeting on March 31, 2000.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. § 10(a)(2), and 16 CFR 16.9(a), notice is hereby given that the Federal Trade Commission Advisory Committee on Online Access and Security will hold a meeting on Friday, March 31, 2000, from 8:00 a.m. to 4:00 p.m. in Room 432, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, DC 20580. The meeting is open to the public and will include a period for public comment. The purpose of the Advisory Committee is to provide advice and recommendations to the Commission regarding implementation of certain fair information practices by domestic commercial Web sites—specifically, providing online consumers reasonable access to personal information collected from and about them, and maintaining adequate security for that information. Interested parties may submit comments concerning any matter to be considered at the meeting by following the procedures described below.

DATES: The Advisory Committee will meet on Friday, March 31, 2000, from 8:00 a.m. to 4:00 p.m.

ADDRESSES: The meeting will take place in Room 432, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Allison Brown, Division of Financial Practices, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Mail Stop 4429, Washington, DC 20580, telephone (202) 326–3079, email aibrown@ftc.gov.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. § 41 *et seq.;* 5 U.S.C. App. §§ 1–15; 16 CFR Part 16.

The third meeting of the Federal Trade Commission Advisory Committee on Online Access and Security will be held on Friday, March 31, 2000, in Room 432, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, DC from 8:00 a.m. to 4:00 p.m.

The Advisory Committee will continue to consider the costs and benefits, to both consumers and businesses, of implementing the fair information practices of access and security with respect to personal information collected for and about consumers online. The Advisory Committee will also continue consideration of the parameters of reasonable access to personal information and adequate security and will present options for implementation of these information practices in a report to the Commission.

The tentative agenda for the third meeting is as follows:

1. Administrative matters

2. Discussion of option papers submitted by subgroups on issues relating to ''reasonable access''

3. Discussion of option papers submitted by subgroup on issues relating to ''adequate security''

4. Public Comment

5. Discussion of tasks and assignments

The meeting is open to the public.

Submission of Documents

Interested parties who wish to submit comments on the meeting agenda or questions for consideration by the Advisory Committee should send an original and two copies in advance of the meeting to the Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Avenue, N.W., Washington, DC 20580. All comments and questions should be captioned ''Advisory Committee on Online Access and Security—Comment, P004807.'' To enable prompt review and public access, paper submissions should be accompanied by a version on diskette in ASCII, WordPerfect (please specify version) or Microsoft Word (please specify version) format. Diskettes should be labeled with the name of the submitter, the Advisory Committee caption, and the name and version of the word processing program used to create the document.

Alternatively, comments or questions may be submitted to the following email address: *advisorycommittee@ftc.gov;* if submitted by email, only one copy of the comment or question is required. The email should contain the name of the submitter, the Advisory Committee caption, and, if a document is attached, the name and version of the word processing program used to create the document.

To ensure that comments are processed properly, individuals submitting comments should be sure to use the above addresses. All comments will be posted on the Advisory Committee's Web page at www.ftc.gov/acoas as soon as reasonably possible, and likely within 5 business days of receipt.

By direction of the Commission.

Donald S. Clark,

Secretary of the Commission.

[FR Doc. 00–6497 Filed 3–15–00; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

Office of Communications, Standard and Optional Forms Management Office; Cancellation of a Standard Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Because of low usage, the following Optional Form is cancelled:

OF 10, U.S. Government Memorandum.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams (202) 501–0581.

DATES: Effective March 16, 2000.

Dated:February 29, 2000.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 00–6467 Filed 3–15–00; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Meeting of the Advisory Committee on Blood Safety and Availability

AGENCY: Office of the Secretary.

ACTION: Notice of meeting.

The Advisory Committee on Blood Safety and Availability will meet on Tuesday, April 25, 2000, from 9 a.m. to 5 p.m. and on Wednesday, April 26, 2000 from 9 a.m. to 3 p.m. The meeting will take place at the Hyatt Regency Capitol Hill Hotel, 400 New Jersey Ave., NW., Washington, DC 20001. The meeting will be entirely open to the public.

On April 25 the Committee will consider how strategies to reduce errors and accidents in transfusion medicine can reconcile the right of the patient to know the consequences of any treatment received, the need of regulatory agencies for information necessary for them to fulfill their statutory oversight responsibilities, and the interest of society in perfecting mechanisms that identify and correct latent, life-threatening flaws in critical health care systems.

On April 26 the Committee will consider incremental reimbursement

policies for blood and blood products in response to the introduction of new safety measures.

Public comment will be solicited both days. Public comment will be limited to three minutes per speaker. Those who wish to have printed material distributed to Advisory Committee members should submit thirty (30) copies to the Executive Secretary prior to close of business April 10, 2000.

FOR FURTHER INFORMATION CONTACT: Stephen D. Nightingale, M.D., Executive Secretary, Advisory Committee on Blood Safety and Availability, Department of Health and Human Servcies, Office of Public Health and Safety, 200 Independence Avenue SW., Rm 736E, Washington, DC 20201. Phone (202) 690–5560 FAX (202) 690–7560 e-mail stephendnightingale@osophs.dhhs.gov.

Dated: March 9, 2000.

Stephen D. Nightingale,

Executive Secretary, Advisory Committee on Blood Safety and Availability.

[FR Doc. 00–6430 Filed 3–15–00; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–00–27]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Disease Control and Prevention is providing opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden 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 for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

1. Workplace Exacerbation of Asthma—NEW—The National Institute of Occupational Safety and Health (NIOSH)—Work-related asthma is the most common lung disease seen in occupational health clinics in the United States based on data from the Association of Occupational and Environmental Clinics for 1991–1996. Work-related asthma includes both new onset asthma initiated by workplace exposures and preexisting asthma exacerbated by workplace environments, because in both types of cases repeated exposure to asthmatic agents can lead to chronic pulmonary impairment. Also, the 1985 American Thoracic Society statement ''What Constitutes an Adverse Health Effect of Air Pollution'' identified exacerbation of asthma as one of the serious effects of environmental air pollution. While anecdotal evidence suggests that as many as one-half of work-related asthma patients treated in occupational medicine clinics had pre-existing asthma that was exacerbated by workplace conditions, there is little data from studies in the United States to support this claim.

This study will investigate the frequency, causes, and consequences of workplace exacerbation of asthma (WEA). Given the diversity of workplace agents and processes associated with asthma, a population-based, rather than industry-based, study is needed to ascertain the full extent of the problem. This will be achieved by surveying adults with asthma. The Specific Aims are: (1) To determine the frequency of workplace exacerbation of asthma. (2) To determine the circumstances at work associated with exacerbation of asthma. (3) To determine the social and economic costs associated with workplace exacerbation of asthma. (4) To determine the sensitivity and specificity of self-reported workplace exacerbation of asthma. (5) To determine whether workplace exacerbation of asthma contributes to progression of disease. The design is a prospective cohort study with a nested validation study. A questionnaire will be completed in the baseline study to address Specific Aims 1–3. Also, patient care records will be used to ascertain cost of asthma care for each participant (Specific Aim 3). A subset of employed subjects with and without workplace exacerbation will be requested to conduct serial spirometry, and the findings will serve as the ''gold standard'' to determine the sensitivity and specificity of a self-report of workplace exacerbation of asthma (Specific Aim 4). All subjects from the baseline study will be asked to complete a follow-up questionnaire approximately two years later to investigate whether workplace exacerbation at baseline predicts an increase in asthma severity (Specific Aim 5).

The data collected in this study will be used to further current understanding of the frequency of workplace-exacerbated asthma, the social and economic impacts of this problem, and the implication of a report of WEA for subsequent asthma severity. This information can be used to prioritize resources for addressing this problem. The data collected in this study will also identify which jobs and exposures are likely to exacerbate existing asthma, thus providing guidance on where to focus preventive efforts. The data collected in this study on the validity of a self-report of WEA will be useful to both clinicians and researchers who attempt to treat or study individuals with this problem.

Based on an average hourly wage of $15 among all occupational groups combined, the total cost to respondents is $37,500.

Respondents (adults with asthma)	Number of respondents	Number of responses/respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Baseline Study	800	1	0.5	400
Validation Study	240	1	7.5	1800
Follow-up Study	600	1	0.5	300
Total				2500

2. Jail STD Prevalence Monitoring System—New—National Center for HIV, STD, and TB Prevention (NCHSTP)—Proposes a 3-year clearance for data collection of the standardized record layout for the Jail STD Prevalence Monitoring System. This system consists of test data compiled for persons entering corrections facilities. The standard data elements were created in response to the need to systematically assess morbidity in persons entering corrections facilities who are at high risk for STDs and who often do not seek medical care in mainstream medical settings. Use of these standard data elements will improve surveillance of STDs by allowing for systematic assessment of a high risk population, taking advantage of already computerized data. States that compile data from corrections facilities are encouraged to participate in the system.

In most places, STD test results for persons in corrections facilities are computerized by the laboratory or by the health department. The burden of compiling data in the standardized format involves running a computer program to convert the data to the specified format. This involves an initial investment of time by a programmer but afterwards involves only running the program once a quarter (average of 3 hours/quarter). Therefore, the respondent burden is approximately 12 hours/year.

If a respondent does not already have computerized test results for persons in corrections facilities and must enter the data, the burden of data entry is approximately 1.5 minute per record, and on average respondent enter approximately 1250 records per quarter for a total burden of 1500 minutes/quarter (31 hours/quarter). During the next 3 years, we expect approximately 20 project areas per year to participate. Approximately 15 will have already computerized data for a burden of 180 hours (15×12hrs) per year and five will enter data for a burden of 620 hours (5×124 hrs) per year. The total burden to respondents is approximately 800 hours per year.

Total estimated cost to respondents is $13,800 per year. This is calculated by the above burden of 180 hours of computer programming time at $25/hr (180–0A$25=$4,500) plus 620 hours of data entry time at $15/hr (620–0A$15=$9,300) for a total of $13,800. The estimated cost to the Federal Government is $55,000 per year which includes the cost of staff time in providing technical assistance, managing and analyzing data, and preparing reports.

Respondents	Number of respondents	Number of responses/respondent	Average burden per response (in hrs.)	Total burden
State/local health departments.	Up to 65 STD project areas.	4 datasets/yr (approx 5000 total records).	3 hrs/dataset (if data entry needed, 31 hrs per dataset).	12 hrs/yr (if data entry needed, 124 hours/yr).
Total	.....	.....	.....	124

3. AIDS Prevention and Surveillance Project Reports, 0920–0208. The National Center for HIV, STD, and TB Prevention (NCHSTP)—proposes to continue data collection for the AIDS Prevention and Surveillance Project Reports, previously approved under OMB No. 0920–0208. This request is for a 3-year extension of clearance.

CDC funds cooperative agreements for 65 HIV Prevention Projects (50 states, 6 cities, 7 territories, Washington, D.C., and Puerto Rico). The cooperative agreements support counseling, testing, referral, and partner notification programs conducted by official public health agencies of states, territories, and localities (project areas). HIV counseling and testing in STD clinics, Women's Health Centers, Drug Treatment Centers, and other health agencies has been described as a primary prevention strategy of the national HIV Prevention Program. These project areas have increased HIV counseling and testing activities to specifically reach more minorities and women of child bearing age.

CDC is responsible for monitoring and evaluating HIV prevention activities conducted under the cooperative agreement. Counseling and testing programs are a major component of the HIV Prevention Program. Without data to measure the impact of counseling and testing programs, priorities cannot be assessed and redirected to prevent further spread of the virus in the general population. CDC needs information from all project areas on the number of at-risk persons tested and the number positive for HIV. The HIV Counseling and Testing Report Form provides a simple yet complete means to collect this information.

Respondents will be able to use either a manual or an electronic scan form. Seventeen respondents (project areas) will use the manual data collection tool. It takes approximately 2 hours to complete the form. The respondents will complete the form 4 times each year for a total burden of 8 hours per year per project area. Forty-eight (48) respondents (project areas) will use the scan form or client record format. It will take approximately 15 minutes for each project area to transfer data electronically on a quarterly basis for a total burden per project area of 1 hour per year. Therefore, the total burden hours for collecting this data will be 184 hours.

CDC will support costs to respondents for data collection and analysis in areas using the manual and scan form out of funds budgeted for these purposes. CDC will spend an estimated 650 hours entering, uploading, and analyzing the data. Using an estimated cost of $40 per hour, this cost would be $26,000 annually (650 hours ×$40). Using an estimated cost of $30.00 per hour, the total burden to the manual form respondent will be $240 annually (8 hours ×$30). ($4,080 total) Using an estimated cost of $30.00 per hour, the total burden to the scan form respondent will be $120 annually (4 hours ×$30) ($5,760 total).

The total cost to the Federal government will be approximately $26,000/year. The total cost to respondents will be approximately $9,840/year. The total burden hours are expected to be 184 burden hours per year.

Respondents	Number of respondents	Number of responses per respondent	Average burden response/ (in hrs.)	Total burden (in hrs.)
Manual form project areas	17	4	2	136
Scan form project areas	48	4	.25	48
Total	65			184

Dated: March 9, 2000.

Charles Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–6486 Filed 3–15–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0222]

Decision in Washington Legal Foundation v. Henney

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: In the **Federal Register** of August 12, 1999 (64 FR 44025), the Food and Drug Administration (FDA) published in its entirety an order entitled ''Final Amended Order Granting Summary Judgment and Permanent Injunction.'' The order was entered by the United States District Court for the District of Columbia in *Washington Legal Foundation* v. *Henney*, 56 F. Supp. 2d 81 (1999). The Court of Appeals subsequently vacated the district court decision and injunction (and earlier decisions and injunctions) insofar as they declared unconstitutional (1) Statutory provisions concerning the dissemination by manufacturers of certain written materials concerning new uses of approved products (21 U.S.C. 360aaa *et seq.*), and (2) an FDA guidance document concerning certain industry-supported scientific and educational activities known generally as industry-supported continuing medical education or ''CME.'' *Washington Legal Foundation* v. *Henney*, No. 99–5304, 2000 WL 122099, slip op. (D.C. Cir. Feb. 11, 2000). Consequently, these statutory provisions now constitute a ''safe harbor'' for manufacturers that comply with them; the CME guidance document details how the agency intends to exercise its enforcement discretion. FDA, consistent with its longstanding interpretation of the laws it administers, may proceed, in the context of case-by-case enforcement, to determine from a manufacturer's written materials and activities how it intends that its products be used. The Court of Appeals also recognized that if the agency brings an enforcement action, a manufacturer may raise a First Amendment defense.

FOR FURTHER INFORMATION CONTACT:

Regarding biological products and devices regulated by the Center for Biologics Evaluation and Research: Toni M. Stifano, Center for Biologics Evaluation and Research (HFM–600), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–6190.

Regarding human drug products: Laurie B. Burke, Center for Drug Evaluation and Research (HFD–40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2828.

Regarding medical devices: Byron L. Tart, Center for Devices and Radiological Health (HFZ–302), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–4639.

SUPPLEMENTARY INFORMATION: The Federal Food, Drug, and Cosmetic Act of 1938 (FDCA), as amended, generally prohibits the manufacturer of a new drug or medical device [1] from distributing a product in interstate commerce for any intended use that FDA has not approved as safe and effective. The intended use or uses of a drug or device may be set forth in, among other things, its label or ''labeling,'' which includes written, printed, or graphic matter affixed to or ''accompanying'' the product. See 21 U.S.C. 321(m); 21 CFR 202.1(l)(2); see also 21 CFR 201.128, 801.4. The intended use or uses of a drug or device may also be determined from advertisements, promotional material, oral statements by the product's manufacturer or its representatives, and any other relevant source. *Action on Smoking and Health v. Harris*, 655 F.2d 236, 239 (D.C. Cir. 1980); see also 21 CFR 201.128 and 801.4.

When FDA approves a drug or medical device, the agency approves the product for each use set out in the product's approved labeling. A use that FDA approves is thus sometimes referred to as an ''approved'' or ''labeled'' use. A use that does not appear in the labeling is not approved as safe and effective by FDA and is known as an ''unapproved'' or ''off-label'' use. In this notice, such a use is referred to as a ''new use.''

A central feature of the FDCA is that it generally prohibits interstate commerce in new drugs and devices for ''new uses.'' In particular, the statute provides that ''[n]o person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to [21 U.S.C. § 355(b) or (j)] is effective with respect to such drug.'' 21 U.S.C. 355(a); see 21 U.S.C. 331(d). Such an application must identify the particular use or uses to which the new drug will be put, and an approval of such an application for interstate distribution can become effective only with respect to such use(s). See 21 U.S.C. 355(b), (d), (j). Thus, an approved new drug that is marketed for a ''new use'' becomes an unapproved new drug with respect to that use.

An approved new drug that is marketed for a ''new use'' is also ''misbranded'' under the FDCA, because the labeling of such a drug would not include ''adequate directions for use.'' 21 U.S.C. 352(f); see *United States* v. *Articles of Drug * * * Rucker Pharmacal Co.,* 625 F.2d 665, 673 (5th Cir. 1980). Similarly, a medical device that is distributed for a ''new use'' is ''adulterated,'' see 21 U.S.C. 351(f), and ''misbranded,'' see 21 U.S.C. 352(f). An adulterated or misbranded product is prohibited from distribution in interstate commerce (21 U.S.C. 331(a), (k)), as is a drug that is marketed for a ''new use'' (21 U.S.C. 331(d)).

An approved new drug that is marketed for a ''new use'' may be seized (because it is an unapproved new drug with respect to that use), as may an adulterated or misbranded new drug or device (21 U.S.C. 334), and the government may seek an injunction against, or criminal prosecution of,

[1] For purposes of this notice, the terms ''drug or medical device'' include biologic products regulated under section 351(a) of the Pubic Health Service Act.

those responsible for introducing such a product into commerce (21 U.S.C. 332, 333).

Section 401 of the Food and Drug Administration Modernization Act of 1997 (FDAMA or section 401), 21 U.S.C. 360aaa *et seq.*, amended the FDCA. It describes certain conditions under which a drug or device manufacturer may choose to disseminate to physicians and other health care practitioners certain written materials discussing a ''new use'' of its product. If those conditions are met, the government may not use that dissemination as evidence of the manufacturer's intent that its product be used for a new use. See 21 U.S.C. 360aaa-6(b). If section 401 did not exist, the government could use such dissemination as evidence in establishing a manufacturer's illegal distribution of a new drug or device for a ''new use,'' and in establishing that the product is misbranded or, in the case of a device, adulterated as well as misbranded.

Prior to FDAMA, FDA articulated its policy concerning the promotion of ''new uses'' in three guidance documents. FDAMA and its implementing regulations superseded the two guidance documents that addressed the dissemination of written ''new use'' information (reprints and reference texts) by drug and medical device manufacturers. See 61 FR 52800–52801 (October 8, 1996). FDAMA does not affect the third guidance document (the CME guidance document), which identifies 12 factors that the agency will consider in determining whether a manufacturer, through its support of scientific and educational activities, evidenced a ''new use'' of its drugs or devices. See 62 FR 64093–64100 (December 3, 1997).

Washington Legal Foundation presented a First Amendment challenge to section 401 and the three guidance documents. The district court issued orders declaring FDAMA, its implementing regulations, and the guidance documents unconstitutional. Among other things, the district court, with a number of qualifications, enjoined FDA from ''in any way * * * limit[ing] any pharmaceutical or medical device manufacturer'' from ''disseminating'' specified journal articles or medical texts and from ''suggesting content or speakers'' to an ''independent program provider'' in connection with a seminar or symposium funded by the manufacturer. See *Washington Legal Foundation* v. *Henney*, 56 F. Supp. 2d 81, 88–89 (D.D.C. 1999);*Washington Legal Foundation* v. *Friedman*, 36 F. Supp. 2d 16, 18–19 (D.D.C. 1999); *Washington Legal Foundation* v. *Friedman*, 13 F. Supp. 2d 51, 74–75 (D.D.C. 1998).

On February 11, 2000, the Court of Appeals for the District of Columbia Circuit vacated the district court's decisions and injunctions insofar as they declared section 401 and the CME guidance document unconstitutional. See slip op. at 10. (The other two guidance documents, pertaining to the dissemination of certain written materials about ''new uses,'' had been superseded by FDAMA and its implementing regulations and were not at issue in the Court of Appeals.)

The D.C. Circuit's decision was based on its conclusion that there is no case or controversy to provide a basis for WLF's facial First Amendment challenge. In reaching that conclusion, the court relied on the government's interpretation that (1) Section 401 provides a '''safe harbor' ensuring that certain forms of conduct [will] not be used against manufacturers in misbranding and 'intended use' enforcement actions'' based on pre-FDAMA enforcement authority (slip op. at 8), discussed above, and (2) neither FDAMA nor the CME Guidance Document ''independently authorizes the FDA to prohibit or sanction speech'' (id.). Put another way, if a manufacturer follows the provisions of FDAMA and its implementing regulations (21 CFR part 99), including, but not limited to, its provision concerning the submission of a supplemental application for FDA approval of a ''new use,'' FDA may not use the information disseminated by the manufacturer as evidence that the product is intended to be used for a ''new use.'' If a manufacturer proceeds under section 401 and its implementing regulations but does not comply, FDA may seek to enforce compliance through an injunction action under the FDCA to halt a violation of section 301(z). If a manufacturer does not proceed under section 401, that failure does not constitute an independent violation of law.

FDA traditionally has recognized the important public policy reasons to permit industry support for the full exchange of views in scientific and educational discussions, including discussions of ''new uses.'' FDA has distinguished between those activities supported by manufacturers that are nonpromotional and otherwise independent from the substantive influence of the supporting manufacturer and those that are not. Those activities that have been deemed by the agency to be independent from influence by the supporting manufacturer and nonpromotional have not been treated as labeling or advertising, and have not been subjected to the agency's regulatory scrutiny. Under the CME guidance document, FDA does not expect to treat industry-supported CME any differently than it traditionally has done. If a manufacturer does not follow the CME guidance document, that, by itself, is not an independent violation of law. Slip op. at 8.

Plaintiff Washington Legal Foundation (WLF) expressly agreed that FDA may proceed on a case-by-case basis under pre-FDAMA enforcement authority. See e.g., *Washington Legal Foundation* v. *Henney*, No. 99–5304, Transcript of Oral Argument, January 10, 2000 (TR.) at 43, 58, 75; see *Washington Legal Foundation* v. *Henney*, slip op. at 7, 8, and 9. Nonetheless, WLF urged the D.C. Circuit to reach the merits of the district court's decisions and injunctions on the ground that FDA ''will prosecute manufacturers for violating a normative standard'' set forth in FDAMA or the CME Guidance Document. Slip op. at 9. The appellate court declined, finding that there was no constitutional controversy between the parties that remained to be resolved and that ruling on the constitutionality of a hypothetical interpretation of the statute would be inappropriate. Id. at 10. In vacating the district court's decisions and injunctions insofar as they declared FDAMA and the CME Guidance Document unconstitutional, the D.C. Circuit noted that a manufacturer may, of course, argue that FDA's use of the manufacturer's promotion of a ''new use'' as evidence in a particular enforcement action violates the First Amendment. Slip op. at 9, n. 6.

In sum, then, FDAMA and its implementing regulations constitute a ''safe harbor'' for a manufacturer that complies with them before and while disseminating journal articles and reference texts about ''new uses'' of approved products. If a manufacturer does not comply, FDA may bring an enforcement action under the FDCA, and seek to use journal articles and reference texts disseminated by the manufacturer as evidence that an approved product is intended for a ''new use.'' Manufacturers that support CME may wish to become familiar with the CME guidance document, which details the factors FDA intends to take into account in exercising its enforcement discretion in relation to industry-supported scientific and educational activities. The CME guidance document, however, does not itself have the force and effect of law.

References

The following references are on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. *Washington Legal Foundation* v. *Henney*, No. 99–5304, 2000 WL 122099, slip op. (D.C. Cir. February 11, 2000).

2. *Washington Legal Foundation* v. *Henney*, No. 99–5304, transcript of oral argument, January 10, 2000.

Dated: March 9, 2000.

Jane E. Henney,

Commissioner of Food and Drugs.

[FR Doc. 00–6422 Filed 3–10–00; 4:15 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–3427]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS. In compliance with the requirement of section 3506(c)(2)(A) of the paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* End Stage Renal Disease Application and Survey and Certification Report and Supporting Regulations in 42 CFR 405.2100—405.2184; *Form No.;* HCFA–3427 (OMB# 0938–0360); *Use;* Part I of this form is a facility identification and screening measurement used to initiate the certification and recertification of ESRD facilities, Part II is completed by the Medicare/Medicaid State survey agency to determine facility compliance with ESRD conditions for coverage; *Frequency:* Annually; *Affected Public:* State, local or tribal government; *Number of Respondents:* 3740; *Total Annual Responses:* 675; *Total Annual Hours:* 1626.25.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 28, 2000.

John P. Burke III,

Reports Clearance Officer, HCFA Office of Information Services Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–6523 Filed 3–15–00; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Study Regarding Shortages of Licensed Pharmacists

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The ''Healthcare Research and Quality Act of 1999'', enacted on December 6, 1999, requires the Department of Health and Human Services (HHS) to ''conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists.'' The Department will include in this study a summary of comments from interested public and private entities. The Department invites all interested public and private entities to submit comments on specific issues, including data and studies supporting their comments.

DATES: Comments must be submitted by May 1, 2000.

ADDRESSES: Address all comments concerning this notice to Vincent C. Rogers, D.D.S., M.P.H., Associate Administrator, Bureau of Health Professions, Health Resources and Services Administration, Room 8–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: On December 6, 1999, Congress enacted the Healthcare Research and Quality Act of 1999, Pub. L. 106–129, to amend title IX of the Public Health Service Act by revising and extending the Agency for Healthcare Policy and Research (now referred to as the Agency for Healthcare Research and Quality). Section 5 of Pub. L. 106–129 requires the Secretary of Health and Human Services (HHS), through the appropriate agencies of the Public Health Service, to conduct a study ''to determine whether and to what extent there is a shortage of licensed pharmacists' and to report back to Congress in one year after the date of enactment of the Act on its findings.

A number of associations, such as the National Association of Chain Drug Stores, have been voicing concerns that a shortage of pharmacists in some areas of the country might create a major health crisis. HHS invites comments from public and private sources on the following topics related to pharmacy shortages. Please address your comments by number as indicated below. You need not address all topics.

1. Shortage of pharmacists; for example, vacancy rates for pharmacists' jobs over time, existing documentation of delayed store openings or reduction in store hours, existing documentation of signing bonuses and other hiring incentives, and increases in wages;

2. Difficulties that communities may be experiencing in accessing pharmacy services. HHS is particularly interested in difficulties confronting those in rural or underserved areas, services for the elderly, and other evidence of unmet needs due to a shortage of pharmacists;

3. How pharmacies and employers are addressing a shortage of pharmacists;.

4. The use of technicians, and State laws governing ratios of pharmacists to technicians, and limitations on the functions technicians are permitted to perform, and any requirements for technician certification;

5. The impact of the growth of managed care and third-party coverage of prescriptions on pharmacy practice;

6. Problems or adverse events connected with a shortage of pharmacists, *e.g.,* medication errors;

7. The impact a drug benefit for the Medicare population might have on prescription volume and the demand for pharmacists;

8. Uses of automation or technology to assist pharmacists, such as the use of electronic transmission of prescriptions, methods of streamlining dispensing processes, and technologies that may be under development to improve efficiency of pharmacists in their duties;

9. The impact of Internet and mail order pharmacies on the demand for pharmacists; and

10. Existing information on the current pharmacist education process; in particular, applications to pharmacy programs, the impact that the shift to the doctor of pharmacy as the first professional degree may have on pharmacy supply, trends in graduates taking residencies, and students' job preferences.

Dated: March 9, 2000.

Claude Earl Fox,

Administrator.

[FR Doc. 00–6427 Filed 3–15–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Publication of the OIG Compliance Program Guidance for Nursing Facilities

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: This **Federal Register** notice sets forth the recently issued Compliance Program Guidance for Nursing Facilities developed by the Office of Inspector General (OIG). The OIG has previously developed and published compliance program guidance focused on several other areas and aspects of the health care industry. We believe that the development and issuance of this compliance program guidance for nursing facilities will continue to serve as a positive step toward promoting a higher level of ethical and lawful conduct throughout the entire health care industry.

FOR FURTHER INFORMATION CONTACT: Nicole C. Hall, Office of Counsel to the Inspector General, (202) 619–2078.

SUPPLEMENTARY INFORMATION:

Background

The creation of compliance program guidances is a major initiative of the OIG in its effort to engage the private health care community in combating fraud and abuse. In the last several years, the OIG has developed and issued compliance program guidances directed at the following segments of the health care industry: the hospital industry; home health agencies; clinical laboratories; third-party medical billing companies; the durable medical equipment, prosthetics, orthotics and supply industry; hospices; and Medicare+Choice organizations offering coordinated care plans. The development of these types of compliance program guidances is based on our belief that a health care provider can use internal controls to more efficiently monitor adherence to applicable statutes, regulations and program requirements.

Copies of these compliance program guidances can be found on the OIG web site at http://www.hhs.gov/oig.

Developing Compliance Program Guidance for Nursing Facilities

On December 18, 1998, the OIG published a solicitation notice seeking information and recommendations for developing formal guidance for nursing facilities (63 FR 70137). In response to that solicitation notice, the OIG received 16 comments from various outside sources. We carefully considered those comments, as well as previous OIG publications, such as other compliance program guidances and Special Fraud Alerts, in developing a compliance program guidance for nursing facilities. In addition, we have taken into account past and recent fraud investigations conducted by the OIG's Office of Investigations and the Department of Justice, and have consulted with the Health Care Financing Administration. In an effort to ensure that all parties had a reasonable opportunity to provide input into a final product, the draft guidance for nursing facilities was published in the **Federal Register** on October 29, 1999 (64 FR 58419) for further comments and recommendations.

Elements for an Effective Compliance Program

This compliance guidance for nursing facilities contains seven elements that the OIG has determined to be fundamental to an effective compliance program:

- implementing written policies, procedures and standards of conduct;
- designating a compliance officer and compliance committee;
- conducting effective training and education;
- developing effective lines of communication;
- enforcing standards through well-publicized disciplinary guidelines;
- conducting internal monitoring and auditing; and
- responding promptly to detected offenses and developing corrective action.

These elements are contained in previous guidances issued by the OIG. As with previously-issued guidances, this compliance program guidance represents the OIG's suggestions on how nursing facilities can best establish internal controls and prevent fraudulent activities. The contents of this guidance should not be viewed as mandatory or as an exclusive discussion of the advisable elements of a compliance program; the document is intended to present voluntary guidance to the industry and not represent binding standards for nursing facilities.

Office of Inspector General's Compliance Program Guidance for Nursing Facilities

I. Introduction

The Office of Inspector General (OIG) of the Department of Health and Human Services (DHHS) continues in its efforts to promote voluntarily implemented compliance programs for the health care industry.[1] This compliance guidance is intended to assist nursing facilities [2] develop and implement internal controls and procedures that promote adherence to applicable statutes and regulations of the Federal health care programs [3] and private insurance

[1] The OIG1 has issued compliance program guidances for the following seven industry sectors: hospitals, clinical laboratories, home health agencies, durable medical equipment suppliers, third-party medical billing companies, hospices, and Medicare+Choice organizations offering coordinated care plans. Over the next year, the OIG plans to issue compliance guidances for ambulance companies and individual and small group physician practices.

[2] For the purpose of this guidance, the term ''nursing facility'' includes a skilled nursing facility (SNF) and a nursing facility (NF) that meet the requirements of sections 1819 and 1919 of the Social Security Act (Act), respectively, 42 U.S.C. 1395i–3 and 42 U.S.C. 1396r. Where appropriate, we distinguish between SNFs and other nursing facilities.

[3] The term ''Federal health care programs'' includes any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United States Government (*i.e.*, via programs such as Medicare, Federal Employees Health Benefits Act, Federal Employees' Compensation Act, Black Lung, or the Longshore and Harbor Worker's Compensation Act) or any State health plan (*e.g.*, Medicaid, or a program receiving funds from block grants for social services

Continued

program requirements. Compliance programs strengthen Government efforts to prevent and reduce fraud and abuse, as well as further the mission of all nursing facilities to provide quality care to their residents.

Through this document, the OIG provides its views on the fundamental elements of nursing facility compliance programs, as well as the principles that each nursing facility should consider when developing and implementing an effective compliance program. While this document presents basic procedural and structural guidance for designing a compliance program, it is not in and of itself a compliance program. Rather, it is a set of guidelines that nursing facilities should consider when developing and implementing a compliance program. For those nursing facilities that have an existing program or are already in the process of implementing a compliance program, these guidelines may serve as a benchmark against which to measure their ongoing efforts.

Implementing an effective compliance program in a nursing facility may require a significant commitment of time and resources by all parts of the organization. However, superficial efforts or programs that are hastily constructed and implemented without a long term commitment to a culture of compliance likely will be ineffective and may expose the nursing facility to greater liability than if it had no program at all.[4] Although an effective compliance program may require a reallocation of existing resources, the long term benefits of establishing a compliance program significantly outweigh the initial costs. In short, compliance measures are an investment that advance the goals of the nursing facility, the solvency of the Federal health care programs, and the quality of care provided to the nursing home resident.

In a continuing effort to collaborate closely with health care providers and the private sector, the OIG placed a notice in the **Federal Register** soliciting comments and recommendations on what should be included in this compliance program guidance.[5] In addition to considering these comments in drafting this guidance, we reviewed previous OIG publications, including OIG Special Fraud Alerts and OIG Medicare Advisory Bulletins, as well as reports issued by OIG's Office of Audit Services (OAS) and Office of Evaluation and Inspections (OEI) affecting the nursing home industry.[6] In addition, we relied on the experience gained from fraud investigations of nursing home operators conducted by OIG's Office of Investigations, the Department of Justice, and the Medicaid Fraud Control Units.

A. Benefits of a Compliance Program

The OIG believes a comprehensive compliance program provides a mechanism that brings the public and private sectors together to reach mutual goals of reducing fraud and abuse, enhancing operational functions, improving the quality of health care services, and decreasing the cost of health care. Attaining these goals provides positive results to the nursing facility, the Government, and individual citizens alike. In addition to fulfilling its legal duty to ensure that it is not submitting false or inaccurate claims to Government and private payors, a nursing facility may gain numerous other benefits by voluntarily implementing a compliance program. The benefits may include:

- the formulation of effective internal controls to ensure compliance with statutes, regulations and rules;
- a concrete demonstration to employees and the community at large of the nursing facility's commitment to responsible corporate conduct;
- the ability to obtain an accurate assessment of employee and contractor behavior;
- an increased likelihood of identifying and preventing unlawful and unethical behavior;
- the ability to quickly react to employees' operational compliance concerns and effectively target resources to address those concerns;
- an improvement in the quality, efficiency, and consistency of providing services;
- a mechanism to encourage employees to report potential problems and allow for appropriate internal inquiry and corrective action;
- a centralized source for distributing information on health care statutes, regulations and other program directives;[7]
- a mechanism to improve internal communications;
- procedures that allow prompt and thorough investigation of alleged misconduct; and
- through early detection and reporting, minimizing loss to the Government from false claims, and thereby reducing the nursing facility's exposure to civil damages and penalties, criminal sanctions, and administrative remedies.[8]

The OIG recognizes that the implementation of a compliance program may not entirely eliminate fraud and abuse from the operations of a nursing facility. However, a sincere effort by the nursing facility to comply with applicable statutes and regulations as well as Government and private payer health care program requirements, through the establishment of a compliance program, significantly reduces the risk of unlawful or improper conduct.

B. Application of Compliance Program Guidance

Given the diversity within the long term care industry, there is no single ''best'' nursing facility compliance program. The OIG recognizes the complexities of this industry and is sensitive to the differences among large national chains, regional multi-facility operators, and small independent homes. However, the elements of this guidance can be used by all nursing facilities to establish a compliance program, regardless of size (in terms of employees and gross revenues), number of locations, or corporate structure.

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or child health services). *See* 42 U.S.C. 1320a–7b(f). In this document, the term ''Federal health care program requirements'' refers to the statutes, regulations and other written directives governing Medicare, Medicaid, and all other Federal health care programs.

[4] Recent case law suggests that the failure of a corporate director to attempt in good faith to institute a compliance program in certain situations may be a breach of a director's fiduciary obligation. *See, e.g., In re Caremark Int'l Inc. Derivative Litig.,* 698 A.2d 959, 970 (Ct. Chanc. Del. 1996).

[5] *See* 63 FR 70137 (December 12, 1998), Notice for Solicitation of Information and Recommendations for Developing OIG Compliance Program Guidance for the Nursing Home Industry.

[6] The OIG periodically issues advisory opinions responding to specific inquires concerning the application of the OIG's authorities and Special Fraud Alerts, setting forth activities that raise legal and enforcement issues. These documents, as well as reports from OAS and OEI can be obtained on the Internet at: http://www.hhs.gov/oig. We also recommend that nursing home providers regularly review the Health Care Financing Administration (HCFA) website on the Internet at: http://www.hcfa.gov, for up-to-date regulations, manuals, and program memoranda related to the Medicare and Medicaid programs.

[7] Counsel to the nursing facility should be consulted as appropriate regarding interpretation and legal analysis of laws related to the Federal health care programs and laws related to fraud, abuse and other legal requirements.

[8] For example, the OIG will consider the existence of an effective compliance program that pre-dated any governmental investigation when addressing the appropriateness of administrative sanctions. However, the burden is on the nursing facility to demonstrate the operational effectiveness of the compliance program. Further, the False Claims Act, 31 U.S.C. 3729–3733, provides that a person who has violated the Act, but who voluntarily discloses the violation to the Government within 30 days of detection, in certain circumstances will be subject to not less than double, as opposed to treble, damages. *See* 31 U.S.C. 3729(a). In addition, criminal sanctions may be mitigated by an effective compliance program that was in place at the time of the criminal offense. *See* note 11.

Similarly, a corporation that provides long term care as part of an integrated health care delivery system may incorporate these elements into its structure.[9]

We recognize that some nursing facilities may not be able to adopt certain elements to the same degree as others with more extensive resources. At the end of several sections of this document, the OIG has offered suggestions to assist these smaller nursing facility providers in implementing the principles expressed in this guidance. Regardless of size, structure or available resources, the OIG recommends that every nursing facility should strive to accomplish the objectives and principles underlying all of the compliance polices and procedures in this guidance.

By no means should the contents of this guidance be viewed as an exclusive or complete discussion of the advisable elements of a compliance program. On the contrary, the OIG strongly encourages nursing facilities to develop and implement compliance elements that uniquely address the areas of potential problems, common concerns, or high risk areas that apply to their own facilities. Furthermore, this guidance may be modified and expanded as more information and knowledge is obtained by the OIG, and as changes occur in the statutes, regulations and rules of the Federal health care programs and private health plans. New compliance practices also may be incorporated into this guidance if the OIG discovers enhancements that promote effective compliance.

II. Compliance Program Elements

A. The Seven Basic Compliance Elements

The OIG believes that every effective compliance program must begin with a formal commitment [10] by the nursing facility's governing body to address *all* of the applicable elements listed below, which are based on the seven steps of the Federal Sentencing Guidelines.[11] The OIG recognizes that full implementation of all elements may not be immediately feasible for all nursing facilities. However, as a first step, a good faith and meaningful commitment on the part of nursing facility management will substantially contribute to the program's successful implementation. As the compliance program is effectuated, that commitment should cascade down through management to every employee and contractor of the nursing facility.

At a minimum, a comprehensive compliance program should include the following seven elements:

(1) The development and distribution of written standards of conduct, as well as written policies, procedures and protocols that promote the nursing facility's commitment to compliance (*e.g.,* including adherence to the compliance program as an element in evaluating managers and employees) and address specific areas of potential fraud and abuse, such as claims development and submission processes, quality of care issues, and financial arrangements with physicians and outside contractors;

(2) The designation of a compliance officer and other appropriate bodies (*e.g.,* a corporate compliance committee) charged with the responsibility for developing, operating and monitoring the compliance program, and who reports directly to the owner(s), governing body and/or CEO; [12]

(3) The development and implementation of regular, effective education and training programs for all affected employees; [13]

(4) The creation and maintenance of an effective line of communication between the compliance officer and all employees, including a process, such as a hotline or other reporting system, to receive complaints, and the adoption of procedures to protect the anonymity of complainants and to protect whistle blowers from retaliation;

(5) The use of audits and/or other risk evaluation techniques to monitor compliance, identify problem areas, and assist in the reduction of identified problems; [14]

(6) The development of policies and procedures addressing the non-employment or retention of excluded individuals or entities and the enforcement of appropriate disciplinary action against employees or contractors who have violated corporate or compliance policies and procedures, applicable statutes, regulations, or Federal, State, or private payor health care program requirements; and

(7) The development of policies and procedures with respect to the investigation of identified systemic problems, which include direction regarding the prompt and proper response to detected offenses, such as the initiation of appropriate corrective action, repayments, and preventive measures.

B. Written Policies and Procedures

Every compliance program should develop and distribute written compliance standards, procedures, and practices that guide the nursing facility and the conduct of its employees throughout day-to-day operations. These policies and procedures should be developed under the direction and supervision of the compliance officer, the compliance committee, and operational managers. At a minimum, they should be provided to all employees who are affected by these policies, as well as physicians, suppliers, nursing facility agents, and contractors, as applicable to those entities.[15] In addition to general corporate policies and procedures, an effective compliance program should include specific policies and procedures for the different clinical, financial, and administrative functions of a nursing facility.

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[9] For example, this would include providers that own hospitals, skilled nursing facilities, long term care facilities and hospices.

[10] A formal commitment may include a resolution by the board of directors, owner(s), or president, where applicable. Evidence of that commitment should include the allocation of adequate resources, a timetable, and the identification of an individual to serve as a compliance officer or coordinator to ensure that each of the recommended and adopted elements is addressed. Once a commitment has been established, a compliance officer should immediately be chosen to oversee the implementation and ongoing operation of the compliance program.

[11] *See* United States Sentencing Commission Guidelines, *Guidelines Manual,* 8A1.2, Application Note 3(k). The Federal Sentencing Guidelines are detailed policies and practices for the Federal criminal justice system that prescribe the appropriate sanctions for offenders convicted of Federal crimes.

[12] The roles of the compliance officer and the corporate compliance committee in implementing an effective compliance program are discussed throughout this guidance. However, the OIG recognizes that differences in the sizes and structures of nursing facilities may result in differences in the ways in which compliance programs function.

[13] Training and educational programs for nursing facilities should be detailed, comprehensive and at the same time targeted to address the needs of specific employees based on their responsibilities within the facility. Existing in-service training programs can be expanded to address general compliance issues, as well as the risk areas identified in that part of nursing home operations.

[14] For example, periodically spot-checking the work of coding and billing personnel should be part of a compliance program. In addition, procedures to regularly monitor the care provided to nursing facility residents and to ensure that deficiencies identified by surveyors are corrected should be incorporated into the compliance program's evaluation and monitoring functions.

[15] According to the Federal Sentencing Guidelines, an organization must have established compliance standards and procedures to be followed by its employees and other agents in order to receive sentencing credit for an ''effective'' compliance program. The Federal Sentencing Guidelines define ''agent'' as ''any individual, including a director, an officer, an employee, or an independent contractor, authorized to act on behalf of the organization.'' *See* United States Sentencing Commission Guidelines, *Guidelines Manual,* 8A1.2, Application Note 3(d).

1. Code of Conduct

While a clear statement of policies and procedures is at the core of a compliance program, the OIG recommends that nursing facilities start the process with the development of a corporate statement of principles that will guide the operations of the provider. One common expression of this statement of principles is the code of conduct.[16] The code should function in the same fashion as a constitution, *i.e.,* as a foundational document that details the fundamental principles, values, and framework for action within an organization. The code of conduct for a nursing facility should articulate the organization's expectations of employees, as well as summarize the basic legal principles under which the organization must operate. Unlike the more detailed policies and procedures, the code of conduct should be brief, easily readable and cover general principles applicable to all employees.

The code of conduct should be distributed to, and comprehensible by, all affected employees.[17] Depending on the facility's work force, this may mean that the code should be translated into other languages when necessary and written at appropriate reading levels. Further, any employee handbook delineating the standards of conduct should be regularly updated to reflect developments in applicable Government and private health care program requirements. Finally, the OIG recommends that current employees, as well as those newly hired, should certify that they have received, read, and will abide by the organization's code of conduct. These certifications, updated any time the code is revised or amended by the organization, should be retained in the employee's personnel file and made available for review.[18]

The OIG believes that *all* nursing facilities should operate under the guidance of a code of conduct. While the OIG recognizes that some nursing facilities may not have the resources to establish a comprehensive compliance program, we believe that every nursing facility can design a program that addresses the seven elements set out in this guidance, albeit at different levels of sophistication and complexity. In its most fundamental form, a facility's code of conduct is a basic set of standards that articulate the organization's philosophy, summarize basic legal principles, and teach employees how to respond to practices that may violate the code of conduct. These standards should be posted and distributed to every employee. Further, even a small nursing facility should obtain written attestation from its employees to confirm their understanding and commitment to the nursing facility's code of conduct.

2. Specific Risk Areas

As part of their commitment to a compliance program, nursing facilities should prepare a comprehensive set of written policies and procedures that are in place to prevent fraud and abuse in facility operations and to ensure the appropriate care of their residents. These policies and procedures should educate and alert all affected managers and employees of the Federal health care program and private payor requirements, the consequences of noncompliance, and the specific procedures that nursing facility employees should follow to report problems, to ensure compliance, and to rectify any prior noncompliance.

The OIG recognizes that many States require nursing facilities to have a policies and procedures manual and that most facilities have in place procedures to prevent fraud and abuse in their institutions. These providers may not need to develop a new, comprehensive set of policies as part of their compliance program if existing policies effectively encompass the provider's operations and relevant rules. However, the nursing home industry is subject to numerous Federal and State statutes, rules, regulations and manual instructions.[19] Because these program requirements are frequently modified, the OIG recommends that all nursing facilities evaluate their current compliance policies and procedures by conducting a baseline assessment of risk areas, as well as subsequent reevaluations.[20] The OIG also recommends that these internal compliance reviews be undertaken on a regular basis to ensure compliance with current program requirements.

To assist nursing facilities in performing this internal assessment, the OIG has developed a list of potential risk areas affecting nursing facility providers. These risk areas include quality of care and residents' rights, employee screening, vendor relationships, billing and cost reporting, and record keeping and documentation. This list of risk areas is not exhaustive, nor all encompassing. Rather, it should be viewed as a starting point for an internal review of potential vulnerabilities within the nursing facility.[21] The objective of this assessment should be to ensure that the employees, managers and directors are aware of these risk areas and that steps are taken to minimize, to the extent possible, the types of problems identified. While there are many ways to accomplish this objective, comprehensive written policies and procedures that are communicated to all appropriate employees and contractors are the first step in an effective compliance program.

The OIG believes that sound operating compliance policies are essential to all nursing facilities, regardless of size and capability. If a lack of resources to develop such policies is genuinely an issue, the OIG recommends that those nursing facilities focus first on those risk areas most likely to arise in their business operations. At a *minimum,* resources should be directed to analyze the results of annual surveys,[22] and to verify that the facility has effectively addressed any deficiencies cited by the surveyors. An effective and low-cost means to accomplish this is through the use of the facility's Quality Assessment and Assurance Committee. The committee should consist of facility staff members, including the Director of

[16] The OIG strongly encourages the participation and involvement of the nursing facility's owner(s), governing board, CEO, as well as other personnel from various levels of the organizational structure in the development of all aspects of the compliance program, especially the standards of conduct. Management and employee involvement in this process communicates a strong and explicit commitment to all employees of the need to comply with the organization's standards of conduct.

[17] The code also should be distributed, or at least available, to the residents and their families, as well as the physicians and contractors associated with the facility.

[18] Documentation of employee training and other compliance efforts is important in conducting internal assessments of the compliance program, as well as during any third-party evaluation of the facility's efforts to comply with Federal health care program requirements. *See* section II.F.

[19] *See* http://www.hcfa.gov for information on obtaining a set of all Medicare and Medicaid manuals.

[20] In addition, all providers should be aware of the enforcement priorities of Federal and State regulators and law enforcement agencies. OIG periodically issues Special Fraud Alerts and Special Advisory Bulletins that identify activities believed to raise enforcement concerns. These documents and other materials that provide insight into the nursing home enforcement priorities of the OIG are referenced throughout this guidance.

[21] The OIG recommends that, in addition to the list set forth below, the provider review the OIG's Work Plan to identify vulnerabilities and risk areas on which the OIG will focus during the following year. In addition, it is recommended that the nursing facility routinely review the OIG's semiannual reports, which identify program vulnerabilities and risk areas that the OIG has targeted during the preceding six months. All of these documents are available on the OIG's webpage at http://www.hhs.gov/oig.

[22] State and local agegncies enter into agreements with DHHS under which they survey and make recommendations regarding whether providers meet the Medicare participation requirements or other requirements for SNFs and NFs. *See* 42 CFR 488.10, 488.12.

Nursing and the medical director. Inclusion and participation of direct care staff (*e.g.,* nurses and nurses' aides who provide direct resident care) should be encouraged. This committee is best suited to establish measurable, outcome-based criteria that focus on vulnerabilities that adversely affect the care of residents. On a periodic basis, the committee should meet to identify issues affecting the quality of care provided to the residents and to develop and implement appropriate corrective actions. The time commitment required for this collaborative effort will vary according to the magnitude of the facility's quality assessment and assurance issues.

Creating a resource manual from publicly available information may be a cost-effective approach for developing policies and procedures to improve the quality of each resident's life. For example, a simple binder that contains a facility's written policies and procedures, the most recent survey findings and plan of correction, relevant HCFA instructions and bulletins, and summaries of key OIG documents (*e.g.,* Special Fraud Alerts, Advisory Bulletins, inspection and audit reports) can be regularly updated and made accessible to all employees. Particularly in the case of more technical materials, it may be advisable to provide summaries in the handbook and make the source documents available upon request. If individualized copies of this handbook are not made available to all employees, then a reference copy should be available in a readily accessible location, as well as from the designated compliance officer.

a. Quality of Care

The OIG believes that a nursing facility's compliance policies should start with a statement that affirms the facility's commitment to providing the care and services necessary to attain or maintain the resident's ''highest practicable physical, mental and psychosocial well-being.'' [23] To achieve the goal of providing quality care, nursing facilities should continually measure their performance against comprehensive standards that, at a minimum, must include Medicare requirements.[24] In addition to these regulations, a facility should develop its own quality of care protocols and implement mechanisms for evaluating compliance with those protocols. As part of its ongoing commitment to quality care, the facility should implement a system that reviews each resident's outcomes and improves on those outcomes through analysis and modification of the delivery of care. After the care delivery protocols have been modified, the facility should re-analyze the residents' outcomes to assure that the modification had the desired result and has actually improved care. Although resident care protocols are a useful tool for maintaining or improving the quality of care, facilities should ensure that measurable resident outcomes are used to determine the adequacy of the care actually rendered.

As noted above, current and past surveys are a good place to begin to identify specific risk areas and regulatory vulnerabilities at the individual facility. Any deficiencies discovered by an annual State agency survey, Federal validation survey or complaint survey reflect noncompliance with the program requirements for nursing homes and can be the basis for enforcement actions.[25] Those deficiencies identified by the State agency survey instrument must be addressed and, where appropriate, the corrective action should be incorporated into the facility's policies and procedures as well as reflected in its training and educational programs. In addition to responding promptly to deficiencies identified through the survey and certification process, nursing facilities should take proactive measures to identify, anticipate, and respond to quality of care risk areas identified by the nursing home ombudsman or other sources.

As noted throughout this guidance, each provider must assess its vulnerability to particular abusive practices in light of its unique circumstances. However, the OIG, HCFA, the Department of Justice, and State enforcement agencies have substantial experience in identifying quality of care risk areas. Some of the special areas of concern include:

- absence of a comprehensive, accurate assessment of each resident's functional capacity and a comprehensive care plan that includes measurable objectives and timetables to meet the resident's medical, nursing, and mental and psychosocial needs; [26]
- inappropriate or insufficient treatment and services to address residents' clinical conditions, including pressure ulcers, dehydration, malnutrition, incontinence of the bladder, and mental or psychosocial problems; [27]
- failure to accommodate individual resident needs and preferences; [28]
- failure to properly prescribe, administer and monitor prescription drug usage; [29]
- inadequate staffing levels or insufficiently trained or supervised staff to provide medical, nursing, and related services; [30]

[23] 42 CFR 483.25. *See* OIG report OEI–02–98–00060 ''Quality of Care in Nursing Homes: An Overview,'' in which the OIG found that, although the overall number of deficiencies identified through the survey and certification process was decreasing, the number of ''quality of care'' and other serious deficiencies was increasing.

[24] *See* 42 CFR part 483, which establishes requirements for long term care facilities. HCFA's regulations establish requirements that must be met for a nursing facility to qualify to participate in the Medicare and Medicaid programs. State licensure laws may impose additional requirements for the establishment and certification of a nursing facility.

[25] *See* 42 CFR part 488, subparts A, B, C, E, and F. The survey instrument is used to identify deficiencies, such as: failure to notify residents of their rights; improper use of restraints for discipline purposes; lack of a clean and safe environment; failure to provide care for basic living activities, including failing to prevent and/or treat pressure ulcers, urinary incontinence and hydration; and failing to properly feed residents.

[26] As stated above, each resident must receive the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the resident's assessment and plan of care. *See* 42 CFR 483.25. The OIG recognizes that this standard does not always lend itself to easy, objective evaluation. The matter is further complicated by the right of the resident, or his or her legal representative, to decide on a course of treatment that may be contraindicated. The Patient Self-Determination Act (Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508, sec. 4206 and 4751) requires health care institutions to educate patients about advance directives and to document their decision on life-sustaining treatments.

[27] HCFA has created a repository of best practice guidelines for the care of residents at risk of pressure ulcers, dehydration, malnutrition, and other clinical conditions. *See* http://www.hcfa.gov/medicaid/siq/siqhmpg.htm.

[28] 42 CFR 483.15(e)(1).

[29] The OIG has conducted a series of reviews that focused on prescription drug use in nursing homes. *See* OIG reports OEI–06–96–00080, OEI–06–96–00081, OEI–06–96–00082—''Prescription Drug Use in Nursing Homes—Reports 1, 2 and 3.'' The OIG found that patients experienced adverse reactions to various drugs as a result of inappropriate prescribing and inadequate monitoring of medication usage. The reviews revealed serious concerns, including residents receiving drugs for which their medical records lacked evidence of a prescription and the prescription of drugs judged inappropriate for use by elderly persons. The studies also found that medication records were often incomplete and not readily accessible, making it difficult for a pharmacist to identify or confirm drug regimens or problems.

[30] For example, Federal regulations require that the medical care of each resident be supervised by a physician, who must see the resident at least once every 30 days for the first 90 days after admission and at least once every 60 days thereafter. *See* 42 CFR 483.40(c). The facility also must retain the services of a registered nurse for at least 8 consecutive hours a day, 7 days a week (42 CFR 483.30), as well as a qualified dietitian (42 CFR 483.35). In addition to these basic Federal requirements, the OIG strongly believes that the facility should conform to State-mandated staffing levels where they exist and, in addition, adopt its own minimum ''hours per patient'' (or acuity) staffing standards. A facility should ensure that it

Continued

• failure to provide appropriate therapy services; [31]

• failure to provide appropriate services to assist residents with activities of daily living (*e.g.,* feeding, dressing, bathing, etc.);

• failure to provide an ongoing activities program to meet the individual needs of all residents; and

• failure to report incidents of mistreatment, neglect, or abuse to the administrator of the facility and other officials as required by law.[32]

As noted previously, a nursing facility that has a history of serious deficiencies should use those survey results as a starting point for implementing a comprehensive plan to improve its quality of care. The quality of life for nursing home residents can be improved most directly by effectively addressing these risk areas with written policies and procedures, which are then implemented through effective training programs and supervision.

b. Residents' Rights

The Budget Reconciliation Act (OBRA) of 1987, Public Law 100–203, established a number of requirements to protect and promote the rights of each resident.[33] In addition, many States have adopted specific lists of residents' rights.[34] The nursing facility's policies should address the residents' right to a dignified existence that promotes freedom of choice, self-determination, and reasonable accommodation of individual needs. To protect the rights of each resident, the OIG recommends that a provider address the following risk areas as part of its compliance policies:

• discriminatory admission or improper denial of access to care; [35]

• verbal, mental or physical abuse, corporal punishment and involuntary seclusion; [36]

• inappropriate use of physical or chemical restraints; [37]

• failure to ensure that residents have personal privacy and access to their personal records upon request and that the privacy and confidentiality of those records are protected; [38]

• denial of a resident's right to participate in care and treatment decisions; [39] and

• failure to safeguard residents' financial affairs.[40]

c. Billing and Cost Reporting

Abusive and fraudulent billing practices in the Federal health care programs drain the public fisc of the funds needed to provide program beneficiaries medically necessary items and services. These types of abusive practices also have had an adverse financial impact on private health insurance plans and their subscribers. Over the last twenty years, the OIG has identified patterns of improper and fraudulent activities that cover the spectrum of health care services and have cost taxpayers billions of dollars.[41] These fraudulent billing practices, as well as abuses in other risk areas that are described in this compliance program guidance, have resulted in criminal, civil and administrative enforcement actions. Because the consequences of these enforcement actions can have a profound adverse impact on a provider, the identification of risk areas associated with billing and cost reporting should be a major component of a nursing facility's compliance program.

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has a sufficient number of staff, including registered nurses (RNs), Licensed Practical Nurses (LPNs,) Certified Nurses Assistants (CNAs) and Nursing Assistants (collectively ''Nursing Staff'') and other health care professionals to fully meet the needs of all of its residents. Sufficient staff should be provided to ensure that residents receive nursing and other health care services on a 24-hour basis that allows each resident to attain or maintain the highest practicable physical, mental and psychosocial well-being as determined by individual resident assessments and plans of care. A facility should establish staffing standards on a facility-specific (or, often more appropriately, a unit-specific) basis that reflect the acuity level and needs of the residents. The use of an acuity level/staffing ratio model gives the facility the ability to adjust staffing levels as resident needs fluctuate, as well as a basis for conducting compliance audits. On an ongoing basis, the compliance officer should monitor the facility's compliance with the staffing ratios established by the quality assurance committee, to ensure that the facility maintains staffing levels sufficient to serve resident needs. At the heart of many quality of care deficiencies is a lack of adequate staff needed to provide basic nursing services.

[31] *See* OIG report OEI–09–97–00120 ''Medical Necessity of Physical and Occupational Therapy in Skilled Nursing Facilities,'' which found a high rate of medically unnecessary therapies in a number of nursing facilities; such unnecessary services may lead to inappropriate care. *See also* OAS Report A–06–99–00058 ''Infusion Therapy Services Provided in Skilled Nursing Facilities,'' which found similar problems with unnecessary infusion therapy services. With the introduction of the prospective payment system, nursing facilities should ensure that financial pressures do not create incentives to *underutilize* medically necessary therapeutic services.

[32] In addition to providing the facility's management important information about the state of care in the facility, the self-reporting of resident abuse, including injuries of unknown sources, is a condition of participation. *See* 42 CFR 483.13(c)(2). Although State surveyors conduct complaint surveys when they receive a complaint, these surveys can only occur if the surveyors are aware of the problem.

[33] *See generally,* 42 U.S.C. 1395i–3 and 42 CFR part 483.

[34] In OIG report OEI–02–98–00350 ''Long Term Ombudsman Program: Complaint Trends,'' the OIG points out that complaints about resident care and resident rights have been increasing. Resident care concerns included complaints about personal care, such as pressure ulcers and hygiene, lack of rehabilitation, the inappropriate use of restraints, abuse and neglect, problems with admissions and eviction, and the exercise of personal rights. Some ombudsmen observed that the increasing number of complaints could be due to a greater presence of ombudsmen staff in nursing homes. However, a comparison of each State's staffing ratio and visitation rate to their complaint ratio found that States with more staff and more frequent visits did not necessarily have more complaints.

[35] Nursing facilities must offer care to all residents who are eligible in accordance with Federal and State laws governing admissions. *See* 42 CFR 483.12(d). The provider also must maintain identical policies regarding ''transfer, discharge, and provision of services under the State plan'' for all residents, regardless of payment source. *See* 42 CFR 483.12(c). *See also* OIG report OEI–02–99–00401 ''Early Effects of the Prospective Payment System on Access to Skilled Nursing Facilities.'' It also is inappropriate to condition admission on a prospective resident's agreement to hold the facility harmless for injuries or poor care provided to the individual.

[36] *See California Nursing Homes: Care Problems Persist Despite Federal and State Oversight,* GAO/HEHS–98–202 (July 1998). As noted previously, the facility must establish a process by which the facility administrator and other officials in accordance with State law (including the State survey and certification agency) are informed of incidents of abuse and an investigation is conducted within 5 days of the incident. *See* 42 CFR 483.13(c)(4).

[37] *See* OIG report OEI–01–91–00840 ''Minimizing Restraints in Nursing Homes: A Guide to Action.''

[38] It is a violation of the Medicare participation requirements to make unauthorized disclosures from the resident's medical records. *See* 42 CFR 483.10(e). The facility also must establish policies that respect each resident's right to privacy in personal communications, including the right to receive mail that is unopened and to the use of a telephone where calls can be made in privacy. *See* 42 CFR 483.10(i) and (k).

[39] The right of self-determination includes the resident's right to choose a personal physician, to be fully informed of his or her health status, and participate in advance in treatment decisions, including the right to refuse treatment, unless adjudged incompetent or incapacitated. *See* 42 CFR 483.10(d).

[40] This includes preserving the resident's right to manage his or her financial affairs or permit the facility to hold and manage personal funds. The resident must receive a full and complete accounting of personal funds held by the facility. *See* 42 CFR 483.10(c). If misappropriation of a resident's property is uncovered, the facility administrator and other officials, in accordance with State law, must be notified immediately and an investigation conducted. Finally, the provider must take measures to ensure that personal funds have not been used to pay for items or services paid for by Medicare or Medicaid. *Id.*

[41] *See* OIG report A–17–99–00099 ''Improper Fiscal Year 1998 Fee-for-Service Payments,'' in which the OIG estimated that improper Medicare benefit payments made during fiscal year 1998 totaled $12.6 billion in processed fee-for-service payments. SNF payment errors were a result of claims for services lacking medical necessity and represented 7 percent of the total estimated improper payments. The OIG could not and did not quantify what percentage of the improper payments was the result of fraud. Significantly, it was only through a review of medical records that the majority of these billing errors were detected, since when the claims were submitted to the Medicare contractor, they contained no visible errors.

The introduction of a prospective payments system (PPS) for Medicare SNFs, consolidated billing of all services furnished to a resident in a covered Part A stay and the forthcoming implementation of consolidated billing for SNF residents in a Part B stay create additional issues to be addressed when designing billing and cost reporting compliance policies and procedures.[42] In the following discussion of billing risk areas, the OIG has attempted to identify issues that pose concerns under the current systems of reimbursement and the transition period to consolidated billing, as well as anticipate potential compliance issues stemming from these program changes. As is the case with all aspects of compliance, the nursing facility must continually reassess its billing procedures and policies to ensure that unanticipated problems are promptly identified and corrected. Listed below are some of the reimbursement risk areas a nursing facility should consider addressing as part of its written compliance policies and procedures:

- billing for items or services not rendered or provided as claimed;[43]
- submitting claims for equipment, medical supplies and services that are medically unnecessary; [44]
- submitting claims to Medicare Part A for residents who are not eligible for Part A coverage; [45]
- duplicate billing; [46]
- failing to identify and refund credit balances; [47]
- submitting claims for items or services not ordered; [48]
- knowingly billing for inadequate or substandard care; [49]
- providing misleading information about a resident's medical condition on the MDS or otherwise providing inaccurate information used to determine the RUG assigned to the resident;
- upcoding the level of service provided; [50]
- billing for individual items or services when they either are included in the facility's per diem rate or are of the type of item or service that must be billed as a unit and may not be unbundled; [51]
- billing residents for items or services that are included in the per diem rate or otherwise covered by the third-party payor;
- altering documentation or forging a physician signature on documents used to verify that services were ordered and/or provided; [52]

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[42] The Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33), established PPS for SNFs. Under PPS, all costs (routine, ancillary, and capital) related to services furnished to beneficiaries covered under Part A, including certain Part B services, are paid a predetermined per diem amount. This amount is based on the medical condition and needs of the resident, as reflected in the Resource Utilization Group (RUG) code assigned to that resident. The BBA also required consolidated billing for SNFs. Under consolidated billing, all services provided by the SNF, including those furnished under arrangements with an outside supplier, for a resident of a SNF in a covered Part A stay are included in the SNF's Part A bill. If a resident is *not* in a covered Part A stay, under consolidated billing, the SNF still bills for all services furnished to the resident (except for those services specifically excluded from consolidated billing). However, the implementation of consolidated billing with respect to services furnished to residents in a Part B stay has been delayed indefinitely, and various ancillary services continue to be reimbursed separately to outside suppliers until further notice. *See* HCFA Program Memorandum (PM) Transmittal No. AB–98–35 (July 1998); PM Transmittal No. AB–98–45 (August 1998); and PM Transmittal No. AB–99–90 (Dec. 1999).

[43] For example, the OIG has investigated suppliers of ancillary services that improperly bill for an hour of therapy when only a few minutes were provided. Similarly, vendors that knowingly submit a claim for an expensive prosthetic device when the resident only received non-covered adult diapers have been the subject of enforcement actions. When consolidated billing is implemented, vendors will not submit bills directly to Medicare for such services. As the entity submitting the claim, the nursing facility will need to have any certifications or orders necessary to provide the service, as well as any required supporting documentation, to receive payment.

[44] Billing for medically unnecessary services, supplies and equipment involves seeking reimbursement for a service that is not warranted by a resident's documented medical condition. *See* 42 U.S.C. 1395y(a)(1)(A) (''no payment may be made under part A or part B [of Medicare] for any expenses incurred for items or services which * * * are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of the malformed body member''). At the same time, nursing facilities are required to provide the services necessary to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident. *See* 42 U.S.C. 1395i–3(b)(2) and 1396r(b)(2). In order to meet these obligations, nursing homes should formulate policies and procedures that include periodic clinical reviews, both prior and subsequent to billing for services, as a means of verifying that patients receive appropriate services.

In the Special Fraud Alert ''Fraud and Abuse in the Provision of Services in Nursing Facilities'' (June 1996), the OIG identified several types of fraudulent arrangements through which health care providers inappropriately billed Medicare and Medicaid for unnecessary or non-rendered items and services. Under PPS, the provision of unnecessary services may take a different form. As discussed below, manipulation of the Minimum Data Set (MDS) to fit a resident into a higher RUG can result in the provision of medically unnecessary services. In addition, a nursing facility may not enter into arrangements with providers of ancillary services through which the facility overutilizes services reimbursed under Part B in return for an offset in the cost of items or services covered under Part A.

[45] In order for a SNF stay to be covered by Medicare, the beneficiary must have a preceding three-day inpatient hospital stay. Observational stays and emergency room care do not qualify towards the 3-day hospital stay requirement. In addition, Medicare Part A benefits in skilled nursing facilities are limited to beneficiaries who require skilled services rendered by technical or professional personnel in a skilled nursing setting. *See* 42 CFR 409.31. Knowingly misrepresenting the nature or level of services provided to a Medicare beneficiary to circumvent the program's limitation is fraudulent.

[46] Duplicate billing occurs when the nursing facility bills for the same item or service more than once or when a vendor bills the Federal health care program for an item or service also billed by the facility. Although duplicate billing can occur due to simple error, the knowing submission of duplicate claims—which is sometimes evidenced by systematic or repeated double billing—can create liability under criminal, civil, or administrative law. A recent OIG survey of SNF PPS claims found a significant number of erroneous payments made by the Medicare carrier for services for which payments were already included in the SNF's PPS payment. As Medicare continues the implementation of consolidated billing, facilities should modify all agreements with vendors to require that the vendor bill the facility for those services covered under consolidated billing requirements and not submit bills directly to Medicare for such services. Communication mechanisms also should be established to ensure duplicative billings do not occur. For example, a facility may wish to flag a referral to an outpatient provider as a ''PPS resident'' and inform the provider that the nursing home will be responsible for billing Medicare for the ancillary services.

[47] A credit balance is an excess payment made to a health care provider as a result of patient billing or claims processing error. Nursing facilities should institute procedures to provide for the timely identification, accurate reporting and repayment of credit balances. In addition, the provider should promptly repay if a resident is also entitled to a credit. See OIG reports OEI–07–09–00910 ''Medicare Credit Balances in Skilled Nursing Facility Patient Accounts'' and OEI–07–09–00911 ''Medicaid Credit Balances in Skilled Nursing Facility Patient Accounts,'' in which the OIG found that skilled nursing facilities were not accurately or completely adjusting and reporting credit balance amounts due to the Medicare and Medicaid programs. Significantly, the intentional concealment of a known overpayment may expose a provider to criminal sanctions (see 42 U.S.C. 1320a–7b(a)(3)), and civil liability under the False Claims Act.

[48] Billing for services or items not ordered involves seeking reimbursement for services provided but not ordered by the treating physician or other authorized person.

[49] See discussion on quality of care standards in nursing facilities in section II.B.2.a above and the accompanying notes. Although the OIG is not suggesting that each and every survey citation or failure to meet the applicable standard of care is a *per se* violation of the False Claims Act (or a criminal, other civil, or administrative violation), knowingly billing for nonexistent or substandard care, items, or services may give rise to criminal, civil, and/or administrative liability.

[50] Upcoding involves the selection of a billing code that is not the most appropriate descriptor of the service or condition, in order to maximize reimbursement. Under PPS, upcoding may take the form of ''RUG creep.'' RUG creep occurs when a provider falsely or fraudulently completes the MDS, which results in assigning a resident to a higher RUG category.

[51] A related risk area involves bill splitting schemes. This billing abuse usually takes the form of manipulating the billing for procedures to create the appearance that the services were rendered over a period of days when, in fact, all treatment occurred during one visit.

[52] The OIG has investigated a number of cases where signatures were forged, either to fabricate evidence that a physician ordered equipment or services or to create a paper trail in support of items or services that were never provided.

• failing to maintain sufficient documentation to support the diagnosis, justify treatment, document the course of treatment and results, and promote continuity of care; and

• false cost reports.[53]

The OIG recommends that a nursing facility, through its policies and procedures, take all reasonable steps to ensure compliance with the Federal health care programs when submitting information that affects reimbursement decisions. A key component of ensuring accurate information is the proper and ongoing training and evaluation of the staff responsible for coding diagnoses and regular internal audits of coding policies and procedures. With the arrival of consolidated billing and the next edition of the coding manuals, it will be even more critical that knowledgeable individuals are performing these coding tasks.

The risk areas associated with billing and cost reporting have been among the most frequent subjects of investigations and audits by the OIG. In addition to facing criminal sanctions and significant monetary penalties, providers that have failed to adequately ensure the accuracy of their claims and cost report submissions can have their Medicare payments suspended (42 CFR 405.371), be excluded from program participation (42 U.S.C. 1320a–7(b)), or, in lieu of exclusion, be required by the OIG to execute a corporate integrity agreement (CIA). [54]

d. Employee Screening

Nursing facilities are required by Federal, and in some cases State, law to investigate the background of certain employees.[55] Nursing facilities should conduct a reasonable and prudent background investigation and reference check before hiring those employees who have access to patients or their possessions, or who have discretionary authority to make decisions that may involve compliance with the law. The employment application should specifically require the applicant to disclose any criminal conviction, as defined by 42 U.S.C. 1320a–7(i); or exclusion from participation in the Federal health care programs. Because many of the services provided in nursing facilities are furnished under arrangement with non-employee personnel, including registry and personnel agency staff, the nursing facility also should require these individuals to be subject to the same scrutiny by their agency prior to placement in the facility.

This pre-employment screening is critical to ensuring the integrity of the facility's work force and safeguarding the welfare of its residents. Because providers of nursing care have frequent, relatively unsupervised access to vulnerable people and their property, a nursing facility also should seriously consider whether to employ individuals who have been convicted of crimes of neglect, violence, theft or dishonesty, financial misconduct, or other offenses related to the particular job.[56]

Nursing facility policies should prohibit the continued employment of individuals who have been convicted of a criminal offense related to health care or who are debarred, excluded, or otherwise become ineligible for participation in Federal health care programs. [57] In addition, if the facility has notice that an employee or contractor is currently charged with a criminal offense related to the delivery of health care services or is proposed for exclusion during his or her employment or contract, the facility should take all appropriate actions to ensure that the responsibilities of that employee or contractor do not adversely affect the quality of care rendered to any patient or resident, or the accuracy of any claims submitted to any Federal health care program.[58] If resolution of the matter results in conviction, debarment, or exclusion, the nursing facility should terminate its employment or contract arrangement with the individual.

In order to ensure that nursing facilities undertake background checks of all employees to the extent required by law, the OIG recommends that the following measures be incorporated into the compliance program's policies and procedures:

• investigate the background of employees by checking with all applicable licensing and certification authorities to verify that requisite licenses and certifications are in order; [59]

• require all potential employees to certify (*e.g.,* on the employment application) that they have not been convicted of an offense that would preclude employment in a nursing facility and that they are not excluded from participation in the Federal health care programs;

• require temporary employment agencies to ensure that temporary staff assigned to the facility have undergone background checks that verify that they have not been convicted of an offense

[53] Nursing homes are required to submit various reports to Federal and State agencies in connection with facility operations and to receive reimbursement for the care provided to program beneficiaries. Because program payments are in part based on self-reported operating costs, providers must implement procedures to ensure that these reports are prepared as accurately as possible. This should include measures to ensure that adequate documentation exists to support information provided in the report, non-allowable costs are appropriately identified and removed, and related party transactions are treated consistent with program requirements. *See* 42 CFR part 413. If the provider intends to claim costs in non-conformity with program rules, those items should be flagged in a letter accompanying the cost report.

Prior enforcement actions involving nursing home cost reports have focused on nursing facilities that claimed salary expenses for employees who did not exist, inflated the number of residents served, included non-reimbursable costs with nursing home-related expenses, inappropriately shifted costs to cost centers that were below the reimbursement cap, and shifted non-Medicare related costs to Medicare cost centers.

[54] The CIA imposes reporting requirements, independent audits, and other procedures on providers who have demonstrated an inability or unwillingness to independently adopt these measures. It is clearly in a provider's best interest to avoid the implementation of a CIA by instituting its own prevention, detection, and disclosure mechanisms.

[55] 42 CFR 483.13(c)(1).

[56] In OIG report A–12–97–0003 ''Safeguarding Long Term Care Residents,'' it was noted that, although no Federal requirement exists for criminal background checks on nursing home staff, 33 States currently require that such checks occur. However, there appears to be great diversity in the way States identify, investigate, and report suspected abuse of nursing home residents.

[57] The effect of an OIG exclusion from Federal health care programs is that no Federal health care program payment may be made for any items or services: (1) furnished by an excluded individual or entity; or (2) directed or prescribed by an excluded physician. *See* 42 CFR 1001.1901. An excluded individual or entity that submits a claim for reimbursement to a Federal health care program, or causes such a claim to be submitted, may be subject to a civil money penalty of $10,000 for each item or service furnished during the period that the person or entity was excluded. *See* 42 U.S.C. 1320a–7a(a)(1)(D). The individual or entity also may be subject to treble damages for the amount claimed for each item or service. *See* 42 U.S.C. 1320a–7a(a). *See also* OIG Special Advisory Bulletin ''The Effect of Exclusion From Participation in Federal Health Care Programs'' (September 1999).

[58] Likewise, the facility should establish standards prohibiting the execution of contracts with companies that recently have been convicted of a criminal offense related to health care or that are listed by a Federal agency as debarred, excluded, or otherwise ineligible for participation in Federal health care programs. Prospective employees or contractors that have been officially reinstated into the Medicare and Medicaid programs by the OIG may be considered for employment upon proof of such reinstatement.

[59] Among the sources of information on prospective employees are the State registry of nurses' aides, which provides a list of nurse aides that have successfully completed training and competency evaluations and the National Practitioner Data Bank (NPDB). The NPDB is a database that contains information about physicians subject to medical malpractice payments, sanctions by boards of medical examiners or State licensing boards, adverse clinical privilege actions, and adverse professional society membership actions. Health care entities can have access to this database to seek information about their own medical or clinical staff, as well as prospective employees or physician contractors.

that would preclude employment in the facility;

• check the OIG's List of Excluded Individuals/Entities and the GSA's list of debarred contractors to verify that employees are not excluded from participating in the Federal health care programs; [60]

• require current employees to report to the nursing facility if, subsequent to their employment, they are convicted of an offense that would preclude employment in a nursing facility or are excluded from participation in any Federal health care program; and

• periodically check the OIG and GSA web sites to verify the participation/exclusion status of independent contractors and retain on file the results of that query. [61]

Regardless of the size or resources of the nursing facility, employee screening is critical. Nursing facilities, like all corporations, must act through their employees and are held accountable for their actions. One of the best ways to ensure that the organization will act in conformance with the law is to hire employees and contractors who can be trusted to embrace a culture of compliance. While the resources required to check the OIG List of Excluded Individuals/Entities are minimal, the absence of an accessible centralized site for criminal background checks may result in inefficiencies and expense. While large providers may elect to outsource the screening process, this may not be a realistic option for smaller nursing facilities. Nevertheless, the OIG recommends that all nursing facilities implement a policy to undertake background checks of all employees.

e. Kickbacks, Inducements and Self-Referrals

A nursing facility should have policies and procedures to ensure compliance with the anti-kickback statute,[62] the Stark physician self-referral law [63] and other relevant Federal and State laws by providing guidance in situations that could lead to a violation of these laws.[64] In particular, arrangements with hospitals, hospices, physicians and vendors are vulnerable to abuse. For example, in the case of hospitals, physicians and hospital staff exert influence over the patient and can influence the choice of a nursing facility. In addition, in his or her roles as medical director and/or attending physician, a physician frequently can influence the utilization of ancillary services.[65] Moreover, by contrast, a nursing facility operator can influence the selection of which hospices will provide hospice services and which vendors will deliver equipment and services to the facility's residents. In addition to developing policies to address arrangements with other health care providers and suppliers, nursing facilities also should implement measures to avoid offering inappropriate inducements to residents. Possible risk areas that should be addressed in the policies and procedures include:

• routinely waiving coinsurance or deductible amounts without a good faith determination that the resident is in financial need, or absent reasonable efforts to collect the cost-sharing amount; [66]

• agreements between the facility and a hospital, home health agency, or hospice that involve the referral or transfer of any resident to or by the nursing home; [67]

• soliciting, accepting or offering any gift or gratuity of more than nominal value to or from residents, potential referral sources, and other individuals and entities with which the nursing facility has a business relationship; [68]

• conditioning admission or continued stay at a facility on a third-party guarantee of payment, or soliciting payment for services covered by Medicaid, in addition to any amount required to be paid under the State Medicaid plan; [69]

• arrangements between a nursing facility and a hospital under which the facility will only accept a Medicare beneficiary on the condition that the hospital pays the facility an amount over and above what the facility would receive through PPS; [70]

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[60] The OIG ''List of Excluded Individuals/Entities'' provides information to health care providers, patients, and others regarding individuals and entities that are excluded from participation in Medicare, Medicaid, and other Federal health care programs. This report, in both an on-line searchable and downloadable database, can be located on the Internet at http://www.hhs.gov/oig. In addition, the General Services Administration maintains a monthly listing of debarred contractors, ''List of Parties Excluded From Federal Procurement and Nonprocurement Programs,'' at http://epls.arnet.gov.

The OIG sanction information is readily available to users in two formats on over 15,000 individuals and entities currently excluded from program participation through action taken by the OIG. The on-line searchable database allows users to obtain information regarding excluded individuals and entities sorted by: (1) the legal bases for exclusions; (2) the types of individuals and entities excluded by the OIG; and (3) the States where excluded individuals reside or entities do business.

[61] The introduction of PPS and consolidated billing for Medicare Part B services means that vendors and their subcontractors no longer submit bills directly to Medicare for their services. Instead, the nursing facility will be submitting consolidated bills for certain services provided to residents. Because of the new responsibilities that are imposed on nursing facilities under these reimbursement schemes, the facility may be held responsible if it claims reimbursement for items or services provided by a contractor that has been excluded.

[62] The anti-kickback statute provides criminal penalties for individuals and entities that knowingly offer, pay, solicit or receive bribes, kickbacks, or other remuneration in order to induce business reimbursable by Federal health care programs. *See* 42 U.S.C. 1320a–7b(b). Civil penalties and exclusion from participation in the Federal health care programs may also result from a violation of the prohibition. *See* 42 U.S.C. 1320a–7a(a)(5) and 1320a–7(b)(7).

[63] The Stark physician self-referral law prohibits a physician from making a referral to an entity with which the physician or any member of the physician's immediate family has a financial relationship, if the referral is for the furnishing of designated health services. *See* 42 U.S.C. 1395nn.

[64] The OIG has issued several advisory opinions applying the anti-kickback statute to arrangements that affect nursing facilities. The opinions are available on the Internet at http://www.hhs.gov/oig.

[65] Contracts between the facility and any entity in which the facility's medical director has a financial interest may be subject to the Stark law and should be reviewed and approved by legal counsel.

[66] In the OIG Special Fraud Alert ''Routine Waiver of Part B Co-payments/Deductibles'' (May 1991), the OIG describes several reasons why routine waivers of these cost-sharing amounts pose abuse concerns. The Alert sets forth the circumstances under which it may be appropriate to waive these amounts.

[67] In the Special Fraud Alert ''Fraud and Abuse in Nursing Home Arrangements with Hospices'' (March 1998), the OIG sets out the vulnerabilities in nursing home arrangements with hospices. The Alert provides several examples of questionable arrangements between hospices and nursing homes that could inappropriately influence the referral of patients. Examples include the offering of free goods or goods at below fair market value to induce a nursing home to refer patients to the hospice. Other examples demonstrating vulnerability to fraud and abuse include: (1) a hospice paying for room and board in excess of the amounts the nursing home would normally charge or receive from Medicaid; (2) a hospice paying for additional services that should be already included in the room and board payment; and (3) a hospice referring patients to the nursing home in return for the nursing home's referral to the hospice. While the Special Fraud Alert focused on arrangements with hospices, nursing facilities should adopt policies that prohibit similar questionable arrangements with all health care providers.

[68] Providers should establish clear policies governing gift-giving, because such exchanges may be viewed as inducements to influence business decisions. Offering or providing any gift of more than nominal value to any beneficiary may be done with the intent to inappropriately influence health care decisions of the beneficiary or his or her family. Similarly, accepting gifts, hospitality, or entertainment from a source that is in a position to benefit from the referral of business, raises concerns that the gift may influence the employee's independent judgment. If the provider decides to allow employees to accept gifts or other gratuities below a certain nominal value or in an aggregate amount below an established amount per year, the provider should consider requiring employees to report those gifts.

[69] *See* 42 U.S.C. 1320a–7b(d)(2), which prescribes criminal penalties for knowingly and willfully charging for services provided to a Medicaid patient in excess of the rates established by the State. *See also* 42 CFR 483.12(d).

[70] Under PPS, the payment rates represent payment in full, subject to applicable coinsurance.

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• financial arrangements with physicians, including the facility's medical director; [71]

• arrangements with vendors that result in the nursing facility receiving non-covered items (such as disposable adult diapers) at below market prices or no charge, provided the facility orders Medicare-reimbursed products; [72]

• soliciting or receiving items of value in exchange for providing the supplier access to residents' medical records and other information needed to bill Medicare; [73]

• joint ventures with entities supplying goods or services; [74] and

• swapping.[75]

In order to keep current with this area of the law, a nursing facility should obtain copies of all relevant OIG and HCFA regulations, Special Fraud Alerts, and Advisory Opinions that address the application of the anti-kickback and Stark self-referral laws to ensure that the policies reflect current positions and opinions. Most of these documents are readily available on the Internet. Further, nursing facility policies should provide that all nursing facility contracts and arrangements with actual or potential sources of referrals are reviewed by counsel and comply with applicable statutes and requirements.

3. Creation and Retention of Records

When implementing a compliance program, nursing facilities should provide for the development and implementation of a records system that ensures complete and accurate medical record documentation. This system should establish policies and procedures regarding the creation, distribution, retention, and destruction of documents. Policies should provide for the complete, accurate, and timely documentation of all nursing and therapy services, including subcontracted services, as well as MDS information. In designing a records systems, privacy concerns and regulatory requirements also should be taken into consideration.

In addition to maintaining appropriate and thorough medical records on each resident, the OIG recommends that the system should include the following types of documents:

• all records and documentation (*e.g.,* billing and claims documentation) required for participation in Federal, State, and private health care programs, including the resident assessment instrument, the comprehensive plan of care and all corrective actions taken in response to surveys; [76]

• all records, documentation, and audit data that support and explain cost reports and other financial activity, including any internal or external compliance monitoring activities; and

• all records necessary to demonstrate the integrity of the nursing facility compliance process and to confirm the effectiveness of the program.[77]

While conducting its compliance activities, as well as its daily operations, a nursing facility should document its efforts to comply with applicable statutes, regulations, and Federal health care program requirements. For example, where a nursing facility requests advice from a Government agency (including a Medicare fiscal intermediary or carrier) charged with administering a Federal health care program, the nursing facility should document and retain a record of the request and any written or oral response. This step is extremely important if the nursing facility intends to rely on that response to guide it in future decisions, actions, or claim reimbursement requests or appeals. A log of oral inquiries between the nursing facility and third parties will help the organization document its attempts at compliance. In addition, these records may become relevant in a subsequent investigation to the issue of whether the facility's reliance was ''reasonable'' and whether it exercised due diligence in developing procedures and practices to implement the advice.

In short, all nursing facilities, regardless of size, must retain appropriate documentation. Further, the OIG recommends that the nursing facility:

• secure this information in a safe place;

• maintain hard copies of all electronic or database documentation;

• limit access to such documentation to avoid accidental or intentional fabrication or destruction of records; [78] and

• conform document retention and destruction policies to applicable laws.

As the Government increases its reliance on electronic data interchange to conduct business and gather information more quickly and efficiently, it is important that the nursing facility work toward the goal of developing the capacity to ensure that all informational systems maintained by the facility are in working order, secured, and capable of accessing Federal and State databases.

4. Compliance as an Element of Employee Performance

Compliance programs should require the promotion of, and adherence to, the elements of the compliance program to be a factor in evaluating the performance of all employees. Employees should be periodically trained in new compliance policies and procedures. In addition, policies should require that managers, especially those

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This includes payment for all costs associated with furnishing covered SNF services to Medicare beneficiaries. It is impermissible for a hospital to pay for SNF services if it were to do so only for those residents who are Medicare beneficiaries discharged from that hospital. However, it would be permissible for a hospital to provide or pay for items or services that are furnished to SNF residents generally, if such payments are made without regard to the payment source for the individual resident. In addition, a hospital and a SNF can enter into a permissible bed reservation agreement. *See Provider Reimbursement Manual,* Part I, section 2105.3.

[71] All physician contracts and agreements should be reviewed to avoid violation of the anti-kickback, self-referral, and other relevant Federal and State laws. The OIG has published safe harbors that define practices not subject to the anti-kickback statute, because such arrangements would be unlikely to result in fraud or abuse. Failure to comply with a safe harbor provision does not make an arrangement per se illegal. Rather, the safe harbors set forth specific conditions that, if fully met, would assure the entities involved of not being prosecuted or sanctioned for the arrangement qualifying for the safe harbor. One such safe harbor applies to personal services contracts. *See* 42 CFR 1001.952(d).

[72] *See* OIG Special Fraud Alert ''Fraud and Abuse in the Provision of Medical Supplies to Nursing Facilities'' (August 1995). As well as violating the anti-kickback statute, both the supplier and the nursing facility may be liable for false claims if the medically unnecessary items are billed to Federal health care programs. *See also* OIG Advisory Opinion 99–2 (February 1999).

[73] In addition to raising concerns related to the anti-kickback statute, the unauthorized disclosure of confidential records violates the resident's rights. *See* 42 CFR 483.10(e).

[74] *See* OIG Special Fraud Alert ''Joint Venture Arrangements'' (August 1989); OIG Special Fraud Alert ''Fraud and Abuse in the Provision of Services in Nursing Facilities'' (May 1996).

[75] ''Swapping'' occurs when a supplier gives a nursing facility discounts on Medicare Part A items and services in return for the referrals of Medicare Part B business. With swapping, there is a risk that suppliers may offer a SNF an excessively low price for items or services reimbursed under PPS in return for the ability to service and bill nursing facility residents with Part B coverage. *See* OIG Advisory Opinion 99–2 (February 1999).

[76] Medical record documentation should support the medical necessity of the services provided as well as the level of service billed.

[77] Among the materials useful in documenting the compliance program are employee certifications relating to training and other compliance initiatives, copies of compliance training materials, and hotline logs and any corresponding reports of investigation, outcomes, and employee disciplinary actions. In addition, the facility should keep all relevant correspondence with carriers, fiscal intermediaries, private health insurers, HCFA, and State survey and certification agencies.

[78] In addition to prohibiting the falsification and backdating of records, the provider should have clear guidelines, consistent with applicable professional and legal standards, that set out those individuals with authority to make entries in the medical record and the circumstances when late entries may be made in a record.

involved in the direct care of residents and in claims development and submission:

- discuss with all supervised employees and relevant contractors the compliance policies and legal requirements applicable to their function;
- inform all supervised personnel that strict compliance with these policies and procedures is a condition of employment; and
- disclose to all supervised personnel that the nursing facility will take disciplinary action, up to and including termination, for violation of these policies or requirements.

Managers and supervisors should be disciplined for failing to adequately instruct their subordinates or for failing to detect noncompliance with applicable policies and legal requirements, where reasonable diligence would have led to the discovery of any problems or violations and given the nursing facility the opportunity to correct them earlier. Conversely, those supervisors who have demonstrated leadership in the advancement of the company's code of conduct and compliance objectives should be singled out for recognition.

The OIG believes that all nursing facilities, regardless of resources or size, should ensure that its employees understand the importance of compliance with program requirements and the value the company places on its compliance program. If the small nursing facility does not have a formal employee evaluation system, it should informally convey to employees their compliance responsibilities whenever the opportunity arises. Positive reenforcement is generally more effective than sanctions in conditioning behavior and managers should be given mechanisms to reward employees who promote compliance.

C. Designation of a Compliance Officer and a Compliance Committee

1. Compliance Officer

Every nursing home provider should designate a compliance officer to serve as the focal point for compliance activities.[79] This responsibility may be the individual's sole duty or added to other management responsibilities, depending upon the size and resources of the nursing facility and the complexity of the task. Designating a compliance officer with the appropriate authority is critical to the success of the program, necessitating the appointment of a high-level official with direct access to the nursing facility's president or CEO, governing body, all other senior management, and legal counsel.[80] The officer should have sufficient funding and staff to perform his or her responsibilities fully.

Coordination and communication are the key functions of the compliance officer with regard to planning, implementing, and monitoring the compliance program. Particularly in a small facility, the compliance officer may need to rely on the expertise of several professionals within the facility to carry out all of his or her responsibilities. For example, the compliance officer may need the payment specialist to help with billing issues, the director of nursing to address quality of care issues, etc. At the same time, the compliance officer must retain the integrity and objectivity not to compromise the program in deference to one or more disciplines or departments.

The compliance officer's primary responsibilities should include:

- overseeing and monitoring implementation of the compliance program;
- reporting on a regular basis to the nursing facility's governing body, CEO, and compliance committee (if applicable) on the progress of implementation, and assisting these components in establishing methods to improve the nursing facility's efficiency and quality of services, and to reduce the facility's vulnerability to fraud, abuse, and waste;
- periodically revising the program in light of changes in the organization's needs, and in the law and policies of Government and private payor health plans;
- developing, coordinating, and participating in a multifaceted educational and training program that focuses on the elements of the compliance program, and seeking to ensure that all relevant employees and management understand and comply with pertinent Federal and State standards;
- ensuring that independent contractors and agents who furnish physician, nursing, or other health care services to the residents of the nursing facility are aware of the residents' rights as well as requirements of the nursing facility's compliance program applicable to the services they provide;
- coordinating personnel issues with the nursing facility's Human Resources/Personnel office (or its equivalent) to ensure that (i) the National Practitioner Data Bank[81] has been checked with respect to all medical staff and independent contractors (as appropriate) and (ii) the OIG's List of Excluded Individuals/Entities[82] has been checked with respect to all employees, medical staff, and independent contractors;[83]
- assisting the nursing facility's financial management in coordinating internal compliance review and monitoring activities, including annual or periodic reviews of departments;
- independently investigating and acting on matters related to compliance, including the flexibility to design and coordinate internal investigations (*e.g.*, responding to reports of problems or suspected violations) and any resulting corrective action (*e.g.*, making necessary improvements to nursing facility policies and practices, taking appropriate disciplinary action, etc.) with all nursing facility departments, subcontracted providers, and health care professionals under the nursing facility's control;
- participating with facility's counsel in the appropriate reporting of self-discovered violations of program requirements; and
- continuing the momentum of the compliance program after the initial years of implementation.[84]

The compliance officer must have the authority to review all documents and other information that are relevant to compliance activities, including, but not limited to, medical and billing records, and documents concerning the marketing efforts of the nursing facility and its arrangements with other health

[79] For multi-facility organizations, the OIG encourages coordination with each facility owned by the corporation through the use of a headquarter's compliance officer, communicating with parallel positions or compliance liaison in each facility or regional office, as appropriate.

[80] The OIG believes it is not advisable for the compliance function to be subordinate to the nursing facility's general counsel, or comptroller or similar financial officer. Free-standing compliance functions help to ensure independent and objective legal reviews and financial analysis of the institution's compliance efforts and activities. By separating the compliance function from the key management positions of general counsel or chief financial officer (where the size and structure of the nursing facility make this a feasible option), a system of checks and balances is established to more effectively achieve the goals of the compliance program.

[81] *See* note 59.

[82] *See* note 60.

[83] The compliance officer may also have to ensure that the criminal backgrounds of employees have been checked depending upon State requirements or nursing facility policy.

[84] There are many approaches the compliance officer may enlist to maintain the vitality of the compliance program. Periodic on-site visits of nursing facility operations, bulletins with compliance updates and reminders, distribution of audiotapes or videotapes on different risk areas, lectures at management and employee meetings, and circulation of recent health care articles covering fraud and abuse are some examples of approaches the compliance officer can employ.

care providers, including physicians and independent contractors. This review authority enables the compliance officer to examine contracts and obligations (seeking the advice of legal counsel, where appropriate) that may contain referral and payment provisions that could violate the anti-kickback statute or regulatory requirements.

A small nursing facility may not have the resources to hire or appoint a full time compliance officer. Multi-facility providers also may consider appointing one compliance officer at the corporate level and designating compliance liaisons at each facility. In any event, each facility should have a person in its organization (this person may have other functional responsibilities) who can oversee the nursing facility's compliance with applicable statutes, rules, regulations, and policies. The structure and comprehensiveness of the facility's compliance program will help determine the responsibilities of each individual compliance officer.

2. Compliance Committee

The OIG recommends that a compliance committee be established to advise the compliance officer and assist in the implementation of the compliance program.[85] When developing an appropriate team of people to serve as the nursing facility's compliance committee, a facility should consider a variety of skills and personality traits that are expected from those in such positions.[86] Once a nursing facility chooses the people that will accept the responsibilities vested in members of the compliance committee, the nursing facility needs to train these individuals on the policies and procedures of the compliance program, as well as how to discharge their duties.

The committee's functions may include:

- analyzing the legal requirements with which the nursing facility must comply, and specific risk areas;
- assessing existing policies and procedures that address these risk areas for possible incorporation into the compliance program;
- working with appropriate departments to develop standards of conduct and policies and procedures to promote compliance with legal and ethical requirements;
- recommending and monitoring, in conjunction with the relevant departments, the development of internal systems and controls to carry out the organization's policies;
- determining the appropriate strategies and approaches to promote compliance with program requirements and detection of any potential violations, such as through hotlines and other fraud reporting mechanisms;
- developing a system to solicit, evaluate, and respond to complaints and problems; and
- monitoring internal and external audits and investigations for the purpose of identifying deficiencies, and implementing corrective action.

The committee also may undertake other functions as the compliance concept becomes part of the overall nursing facility operating structure and daily routine. The compliance committee is an extension of the compliance officer and provides the organization with increased oversight. The OIG recognizes that some nursing facilities may not have the resources or the need to establish a compliance committee. However, when potential problems are identified, the OIG recommends these nursing facilities create a ''task force'' to address the particular problem. The members of the task force may vary depending upon the issue.

D. Conducting Effective Training and Education

The proper education and training of corporate officers, managers, and health care professionals, and the continual retraining of current personnel at all levels, are critical elements of an effective compliance program. These training programs should include sessions summarizing the organization's compliance program, fraud and abuse laws, and Federal health care program and private payor requirements. More specific training on issues such as claims development and submission processes, residents' rights, and marketing practices should be targeted at those employees and contractors whose job requirements make the information relevant.[87]

The organization must take steps to communicate effectively its standards and procedures to all affected employees, physicians, independent contractors, and other significant agents by requiring participation in such training programs or by other means, such as disseminating publications that explain specific requirements in a practical manner.[88]

Managers of specific departments or groups can assist in identifying areas that require training and in carrying out such training.[89] Training instructors may come from outside or inside the organization, but must be qualified to present the subject matter involved and sufficiently experienced in the issues presented to adequately field questions and coordinate discussions among those being trained.

The nursing facility should train new employees soon after they have started working.[90] Appropriate training for temporary employees should be provided by the facility before they are assigned responsibility for resident care. Training programs and materials should be designed to take into account the skills, experience, and knowledge of the individual trainees. The compliance officer should document any formal training undertaken by the nursing facility as part of the compliance program.

A variety of teaching methods, such as interactive training and, where a nursing facility has a culturally diverse staff, training in different languages, should be implemented so that all affected employees (including temporary employees) understand the institution's standards of conduct and procedures for alerting senior management to problems and concerns.[91]

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[85] The compliance committee benefits from having the perspectives of individuals with varying responsibilities in the organization, such as operations, finance, audit, human resources, and clinical management (*e.g.*, the medical director), as well as employees and managers of key operating units. The compliance officer should be an integral member of the committee as well. All committee members should have the requisite seniority and comprehensive experience within their respective departments to implement any necessary changes to policies and procedures as recommended by the committee.

[86] A health care provider should expect its compliance committee members and compliance officer to demonstrate high integrity, good judgment, assertiveness, and an approachable demeanor, while eliciting the respect and trust of employees of the nursing facility. These interpersonal skills are as important as the professional experience of each member of the compliance committee.

[87] Specific compliance training should complement any ''in-service'' training sessions that a nursing facility may regularly schedule to provide an ongoing program for the training of employees as required by the Medicare program.

[88] Some publications, such as OIG's special Fraud Alerts, audit and inspection reports, and advisory opinions are readily available from the OIG and can provide a basis for educational courses and programs for appropriate nursing facility employees.

[89] Significant variations in the functions and responsibilities of different departments or groups may create the need for training materials that are tailored to compliance concerns associated with particular operations and duties.

[90] Certain positions, such as those that involve billing, coding and the submission of reimbursement data, create greater organizational legal exposure, and therefore require specialized training. Those hired to treat residents should undergo specialized training in residents' rights.

[91] Post-training tests can be used to assess the success of training provided and employee

In addition to specific training in the risk areas identified in section II.B.2, primary training for appropriate corporate officers, managers, and facility staff should include such topics as:

- compliance with Medicare participation requirements relevant to their respective duties and responsibilities;
- appropriate and sufficient documentation;
- prohibitions on paying or receiving remuneration to induce referrals;
- proper documentation in clinical or financial records;
- residents' rights; and
- the duty to report misconduct.

The OIG suggests that all relevant personnel participate in the various educational and training programs of the nursing facility.[92] Employees should be required to have a minimum number of educational hours per year, as appropriate, as part of their employment responsibilities.[93] For example, for certain employees involved in the nursing facility admission functions, periodic training in applicable reimbursement coverage and eligibility requirements should be required. In nursing facilities with high employee turnover, periodic training updates are critical.

The OIG recognizes that the format of the training program will vary depending upon the resources of the nursing facility. For example, a nursing facility with limited resources may want to create a videotape for each type of training session so new employees can receive training in a timely manner. If videos are used for compliance training, the OIG suggests that a nursing facility make a knowledgeable individual available to field questions from video trainees.

The OIG recommends that participation in training programs be made a condition of continued employment and that failure to comply with training requirements should result in disciplinary action, when such failure is serious. Adherence to the training requirements as well as other provisions of the compliance program should be a factor in the annual evaluation of each employee. The nursing facility should retain adequate records of its training of employees, including attendance logs and material distributed at training sessions.

E. Developing Effective Lines of Communication

1. Access to the Compliance Officer

In order for a compliance program to work, employees must be able to ask questions and report problems. The first line supervisors play a key role in responding to employee concerns and it is appropriate that they serve as a first line of communications. In order to encourage communications, confidentiality and non-retaliation policies should be developed and distributed to all employees.[94]

Open lines of communication between the compliance officer and nursing facility employees is equally important to the successful implementation of a compliance program and the reduction of any potential for fraud and abuse. In addition to serving as a contact point for reporting problems, the compliance officer should be viewed as someone to whom personnel can go to get clarification on the facility's policies. Questions and responses should be documented and dated and, if appropriate, shared with other staff so that standards can be updated and improved to reflect any necessary changes or clarifications.[95]

2. Hotlines and Other Forms of Communication

The OIG encourages the use of hotlines,[96] e-mails, newsletters, suggestion boxes, and other forms of information exchange to maintain open lines of communication.[97] If the nursing facility establishes a hotline, the telephone number should be made readily available to all employees, independent contractors, residents, and family members by circulating the number on wallet cards or conspicuously posting the telephone number in common work areas. Nursing facilities also are required to post the names, addresses and telephone numbers of all pertinent State client advocacy groups such as the State survey and certification agency, State licensure office, State ombudsman program, the protection and advocacy network, and the State Medicaid Fraud Control Unit.[98]

Employees should be permitted to report matters on an anonymous basis. Matters reported through the hotline or other communication sources that suggest substantial violations of compliance policies or Federal health care program statutes and regulations should be documented and investigated promptly to determine their veracity. The compliance officer should maintain a log that records such calls, including the nature of any investigation and its results.[99] Such information, redacted of individual identifiers, should be included in reports to the governing body, the CEO, and compliance committee.[100] While the nursing facility should always strive to maintain the confidentiality of an employee's identity, it also should make clear that there may be a point where the individual's identity may become known or may have to be revealed in certain instances. The OIG recognizes that protecting anonymity may be infeasible for small nursing facilities. However, the OIG believes all facility employees, when seeking answers to questions or reporting potential instances of fraud and abuse, should know to whom to turn for attention and

comprehension of the nursing facility's policies and procedures.

[92] In addition, where feasible, the OIG recommends that a nursing facility give vendors and outside contractors the opportunity to participate in the nursing facility's compliance training and educational programs. Such training is particularly important for facilities that rely on agencies to provide temporary direct care staff. The introduction of consolidated billing gives added importance to educating vendors about the facility's compliance policies and procedures.

[93] Currently, the OIG is monitoring a significant number of corporate integrity agreements that require many of these training elements. The OIG usually requires a minimum of one to three hours annually for basic training in compliance areas. Additional training is required for specialty fields such as claims development and billing.

[94] In some cases, employees sue their employers under the False Claims Act's *qui tam* provisions out of frustration because of the company?s failure to take action when the employee brought a questionable, fraudulent, or abusive situation to the attention of senior corporate officials. Whistle blowers must be protected against retaliation, a concept embodied in the provisions of the False Claims Act. *See* 31 U.S.C. 3730(h).

[95] Nursing facilities also may wish to consider rewarding employees for appropriate use of established reporting systems. After all, the employee who identifies and helps stop an abusive practice can benefit the corporation as much as one who identifies cost-savings measures or increases corporate revenues.

[96] The OIG recognizes that it may not be financially feasible for a smaller nursing facility to maintain a telephone hotline dedicated to receiving calls about compliance issues. These companies may want to explore alternative methods, *e.g.*, outsourcing the hotline or establishing a written method of confidential disclosure.

[97] In addition, an effective employee exit interview program could be designed to solicit information from departing employees regarding potential misconduct and suspected violations of nursing facility policy and procedures.

[98] 42 CFR 483.10(b)(7)(iii). Nursing facilities also should post in a prominent area the HHS–OIG Hotline telephone number, 1–800–447–8477 (1–800–HHS–TIPS).

[99] To efficiently and accurately fulfill such an obligation, the nursing facility should create an intake form for all compliance issues identified through reporting mechanisms. The form could include information concerning the date that the potential problem was reported, the results of the internal investigation, and, as appropriate, the corrective action implemented, the disciplinary measures imposed, and any identified overpayments returned.

[100] Information obtained over the hotline may provide valuable insight into management practices and operations, whether reported problems are actual or perceived.

should be able to do so without fear of retribution.

F. Auditing and Monitoring

The OIG believes that an effective program should incorporate thorough monitoring of its implementation and an ongoing evaluation process. The compliance officer should document this ongoing monitoring, including reports of suspected noncompliance, and share these assessments with the nursing facility's senior management and the compliance committee. The extent and frequency of the compliance audits may vary depending on variables such as the nursing facility's available resources, prior history of noncompliance, and the risk factors particular to the facility.[101]

Although many assessment techniques are available, one effective tool is the performance of regular, periodic compliance audits by internal or external evaluators who have expertise in Federal and State health care statutes, regulations, and program requirements, as well as private payor rules. These assessments should focus both on the nursing facility's day-to-day operations, as well as its adherence to the rules governing claims development, billing and cost reports, and relationships with third parties. The reviews also should address the nursing facility's compliance with Medicare requirements and the specific rules and policies that have been the focus of particular attention by the Medicare fiscal intermediaries or carriers, survey agencies, and law enforcement.[102]

Monitoring techniques may include sampling protocols that permit the compliance officer to identify and review variations from an established performance baseline.[103] This performance baseline should include measurable patient outcomes, such as resident weight maintenance and pressure ulcers, established by the facility's Quality Assessment and Assurance Committee. Significant variations from the baseline should trigger an inquiry to determine the cause of the deviation. If the inquiry determines that the deviation occurred for legitimate reasons, the compliance officer and nursing facility management may want to take no action. If it is determined that the deviation was caused by a departure from or misunderstanding of the facility's policies, the nursing facility should take prompt steps to correct the problem. Any overpayments discovered as a result of such deviations should be returned promptly to the affected payor,[104] with appropriate documentation and a sufficiently detailed explanation of the reason for the refund.[105]

In addition to evaluating the facility's conformance with program rules, an effective compliance program also should incorporate periodic (at least annual) reviews of whether the program's compliance elements have been satisfied, e.g., whether there has been appropriate dissemination of the program's standards, ongoing educational programs, and internal investigations of alleged non-compliance. This process will assess actual conformance by all departments with the compliance program and may identify areas for improvements in the program, as well as the nursing facility's general operations.

The OIG requires a provider operating under a CIA to conduct an annual assessment of its compliance with the elements of the CIA. A compliance officer may want to review several CIAs in designing the facility's self-audit protocol.[106]

As part of the review process, the compliance officer or reviewers should consider techniques such as:

- on-site visits to all facilities owned and/or operated by the nursing home owner;
- testing the billing and claims reimbursement staff on its knowledge of applicable program requirements and claims and billing criteria;
- unannounced mock surveys and audits;
- examination of the organization's complaint logs and investigative files;
- legal assessment of all contractual relationships with contractors, consultants and potential referral sources;
- reevaluation of deficiencies cited in past surveys for State requirements and Medicare participation requirements;
- checking personnel records to determine whether individuals who previously have been reprimanded for compliance issues are now conforming to facility policies;
- questionnaires developed to solicit impressions of a broad cross-section of the nursing facility's employees and staff concerning adherence to the code of conduct and policies and procedures, as well as their work loads and ability to address the residents' activities of daily living;
- validation of qualifications of nursing facility physicians and other staff, including verification of applicable State license renewals;
- trend analysis, or longitudinal studies, that uncover deviations in specific areas over a given period; and
- analyzing past survey reports for patterns of deficiencies to determine if the proposed corrective plan of action identified and corrected the underlying problem.

The reviewers should:

- have the qualifications and experience necessary to adequately identify potential issues with the subject matter that is reviewed;
- be objective and independent of line management to the extent reasonably possible;[107]
- have access to existing audit and health care resources, relevant personnel, and all relevant areas of operation;
- present written evaluative reports on compliance activities to the CEO, governing body, and members of the compliance committee on a regular basis, but no less often than annually; and
- specifically identify areas where corrective actions are needed.

The extent and scope of a nursing facility's compliance self-audits will depend on the facility's identified risk areas, past history of deficiencies and

[101] Even when a nursing facility or group of facilities is owned by a larger corporate entity, the regular auditing and monitoring of the compliance activities of an individual facility must be a key feature in any annual review. Appropriate reports on audit findings should be periodically provided and explained to a parent organization's senior staff and officers.

[102] See also section II.B.2.

[103] The OIG recommends that when a compliance program is established in a nursing facility, the compliance officer, with the assistance of department managers, should take a ''snapshot'' of their operations from a compliance perspective. This assessment can be undertaken by outside consultants or internal staff, provided they have knowledge of health care program requirements. This ''snapshot'' can serve as a baseline for the compliance officer and other managers to judge the nursing facility's progress in reducing potential areas of vulnerability.

[104] See Provider Reimbursement Manual Part I, section 2836(D)(3), which sets out the MDS correction policy.

[105] In addition, when appropriate, as referenced in section II.H.2, below, reports of fraud or systemic problems also should be made to the appropriate governmental authority.

[106] Examples of CIA audit protocols can be obtained from the OIG by submitting a request pursuant to the Freedom of Information Act. The OIG recently has entered into CIAs with a number of nursing home providers that may be of particular relevance. In addition, the American Institute of Certified Public Accountants (AICPA) has issued a detailed guide for conducting an independent assessment of a health care provider's conformance to a CIA. *See* AICPA Statement of Position 99–1, ''Guidance to Practitioners in Conducting and Reporting on an Agreed-Upon Procedures Engagement to Assist in Evaluating Compliance with a Corporate Integrity Agreement'' (May 1999).

[107] The OIG recognizes that nursing facilities that have limited resources may not be able to use internal reviewers who are not part of line management or hire outside reviewers.

enforcement actions, and resources. If the facility comes under Government scrutiny in the future, the Government will assess whether the facility developed a reasonable audit plan based upon identified risk areas and resources. If the Government determines that the nursing facility failed to develop an adequate audit program, the Government will be less likely to afford the nursing facility favorable treatment under the Federal Sentencing Guidelines.

G. Enforcing Standards Through Well-Publicized Disciplinary Guidelines

1. Disciplinary Policy and Enforcement

An effective compliance program should include disciplinary policies that set out the consequences of violating the nursing facility's standards of conduct, policies, and procedures. Intentional noncompliance should subject transgressors to significant sanctions. Such sanctions could range from oral warnings to suspension, termination, or financial penalties, as appropriate. Disciplinary action may be appropriate where a responsible employee's failure to detect a violation is attributable to his or her negligence or reckless conduct. Each situation must be considered on a case-by-case basis to determine the appropriate response.

The written standards of conduct should elaborate on the procedures for handling disciplinary problems and those who will be responsible for taking appropriate action. Some disciplinary actions can be handled by department or agency managers, while others may have to be resolved by a senior administrator. The nursing facility should advise personnel that disciplinary action will be taken on a fair and equitable basis. Managers and supervisors should be made aware that they have a responsibility to discipline employees in an appropriate and consistent manner.

It is vital to publish and disseminate the range of disciplinary standards for improper conduct and to educate employees regarding these standards. The consequences of noncompliance should be consistently applied and enforced, in order for the disciplinary policy to have the required deterrent effect. All levels of employees should be potentially subject to the same types of disciplinary action for the commission of similar offenses, because the commitment to compliance applies to all personnel within a nursing facility. This means that corporate officers, managers, and supervisors should be held accountable for failing to comply with, or for the foreseeable failure of their subordinates to adhere to, the applicable standards, laws, and procedures.

H. Responding to Detected Offenses and Developing Corrective Action Initiatives

Violations of a nursing facility's compliance program, failures to comply with applicable Federal or State law, and other types of misconduct threaten a facility's status as a reliable, honest and trustworthy provider of health care. Detected but uncorrected deficiencies can seriously endanger the reputation and legal status of the nursing facility. Consequently, upon receipt of reports or reasonable indications of suspected noncompliance, it is important that the compliance officer or other management officials immediately investigate the allegations to determine whether a material violation of applicable law or the requirements of the compliance program has occurred and, if so, take decisive steps to correct the problem.[108] As appropriate, such steps may include a corrective action plan,[109] the return of any overpayments, a report to the Government,[110] and/or a referral to criminal and/or civil law enforcement authorities.

Where potential fraud is not involved, the OIG recommends that the nursing facility use normal repayment channels to return overpayments as they are discovered. However, even if the nursing facility's billing department is effectively using the overpayment detection and return process, the OIG believes that the facility needs to alert the compliance officer to those overpayments that may reveal trends or patterns indicative of a systemic problem.

Where there are indications of potential fraud, an internal investigation may be warranted and will probably include interviews and a review of relevant documents. Under some circumstances, the facility may need to consider engaging outside counsel, auditors, or health care experts to assist in an investigation. The investigative file should contain documentation of the alleged violation, a description of the investigative process (including the objectivity of the investigators and methodologies utilized), copies of interview notes and key documents, a log of the witnesses interviewed and the documents reviewed, the results of the investigation, *e.g.,* any disciplinary action taken, and the corrective action implemented. While any action taken as the result of an investigation will necessarily vary depending upon the situation, nursing facilities should strive for some consistency by using sound practices and disciplinary protocols.[111] Further, the compliance officer should review the circumstances that formed the basis for the investigation to determine whether similar problems have been uncovered or modifications of the compliance program are necessary to prevent and detect other inappropriate conduct or violations.

If the nursing facility undertakes an investigation of an alleged violation and the compliance officer believes the integrity of the investigation may be at stake because of the presence of employees under investigation, the facility should remove those individuals from their current responsibilities until the investigation is completed (unless there is an ongoing internal or Government-led undercover operation known to the nursing facility). In addition, the compliance officer should take appropriate steps to secure or prevent the destruction of documents or other evidence relevant to the investigation. If the nursing facility determines that disciplinary action is warranted, it should be promptly imposed in accordance with the facility's written standards of disciplinary action.

[108] Instances of noncompliance must be determined on a case-by-case basis. The existence or amount of a *monetary* loss to a health care program is not solely determinative of whether the conduct should be investigated and reported to governmental authorities. In fact, there may be instances where there is no readily identifiable monetary loss, but corrective actions are still necessary to protect the integrity of the applicable program and its beneficiaries, *e.g.,* where failure to comply with the facility's policies and procedures results in inadequate or inappropriate care being furnished to a facility resident.

[109] The nursing facility may seek advice from its in-house counsel or an outside law firm to determine the extent of the facility's liability and to plan the appropriate course of action.

[110] Nursing facilities are required to immediately report all alleged incidents of mistreatment, neglect, abuse (including injuries of unknown source), and misappropriation of resident property to both the facility administrator and other officials in accordance with State law. *See* 42 CFR 483.13(c)(2). This is the appropriate channel for reporting quality of care issues. The OIG also has established a provider self-disclosure protocol that encourages providers voluntarily to report suspected fraud. The concept of voluntary self-disclosure is premised on a recognition that the Government alone cannot protect the integrity of Medicare and other Federal health care programs. Health care providers must be willing to police themselves, correct underlying problems, and work with the Government to resolve these matters. The self-disclosure protocol can be located on the OIG's web site at: http://www.hhs.gov/oig.

[111] The parameters of a claims review subject to an internal investigation will depend on the circumstances surrounding the issues identified. By limiting the scope of an internal audit to current billing, a nursing facility may fail to discover major problems and deficiencies in operations, and may subject itself to liability.

1. Reporting

Where the compliance officer, compliance committee, or a management official discovers credible evidence of misconduct from any source and, after a reasonable inquiry, has reason to believe that the misconduct may violate criminal, civil or administrative law, the facility should promptly report the existence of misconduct to the appropriate Federal and State authorities [112] within a reasonable period, but not more than 60 days [113] after determining that there is credible evidence of a violation.[114] Prompt voluntary reporting will demonstrate the nursing facility's good faith and willingness to work with governmental authorities to correct and remedy the problem. In addition, reporting such conduct will be considered a mitigating factor by the OIG in determining administrative sanctions (*e.g.,* penalties, assessments, and exclusion), if the reporting provider becomes the target of an OIG investigation.[115]

When reporting to the Government, a nursing facility should provide all evidence relevant to the alleged violation of applicable Federal or State law(s) and potential cost impact. The compliance officer, under advice of counsel and with guidance from the governmental authorities, could be requested to continue to investigate the reported violation. Once the investigation is completed, the compliance officer should notify the appropriate governmental authority of the outcome of the investigation, including a description of the impact of the alleged violation on the operation of the applicable health care programs or their beneficiaries. If the investigation ultimately reveals that criminal, civil or administrative violations have occurred, the nursing facility should immediately notify appropriate Federal and State authorities.

As previously stated, the nursing facility should take appropriate corrective action, including prompt identification and return of any overpayment to the affected payor. If potential fraud is involved, the nursing facility should return any overpayment during the course of its disclosure to the Government. Otherwise, the nursing facility should use normal repayment channels for reimbursing identified overpayments.[116] A knowing and willful failure to disclose overpayments within a reasonable period of time could be interpreted as an attempt to conceal the overpayment from the Government, thereby establishing an independent basis for a criminal violation with respect to the nursing facility, as well as any individual who may have been involved.[117] For this reason, nursing facility compliance programs should emphasize that overpayments should be promptly disclosed and returned to the entity that made the erroneous payment.

III. Assessing the Effectiveness of a Compliance Program

Considering the financial and human resources needed to establish an effective compliance program, sound business principles dictate that the nursing home's management evaluate the return on that investment. In addition, a compliance program must be ''effective'' for the Government to view its existence as a mitigating factor when assessing culpability. How a nursing facility assesses its compliance program performance is therefore integral to its success. The attributes of each individual element of a compliance program must be evaluated in order to assess the program's ''effectiveness'' as a whole. Examining the comprehensiveness of policies and procedures implemented to satisfy these elements is merely the first step. Evaluating how a compliance program performs during the provider's day-to-day operations becomes the critical indicator.[118]

As previously stated, a compliance program should require the development and distribution of written compliance policies, standards, and practices that identify specific areas of risk and vulnerability. One way to judge whether these policies, standards, and practices measure up is to observe how an organization's employees react to them. Do employees experience recurring pitfalls because the guidance on certain issues is not adequately covered in company policies? Do employees flagrantly disobey an organization's standards of conduct because they observe no sincere buy-in from senior management? Do employees have trouble understanding policies and procedures because they are written in legalese or at difficult reading levels? Does an organization routinely experience systematic billing failures because of poor instructions to employees on how to implement written policies and practices? Written compliance policies, standards, and practices are only as good as an organization's commitment to apply them in practice.

Every nursing facility needs to seriously consider whoever fills the integral roles of compliance officer and compliance committee members, and periodically monitor how the individuals chosen satisfy their responsibilities. Does a compliance officer have sufficient professional experience working with billing, clinical records, documentation, and auditing principles to perform assigned responsibilities fully? Has a compliance officer or compliance committee been unsuccessful in fulfilling their duties because of inadequate funding, staff, and authority necessary to carry out their jobs? Did the addition of the compliance officer function to a key management position with other significant duties compromise the goals of the compliance program (*e.g.,* chief financial officer who discounts certain overpayments identified to improve the company's bottom line profits)? Since a

[112] Appropriate Federal and State authorities include the OIG, the Criminal and Civil Divisions of the Department of Justice, the U.S. Attorney in relevant districts, the Federal Bureau of Investigation, and the other investigative arms for the agencies administering the affected Federal or State health care programs, such as the State Survey Agency, the State Medicaid Fraud Control Unit, the Defense Criminal Investigative Service, the Department of Veterans Affairs, and the Office of Personnel Management (which administers the Federal Employee Health Benefits Program). State law may further specify types of misconduct and to whom a facility must report its findings. See note 110.

[113] In contrast, to qualify for the ''not less than double damages'' provision of the False Claims Act, the provider must provide the report to the Government within 30 days after the date when the provider first obtained the information. See 31 U.S.C. 3729(a).

[114] Some violations may be so serious that they warrant immediate notification to governmental authorities prior to, or simultaneous with, commencing an internal investigation. By way of example, the OIG believes a provider should report misconduct that: (1) is a clear violation of OIG administrative authorities, or civil or criminal fraud laws; (2) has a significant adverse effect on the quality of care provided to residents (in addition to any other legal obligations regarding quality of care); or (3) indicates evidence of a systemic failure to comply with applicable laws or an existing corporate integrity agreement, regardless of the financial impact on Federal health care programs.

[115] The OIG has published criteria setting forth those factors that the OIG takes into consideration in determining whether it is appropriate to exclude a health care provider from program participation pursuant to 42 U.S.C. 1320a–7(b)(7) for violations of various fraud and abuse laws. See 62 FR 67392 (December 24, 1997).

[116] A nursing facility should consult with its Medicare fiscal intermediary (FI) and the appropriate sections of the Provider Reimbursement Manual for additional guidance regarding refunds under Medicare Part A. *See* note 104. The FI may require certain information (*e.g.,* alleged violation or issue causing overpayment, description of the internal investigative process with methodologies used to determine any overpayments, and corrective actions taken, etc.) to be submitted with the return of any overpayments, and that such repayment information be submitted to a specific department or individual. When appropriate, interest may be assessed on the overpayment. *See* 42 CFR 405.378.

[117] *See* 42 U.S.C. 1320a–7b(a)(3) and 18 U.S.C. 669.

compliance officer and a compliance committee can have a significant impact on how effectively a compliance program is implemented, those functions should not be taken for granted.

As evidenced throughout this guidance, the proper education and training of corporate officers, managers, health care professionals, and other applicable employees of a provider, and the continual retraining of current personnel at all levels, are significant elements of an effective compliance program. Accordingly, such efforts should be routinely evaluated. How frequently are employees trained? Are employees tested after training? Do the training sessions and materials adequately summarize the important aspects of the organization's compliance program? Are training instructors qualified to present the subject matter and field questions? When thorough compliance training is periodically conducted, employees receive the reinforcement they need to ensure an effective compliance program.

An open line of communication between the compliance officer and a provider's employees is equally important to the success of a compliance program. In today's intensive regulatory environment, the OIG believes that a provider cannot possibly have an effective compliance program if it does not receive feedback from its employees regarding compliance matters. For instance, if a compliance officer does not receive appropriate inquiries from employees: Do policies and procedures adequately guide employees to whom and when they should be communicating compliance matters? Are employees confident that they can report compliance matters to management without fear of retaliation? Are employees reporting issues through the proper channels? Do employees have the proper motives for reporting compliance matters? Regardless of the means that a provider uses, whether it is telephone hotline, email, or suggestion boxes, employees should seek clarification from compliance staff in the event of any confusion or question dealing with compliance policies, practices, or procedures.

An effective compliance program should include guidance regarding disciplinary action for corporate officers, managers, health care professionals, and other employees who have failed to adhere to an organization's standards of conduct, Federal health care program requirements, or Federal or State laws. The number and caliber of disciplinary actions taken by an organization can be insightful. Have appropriate sanctions been applied to compliance misconduct? Are sanctions applied to all employees consistently, regardless of an employee's level in the corporate hierarchy? Have double-standards in discipline bred cynicism among employees? When disciplinary action is not taken seriously or applied haphazardly, such practices reflect poorly on senior management's commitment to foster compliance as well as the effectiveness of an organization's compliance program in general.

Another critical component of a successful compliance program is an ongoing monitoring and auditing process. The extent and frequency of the audit function may vary depending on factors such as the size and available resources, prior history of noncompliance, and risk factors of a particular nursing facility. The hallmark of effective monitoring and auditing efforts is how an organization determines the parameters of its reviews. Do audits focus on all pertinent departments of an organization? Does an audit cover compliance with all applicable laws, as well as Federal and private payor requirements? Are results of past audits, pre-established baselines, or prior deficiencies reevaluated? Are the elements of the compliance program monitored? Are auditing techniques valid and conducted by objective reviewers? The extent and sincerity of an organization's efforts to confirm its compliance often proves to be a revealing determinant of a compliance program's effectiveness.

It is essential that the compliance officer or other management officials immediately investigate reports or reasonable indications of suspected noncompliance. If a material violation of applicable law or compliance program requirements has occurred, a provider must take decisive steps to correct the problem. Nursing facilities that do not thoroughly investigate misconduct leave themselves open to undiscovered problems. When a provider learns of certain issues, it should evaluate how it assesses its legal exposure. What is the correlation between the deficiency identified and the corrective action necessary to remedy? Are isolated overpayment matters properly resolved through normal repayment channels? Is credible evidence of misconduct that may violate criminal, civil or administrative law promptly reported to the appropriate Federal and State authorities? If the process of responding to detected offenses is circumvented, such conduct would indicate an ineffective compliance program.

Documentation is the key to demonstrating the effectiveness of a nursing facility's compliance program. For example, documentation of the following should be maintained: audit results; logs of hotline calls and their resolution; corrective action plans; due diligence efforts regarding business transactions; records of employee training, including the number of training hours; disciplinary action; and modification and distribution of policies and procedures. Because the OIG encourages self-disclosure of overpayments and billing irregularities, maintaining a record of disclosures and refunds to the Federal health care programs and private insurers is strongly endorsed. A documented practice of refunding of overpayments and self-disclosing incidents of non-compliance with Federal and private payor health care program requirements is powerful evidence of a meaningful compliance effort.

IV. Conclusion

Through this document, the OIG has attempted to provide a foundation for the process necessary to develop an effective and cost-efficient nursing facility compliance program. However, each program must be tailored to fit the needs and resources of a particular facility, depending upon its unique corporate structure, mission, and employee composition. The statutes, regulations, and guidelines of the Federal health care programs, as well as the policies and procedures of private health plans, should be integrated into every nursing facility's compliance program.

The OIG recognizes that the health care industry in this country, which reaches millions of beneficiaries and expends about a trillion dollars annually, is constantly evolving. The time is right for nursing facilities to implement a strong voluntary health care compliance program. Compliance is a dynamic process that helps to ensure that nursing facilities and other health care providers are better able to fulfill their commitment to ethical behavior, as well as meet the changes and challenges being placed upon them by Congress and private insurers. Ultimately, it is the OIG's hope that a voluntarily created compliance program will enable nursing facilities to meet their goals, improve the quality of resident care, and substantially reduce fraud, waste, and abuse, as well as the cost of health care to Federal, State, and private health insurers.

Dated: March 9, 2000.

June Gibbs Brown,

Inspector General.

[FR Doc. 00–6423 Filed 3–15–00; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group Subcommittee H—Clinical Groups.

Date: March 23–24, 2000.

Time: 6:30 PM to 1 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Deborah R. Jaffe, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 7, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6476 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)—(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary & Alternative Medicine Special Emphasis Panel.

Date: March 21, 2000.

Time: 3:30 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: 9000 Rockville Pike, Bldg. 31, Room 5B50, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sheryl K. Brining, National Center for Complementary and Alternative Medicine, National Institutes of Health, 31 Center Drive, Room 5B50, Bethesda, MD 20892–2182, (301) 496–7498, sb44k@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Dated: March 9, 2000.

Ann Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6473 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: April 5, 2000.

Time: 1 pm to 3:30 pm.

Agenda: To review and evaluate grant applications.

Place: Executive Plaza South, Room 400C, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Stanley C. Oaks, Jr., Scientific Review Branch, Division of Extramural Research, Executive Plaza South, Room 400C, 6120 Executive Blvd. Bethesda, MD 20892–7180, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 9, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6474 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel R13 Conference Grants

Date: April 5, 2000.

Time: 1 PM to 2 PM.

Agenda: To review and evaluate grant applications.

Place: NIEHS-East Campus, 79 TW Alexander Dr., Bldg. 4401, Rm EC–122, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: J. Patrick Mastin, Scientific Review Administrator, SRB/DERT, NIEHS, P.O. Box 12233 MD EC–30, Research Triangle Park, NC 27709, (919) 541–1446.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: March 9, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6475 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panels.

Date: April 5–7, 2000.

Time: 7 PM to 11 AM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Express Hotel & Suites, SE 1990 Bishop Blvd., Pullman, WA 99163.

Contact Person: Linda K. Bass, Scientific Review Administrator, NIEHS, PO Box 12233 EC–30, Research Triangle Park, NC 27709, (919) 541–1307.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93,114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: March 8, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6477 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notices of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, NIH ES 00–23.

Date: April 4, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS—East Campus, Building 4401, Conference Room 122, 79 Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Linda K. Bass, Scientific Review Administrator, NIEHS, PO Box 12233 EC–30, Research Triangle Park, NC 27709; (919) 541–1307.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and fund cycle.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel.

Date: April 12–14, 2000.

Time: 7 a.m. to 11 a.m.

Agenda: To review and evaluate contract grant applications.

Place: Wilmington Courtyard, 151 Van Camden Blvd, Wilmington, NC 28403.

Contact Person: Linda K. Bass, Scientific Review Administrator, NIEHS, PO Box 12233 EC–30, Research Triangle Park, NC 27709; (919) 541–1307.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and fund cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental exposures; 93.142 NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHs Superfund Hazardous Substances—Basic Research and Education; 93.894 Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: March 8, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6478 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel

Date: March 28, 2000.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Henry J. Haigler, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892–9608, 301/443–7216.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: March 8, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6479 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 4, 2000.

Time: 1:00 pm to 3:00 pm.

Agenda: To review and evaluate contract proposals.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Hameed Khan, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal domestic Assistance Program Nos. 92.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 8, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6480 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 31, 2000.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington circle, N.W., Washington, D.C., DC 20037.

Contact Person: Asikiya Walcourt, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6138, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 31, 2000.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Houmam H. Araj, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 932.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: March 8, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6482 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 27, 2000.

Time: 1 pm to 4 pm

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892,(Telephone Conference Call).

Contact Person: Asikiya Walcourt, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6138, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS).

Dated: March 8, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6483 Filed 7–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 22, 2000.

Time: 4 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael J. Moody, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9609, 301–443–3367.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 24, 2000.

Time: 1 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael J. Moody, Scientific Review Administrator, Division of Extramural Activities, National Institute of mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9609, 301–443–3367.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 24, 2000.

Time: 3 pm to 4 pm.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael J. Moody, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9609, 301–443–3367.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: March 8, 2000.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6484 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the PubMed Central National Advisory Committee.

The meeting will be closed to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such a a sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: PubMed Central National Advisory Committee.

Date: March 27, 2000.

Time: 8:30 a.m. to 1: p.m.

Agenda: Review and analysis of system including program objectives and directives.

Place: National Library of Medicine, Board Room, Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: David J. Lipman, Director, Natl Ctr for Biotechnology Information, National Library of Medicine, Department of Health and Human Services, Bethesda, MD 20894.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: March 8, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6481 Filed 3–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(4) and 552b(c)(4) and 55b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 15, 2000.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 21, 2000.
Time: 1:00 p.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.
Contact Person: Mary Clare Walker, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7852, Bethesda, MD 20892, (301) 435–1165.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 22, 2000.
Time: 2:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Camilla E. Day, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892, (301) 435–1037, dayc@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 24, 2000.
Time: 8:00 am to 8:00 pm.
Agenda: To review and evaluate grant applications.
Place: Bethesda Ramada Hotel and Conference Center, 8400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jean D. Sipe, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4106, MSC 7814, Bethesda, MD 20892, (301) 435–1743, sipej@scr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 24, 2000.
Time: 8:00 am to 5:30 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: William C. Branche, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7808, Bethesda, MD 20892, (301) 435–1148.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 24, 2000.
Time: 1:00 pm to 3:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Eugene Vigil, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 435–1025.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 24, 2000.
Time: 2:00 pm to 3:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Alexander D. Politis, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, politisa@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 24, 2000.
Time: 3:00 pm to 4:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Lee S. Mann, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20982, (301) 435–0677

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 24, 2000.
Time: 4:30 pm to 5:30 pm
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Cheri Wiggs, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20982, (301) 435–8367.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 27, 2000.
Time: 8:00 am to 6:00 pm.
Agenda: To review and evaluate grant applications.
Place: Georgetown Holiday Inn, Fortune Room, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.
Contact Person: Eugene Vigil, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20982, (301) 435–1025.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel
Date: March 27–28, 2000.
Time: 8:00 am to 5:00 pm.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 1111 30th Street, NW., Washington, DC 20007.
Contact Person: Eileen W. Bradley, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20982, (301) 435–1179, bradleye@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 27, 2000.
Time: 8:00 am to 5:00 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Robert T. Su, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7840, Bethesda, MD 20892, (301) 435–1195.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphphasis Panel.
Date: March 27–28, 2000.
Time: 8:00 am to 4:00 pm.
Agenda: To review and evaluate grant applications.
Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.
Contact Person: Ann A. Jerkins, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7892, Bethesda, MD 20892, (301) 435–4514.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphphasis Panel.
Date: March 27–27, 2000.
Time: 9:00 am to 12:00 pm.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 1111 30th Street, NW., Washington, DC 20007.

Contact Person: Teresa Nesbitt, Scientific Review Administrator, Center for Scientific

Review, National Institutes of Health, 6701 Rockledge Drive, Room 5110, MSC 7854, Bethesda, MD 20892, (301) 435–1172.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphphasis Panel.

Date: March 27, 2000.

Time: 11:00 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lee S. Mann, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, (301) 435–0677.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphphasis Panel.

Date: March 27–27, 2000.

Time: 3:30 pm to 5:30 pm.

Agenda: To review and evalute grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Harold M. Davidson, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7814, Bethesda, MD 20892, (301) 435–1776.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 27–28, 2000.

Time: 7:30 pm to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn. 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Cheryl M. Corsaro, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, 301–435–1045, corsaroc@csr.nih.gov.

This notice is published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 28, 2000.

Time: 11:00 am. to 1:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Richard Marcus, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, 301–435–1245, richard.marcus@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 28, 2000.

Time: 1:00 pm to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael H. Sayre, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 28, 2000.

Time: 1:00 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gertrude K. McFarland, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7816, Bethesda, MD 20892, (301) 435–1784, mcfarlag@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 8, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–6485 Filed 7–15–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Prairie City Crossing Project, Folsom, Sacramento County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Regency Realty has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Service proposes to issue a 2-year permit to Regency Realty that would authorize take of the threatened valley elderberry longhorn beetle (Desmocerus californicus dimorphus; beetle) incidental to otherwise lawful activities. Such take would occur as a result of development of a supermarket, parking lot, and service station on the Prairie City Crossing Project site in Folsom, Sacramento County, California.

The application includes a Habitat Conservation Plan (Plan). The Plan describes the proposed project and the measures that Regency Realty would undertake to minimize and mitigate take of the beetle, as required in section 10(a)(2)(B) of the Act. Development would result in the loss of 1 elderberry plant with 4 stems that provide habitat for the beetle. We request comments on the Plan.

We also request comments on our preliminary determination that the Plan qualifies as a ''low-effect'' Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act. The basis for this determination is discussed in an Environmental Action Statement, which is also available for public review.

This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6). The Plan and the Environmental Action Statement are available for review and comment by other agencies and the public. All comments received, including names and addresses, will become part of the public record and will be available for review pursuant to section 10(c) of the Act.

DATES: Written comments must be received no later than April 17, 2000.

ADDRESSES: Send written comments to Mr. Wayne White, Field Supervisor, Fish and Wildlife Service, 2800 Cottage Way, Suite W–2605, Sacramento, California 95825–1846. Comments may be sent by facsimile to 916–414–6610.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki Campbell, Chief of Conservation Planning Division, at the above address or call (916) 414–6600.

SUPPLEMENTARY INFORMATION:

Document Availability

Please contact the above office if you would like copies of the application, Plan, and Environmental Action Statement. Documents also will be available for review by appointment, during normal business hours at the above address.

Background

Section 9 of the Act and Federal regulation prohibit the ''take'' of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. However, the Service may, under limited circumstances, issue permits to authorize incidental take; i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found in 50 CFR 17.32 and 17.22, respectively.

The proposed Prairie City Crossing Project is located at the northwest corner of Prairie City and Iron Point roads in the City of Folsom, Sacramento County, California, which corresponds to Township 9 North, Range 7 East of the ''Folsom, California'' topographic quadrangle (United States Geological Survey, Photorevised 1980). Regency Realty is requesting a 2-year incidental take permit to authorize take of the beetle on the project site.

The Prairie City Crossing Project consists of the proposed construction of a Safeway supermarket, parking lot, and service station on an 11-acre parcel. The entire project area has been disturbed by prior mining activities that occurred during the early 1900s. The existing habitat on the site consists of dredger tailings, annual grassland, and pockets of foothill pine/oak woodland within the tailings.

One elderberry shrub, containing three stems that are between 1 and 3 inches in diameter and one stem that is greater than 5 inches in diameter at ground level, occurs on the project site within the impact area as potential habitat for the federally-threatened beetle. A single adult beetle exit hole was found in this shrub. Construction of the proposed project would result in the removal of the elderberry shrub. The project site does not contain any riparian habitat. The project site does not contain any other rare, threatened, or endangered species or habitat. No critical habitat for any listed species occurs on the project site.

Under the HCP, mitigation for impacts to the beetle would conform to the Fish and Wildlife Service's 1999 Mitigation Guidelines. The single elderberry shrub affected by the proposed project would not be transplanted because it is located at the bottom of a cobble ravine, surrounded by dredger tailings, and access by heavy equipment is extremely difficult. Prior to undertaking transplantation, considerable grading would have to be completed in order to construct an access road that could be used by heavy equipment. A vermeer spade could not be used because of the rocky nature of the site. In addition, if this elderberry shrub were to be transplanted, its survival would be questionable because much of the rootball probably would be destroyed during the transplanting process. Therefore, Regency Realty proposes to purchase 5 beetle mitigation credits at the Wildlands Mitigation Bank, a Service-approved mitigation site. Purchase of these credits would result in the planting of 24 elderberry plants and 16 associated native tree species to mitigate for impacts to 4 stems.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the Plan, which includes measures to minimize and mitigate impacts of the project on the beetle. One alternative to the taking of listed species under the Proposed Action is considered in the Plan. Under the No Action Alternative, no permit would be issued. However, the No Action Alternative is inconsistent with local development goals and would result in the undisturbed elderberry shrub being left on the site in an isolated patch of open space with little habitat value.

The Service has made a preliminary determination that the Plan qualifies as a ''low-effect'' plan as defined by its Habitat Conservation Planning Handbook (November 1996). Determination of low-effect Habitat Conservation Plans is based on the following three criteria: (1) Implementation of the Plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the Plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the Plan, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources which would be considered significant. As more fully explained in the Service's Environmental Action Statement, the Prairie City Crossing Project Plan qualifies as a ''low-effect'' plan for the following reasons:

1. Approval of the Plan would result in minor or negligible effects on the beetle and its habitat. The Service does not anticipate significant direct or cumulative effects to the beetle resulting from development of the Prairie City Crossing Project area.

2. Approval of the Plan would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the Plan would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

5. Approval of the Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service therefore has preliminarily determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further National Environmental Policy Act documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

The Service provides this notice pursuant to section 10(c) of the Act. We will evaluate the permit application, the Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, the Service will issue a permit to Regency Realty for the incidental take of the beetle from development of the Prairie City Crossing Project site. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: March 8, 2000.

Elizabeth H. Stevens,

Deputy Manager, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 00–6487 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Letters of Authorization To Take Marine Mammals

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Notice of issuance of Letters of Authorization to take marine mammals incidental to oil and gas industry activities.

SUMMARY: In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations [50 CFR 18.27(f)(3)], notice is hereby given that Letters of Authorization to take polar bears and Pacific walrus incidental to oil and gas industry exploration, development, and production activities have been issued to the following companies:

Company	Activity	Date issued
BP Exploration (Prudhoe Bay Unit	Production	February 8, 2000.
BP Exploration (Kuparuk Unit)	Production	February 8, 2000.
ARCO Alaska, Inc. (NW Eileen)	Exploration	February 14, 2000.
ARCO Alaska, Inc. (Alpine)	Development	February 14, 2000.
ARCO Alaska, Inc. (Nanuk #2 & #3)	Exploration	February 14, 2000.
BP Exploration (Alaska), Inc. (Northstar)	Development	February 23, 2000.
Western Geophysical (Anadarko)	Exploration	February 23, 2000.
Western Geophysical (ARCO)	Exploration	February 23, 2000.
ARCO Alaska, Inc. (Meltwater North)	Exploration	February 23, 2000.
ARCO Alaska, Inc. (Spark #1)	Exploration	February 23, 2000.
ARCO Alaska, Inc. (Rendezvous A&B)	Exploration	February 23, 2000.
ARCO Alaska, Inc. (Lookout A)	Exploration	February 23, 2000.
ARCO Alaska, Inc. (Moose's Tooth A&C)	Exploration	February 23, 2000.
ARCO Alaska, Inc. (Clover A&B)	Exploration	February 23, 2000.
ARCO Alaska, Inc. (Cairn)	Exploration	February 23, 2000.
Western Geophysical (ARCO)	Exploration	February 23, 2000.
Western Geophysical (BP Exploration)	Exploration	February 23, 2000.
Kuukpik/Fairweather Geophysical	Exploration	February 23, 2000.
BP Exploration (Point Thomson)	Exploration	February 23, 2000.
BP Exploration (West Gwydyr Bay)	Exploration	February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3810.

SUPPLEMENTARY INFORMATION: Letters of Authorization were issued in accordance with U.S. Fish and Wildlife Service Federal Rules and Regulations ''Marine Mammals; Incidental Take During Specified Activities (65 FR 5275; February 3, 2000).''

Dated: March 3, 2000.

Gary Edwards,

Deputy Regional Director.

[FR Doc. 00–6524 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a field trip and meeting of the Aquatic Nuisance Species Task Force. The focus of the field trip and meeting topics are identified in the **SUPPLEMENTARY INFORMATION.**

DATES: The field trip will take place from 12:30 p.m. to 6 p.m., Monday, April 3, 2000. The Aquatic Nuisance Species Task Force will meet from 8:30 a.m. to 5 p.m., Tuesday, April 4, 2000 and 8:30 a.m. to 12 p.m., Wednesday, April 5, 2000.

ADDRESSES: The field trip will begin at the Doubletree Inn, 2649 South Bayshore Drive, Miami, Florida. The meeting will be held at the Rosenstiel School of Marine and Atmospheric Science, Virginia Key, Miami, Florida in the auditorium.

FOR FURTHER INFORMATION CONTACT: Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308 or by e-mail at: sharon__gross@fws.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a field trip and meeting of the Aquatic Nuisance Species Task Force. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

The field trip will consist of a visit to an area where the Asian Swamp Eel is present and causing impacts as well as other areas where invasive plant and animal species have caused significant impacts. Topics to be covered during the ANS Task Force meeting on Tuesday and Wednesday include the following: briefings about regional nonindigenous species problems and initiatives; updates of activities from the Task Force's regional panels; discussion of the Coast Guard's ballast water management program; discussion of the Asian Swamp Eel and other invasive aquatic species of concern; overview of the activities of the Invasive Species Council; discussion of the guidance for the State ANS Management Plans; and overview of an outreach and education initiative.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 851, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and will be available for public inspection during regular business hours, Monday through Friday.

Dated: March 13, 2000.

Hannibal Bolton,

Co-Chair, Aquatic Nuisance Species Task Force, Acting Assistant Director—Fisheries.

[FR Doc. 00–6561 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Announcement of Vacancy on the Osage Tribal Education Committee

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs is announcing that a vacancy has occurred on the Osage Tribal Education Committee. This vacancy is the Member at Large Representative. The purpose of this notice is to solicit nominations from individuals or Osage organizations who would nominate persons for the vacancy.

DATES: Applications and nominations must be received on or before April 17, 2000.

ADDRESSES: You may send applications and nominations to: Osage Tribal Education Committee, c/o Oklahoma Area Education Office, 4149 Highline Blvd., Oklahoma City, OK 73108.

FOR FURTHER INFORMATION CONTACT: Joy Martin, Education Line Officer, at 405–605–6051.

SUPPLEMENTARY INFORMATION: Pursuant to 25 CFR 122.5 and the Overall Plan of Operation for the Osage Tribal Education Committee, the Bureau is seeking nominations from individuals or Osage organizations who would nominate persons for the vacancy. The requirements of the Member at Large are:

(a) Must be an adult person of Osage Indian blood who is an allottee or a descendant of an allottee; and

(b) May include residents who are living anywhere in the United States.

The nominee or his/her representative organization should submit a brief statement requesting that he/she be considered as a candidate for the vacancy and the reason for desiring to serve on the committee. If nominated by an Osage organization, a written statement from the nominee stating his/her willingness to serve on the committee must be included with the Osage organization nomination.

Applications and nominations must be received no later than April 17, 2000. Nominations shall be delivered by registered mail to the address listed in the **ADDRESSES** section.

This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: March 3, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–6525 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. ID–080–1220–PA]

Upper Columbia-Salmon Clearwater Districts, Idaho; Notice of Closure and Restriction Order for BLM Lands in Fiddle Creek Area

AGENCY: Bureau of Land Management, Upper Columbia-Salmon Clearwater Districts, Idaho.

ACTION: Notice of Closure and Restriction Order for BLM Lands in Fiddle Creek Area, Order No. ID–080–23.

SUMMARY: By order, the following closures and restrictions apply to the area known as ''Fiddle Creek,'' described as all public land administered by the Bureau of Land Management in T.25N., R.1E., sections 22, 23, and 27, Idaho County, Idaho.

(1) Camping is prohibited.

(2) The possession or consumption of alcoholic beverages by persons under the age of 21 is prohibited.

(3) The area is closed to all use from 8:00 p.m. to 6:00 a.m.

For the purpose of this closure, camping is defined as erecting a tent or shelter, preparing a sleeping bag or other bedding material for use, parking a motor vehicle, motor home or trailer for the apparent purpose of overnight occupancy.

The authority for establishing these closures and restrictions is Title 43, Code of Federal Regulations, Section 8364.1.

The closures and restrictions are in effect from April 14, 2000 through April 17, 2000.

The closures and restrictions do not apply to:

(1) Any Federal, State, or local law enforcement, rescue or the fire fighting force while in the performance of an official duty.

(2) Any Bureau of Land Management employee, agent, or contractor while in the performance of an official duty.

The closures and restrictions are necessary to protect persons, property, public lands and resources. Persons abusing alcohol cause a public disturbance, particularly at night, and create a risk to other persons on public lands.

Violation of this order is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed one year.

FOR FURTHER INFORMATION CONTACT: Greg Yuncevich, Area Manager, Bureau of Land Management, Cottonwood Field Office, Route 3, Box 181, Cottonwood, ID 83522.

Dated: March 2, 2000.

Ted Graf,

Acting District Manager.

[FR Doc. 00–6527 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–GG–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–010–1430–ER/G010–G0–0252]

Emergency Road Closure, Sandoval County, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Road closure of access.

SUMMARY: Notice is hereby given that effective March 16, 2000, a road located within the NW¼ SW¼ of section 3, and continues in a southwesterly direction to SW¼ NW¼ section 9, T. 20 N., R. 1 W., NMPM, is closed to all forms of access except as specifically authorized by the Bureau of Land Management. The closed area is commonly known as the Sawmill Area south of Cuba. The purpose of this road closure is to prevent unnecessary degradation of resources, undue environmental damage and to ensure resource protection on public lands.

The emergency access closure is in accordance with the provisions of 43 CFR 8364.1. This designation remains in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Joe Jaramillo, Realty Specialist at Bureau of Land Management, Albuquerque Field Office, 435 Montano NE, Albuquerque, New Mexico 87107, (505) 761–8779.

Dated: February 28, 2000.

S.W. Anderson,

Assistant Field Manager, Division of Lands & Minerals.

[FR Doc. 00–6528 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–AG–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–040–00–1040–AE]

Notice of Meeting

AGENCY: Bureau of Land Management.

ACTION: Gila Box Riparian National Conservation Area Advisory Committee Meeting.

SUMMARY: The purpose of this notice is to announce the next meeting of the Gila Box Riparian National Conservation Area Advisory Committee Meeting. The purpose of the Advisory Committee is to provide informed advice to the Safford Field Manager on management of public lands in the Gila Box Riparian National Conservation Area. The committee meets as needed, generally between two and four times a year.

The meeting will begin at the Bureau of Land Management (BLM), Safford Field Office on April 7, 2000, commencing at 8:00 a.m. The meeting will consist of a two-day float trip down the Gila River within the Gila Box RNCA boundary to observe the compliance on vehicle closures within the Gila River corridor, livestock management, and discuss management of the recently acquired property at the confluence of Eagle Creek and the Gila River. A public comment period will be provided from 9:30 a.m. to 9:45 a.m. at the Old Safford Bridge boat put in site prior to departing for the float trip. The public is invited to participate on the float trip but must provide their own transportation to and from the field, rafting equipment, and personal gear. The field trip will depart at 8:00 a.m. on April 7, 2000 from the BLM Safford Field Office and arrive back at the BLM Safford Field Office at 4:00 p.m. on April 8, 2000.

DATE: Meeting will be held on April 7, 2000 starting at 8:00 a.m.

FOR FURTHER INFORMATION CONTACT: Jon Collins, Gila Box NCA Project Coordinator, Safford Field Office, 711 14th Ave., Safford AZ 85546, Telephone (520) 348–4400.

Dated: February 29, 2000.

Frank L. Rowley,

Acting Safford Field Manager.

[FR Doc. 00–6526 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–030–00–1220–00: GPO–0146]

Notice of Meeting of the Oregon Train Interpretive Center Advisory Board

AGENCY: National Historic Oregon Trail Interpretive Center, Vale District, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is given that a meeting of the Advisory Board for the National Historic Oregon Trail Interpretive Center will be held on Thursday, April 6, 2000 from 8:00 a.m. to 4:00 p.m. at the Best Western Sunridge Inn, One Sunridge Lane, Baker City, Oregon. At an appropriate time, the Board will recess for approximately one hour for lunch. Public comments will be received from 12:00 p.m. to 12:15 p.m., April 6, 2000. Topics to be discussed are the Fee Demonstration Program Recommendations, Strategic Plan Update and reports from Coordinators of Subcommittees.

DATES: The meeting will begin at 8:00 a.m. and run to 4:00 p.m. April 6, 2000.

FOR FURTHER INFORMATION CONTACT: David B. Hunsaker, Bureau of Land Management, National Historic Oregon Trail, Interpretive Center, P.O. Box 987, Baker City, OR 97814, (Telephone 541–523–1845).

Juan Palma,

Vale District Manager.

[FR Doc. 00–6529 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–050–00–1430–EU; AZA 29964, AZA 29970–AZA 29975, AZA 29977, AZA 29979–AZA 29983, AZA 29985–AZA 29989]

Arizona: Notice of Realty Action; Competitive Sale of Public Land in Quartzsite, La Paz County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of time notice; Correction.

SUMMARY: The Bureau of Land Management published an extension of time to complete a public land competitive sale in the **Federal Register** on October 15, 1999. The legal description inadvertently omitted parcels available for sale, and two case file numbers were omitted from the above description.

FOR FURTHER INFORMATION CONTACT: Debbie DeBock, Realty Specialist at (520) 317–3208.

Correction:

In the **Federal Register** dated October 15, 1999 (64FR55956), insert the following legal descriptions:

T. 4 N., R. 19 W.,
Sec. 22, NE¼NE¼SE¼;
Sec. 23, N½SW¼, S½ NE¼SW¼W¼, NW¼SW¼,
N½SW¼SW¼,N½SE¼SW¼,SW¼ SE¼W¼;
Sec. 29, W½NE¼ NE¼ NE¼, W½NW¼NE¼NE¼, NW¼NE¼, W½NE¼NW¼, SE¼NE¼ NW¼,NW¼NW¼.
Aggregating 225.00 acres, more or less.

The following describes the corrected case file number error: AZA 29964, AZA 29970–AZA 29975, AZA 29977, AZA 29979–AZA 29983, AZA 29985–AZA 29989.

Dated: March 8, 2000.

Gail Acheson,

Field Manager.

[FR Doc. 00–6530 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ES–N–62871, N–65749 and N–63203]

Notice of Realty Action: Lease/ Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management.

ACTION: Recreation and Public Purpose Lease/conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Clark County School District proposes to use the land for elementary and middle schools.

Mount Diablo Meridian, Nevada

N–62871—T. 20 S., R. 59 E.,
Section 12,
SW¼NE¼NE¼,SE¼NW¼NE¼,
Containing 20.00 acres, more or less.
Elementary school site
N–65749—T. 22 S., R. 61 E.,
Section 28, lots 106, 115, 124, 132.
Containing 10.00 acres, more or less.
Roberta Cartwright Elementary School
N–63203—T. 19 S., R. 61 E.,
Section 21, lot 10 (Currently shown as the S½ lot 5 prior to resurvey), Containing 20.29 acres, more or less. Middle school site

The land is not required for any federal purpose. The leases/ conveyances are consistent with current Bureau planning for this area and would be in the public interest. The leases/ patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

3. Easements in favor of Clark County for roads, public utilities and flood control purposes in accordance with the Clark County Transportation Plan.

4. All valid and existing rights, which are identified in the respective case files.

The lands have been segregated from all forms of appropriation under the Southern Nevada Public Lands Management Act (PL 105-263).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada. 89108 Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the District Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments

Interested parties may submit comments involving the suitability of the land for school sites. Comments on the classifications are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for two elementary and a middle school site.

Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: February 28, 2000.

Rex Wells,

Assistant Field Manager, Las Vegas Field Office.

[FR Doc. 00–6462 Filed 3–15–00; 8:45 am]

BILLING CODE 4510–HC–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services, FY 2000 Community Policing Discretionary Grants

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: Notice of availability.

SUMMARY: The Department of Justice, Office of Community Oriented Policing Services (''COPS'') announces the Visiting Fellowship Program (VFP) designed to support training, technical assistance, research, program development and policy analysis to contribute to the use and enhancement of community policing to address crime and related problems in communities across the country.

The VFP is intended to offer researchers, policing professionals, community leaders, and policy analysts an opportunity to undertake independent research, problem development activities, and policy analysis designed to advance community policing in a variety of ways.

Two types of fellowships are available: Community Policing Training and Technical Assistance Fellowships, and Program/Policy Support and Evaluation (PPSE) Fellowships.

Community Policing Training and Technical Assistance Fellowships will offer police practitioners and community leaders the opportunity to participate in a community policing training program that is national in scope. PPSE Fellowships will offer police practitioners, researchers, and policy analysts the opportunity to support innovative community policing programs, to engage in activities to assess the effectiveness of community policing approaches, and to apply policy analysis skills to support the advancement of community policing nationwide.

Visiting fellows will study a topic of mutual interest to the Fellow and the COPS Office for up to 12 months. Residency in Washington, DC, is not required, but visits to the COPS Office are encouraged.

DATES: The application deadline is April 17, 2000. Application kits will be available by mid-March.

ADDRESSES: To obtain a copy of an application or for more information, call the U.S. Department of Justice Response Center at 1–800–421–6770. Application kits will be available mid-March and will also be posted on the COPS Office web site at http://www.usdoj.gov/cops.

FOR FURTHER INFORMATION CONTACT: The U.S. Department of Justice Response Center at 1–800–421–6770, or the COPS web site at: http://www.usdoj.gov/cops.

SUPPLEMENTARY INFORMATION:

Overview

The United States Department of Justice, Office of Community Oriented Policing Services (COPS) has been charged with the implementation of the Public Safety Partnerships and Community Policing Act of 1994 (42 U.S.C. 3796dd). Under this law, the COPS Office provides grants, cooperative agreements, and technical assistance to increase police presence, improve police and community partnerships designed to address crime and disorder, and enhance public safety. The VFP, which complements the COPS Office's efforts to add 100,000 officers to our nation's streets and support innovative community policing, is one of a wide variety of policing programs supported under this law.

The VFP is intended to offer researchers, policing professionals, community leaders, and policy analysts an opportunity to undertake independent research, problem development activities, and policy analysis designed to advance community policing in a variety of ways.

Two types of fellowships are available: Community Policing Training and Technical Assistance Fellowships and Program/Policy Support and Evaluation (PPSE) Fellowships.

Community Policing Training and Technical Assistance Fellowships will offer police practitioners and community leaders the opportunity to participate in a community policing training program that is national in scope. Fellows will work to broaden their knowledge of a training area that is directly related to community policing. The experience is intended to encourage the further development, enhancement, or renewed exploration of a particular training expertise that supports community policing. Fellows will deliver this expertise innovatively as well as provide technical assistance

to others. Under Community Policing Training and Technical Assistance Fellowships, Fellows may pursue initiatives designed to: (1) improve police-citizen cooperation and communication; (2) enhance police relationships within the criminal justice system, as well as at all levels of local government; (3) increase police and citizens' ability to innovatively solve community problems; (4) facilitate the restructuring of agencies to allow the fullest use of departmental and community resources; (5) promote the effective flow and use of information both within and outside of an agency; and/or (6) improve law enforcement responsiveness to members of the community.

PPSE Fellowships will offer police practitioners, researchers, and policy analysts the opportunity to support innovative community policing programs, to engage in activities to assess the effectiveness of community policing approaches, and to apply policy analysis skills to support the advancement of community policing nationwide. The experience is intended to encourage the further development, enhancement, or renewed exploration of program, policy, and evaluation issues that support community policing. This work will be shared with policy makers and practitioners through a variety of forums. Under PPSE Fellowships, Fellows may pursue a wide variety of initiatives. Topic areas of particular interest to the PPSE Division include, but are not limited to, the following goals: (1) improve the ability of policing agencies and community organizations to collect different types of information that will aid in collaborative problem solving efforts; (2) enhance current knowledge of how policing agencies evolve while implementing community policing; (3) enhance current knowledge about how various policing agencies utilize information technology to support crime reduction and community policing efforts; and/or (4) enhance current knowledge of or improve the ability of policing agencies to implement community policing and problem solving in other ways.

Visiting Fellows will study a topic of mutual interest to the Fellow and the COPS Office for up to 12 months. Residency in Washington, DC, is not required, but visits to the COPS Office are encouraged.

Grants or cooperative agreements under the VFP may support salary, fringe benefits, travel essential to the project, and miscellaneous supplies or equipment in support of the project. Reasonable costs for research assistants or support staff will also be considered. Reasonable relocation expenses and the cost of temporary housing also may be permitted in cases of relocation from a Fellow's permanent address.

Under the VFP, the COPS Office may award grants or enter into cooperative agreements with individuals, public agencies, colleges or universities, nonprofit organizations, and profit-making organizations willing to waive their fees.

Receiving a grant or cooperative agreement under the VFP will not affect the eligibility of an agency to receive awards under other COPS programs.

The selection process is expected to be highly competitive.

The Catalog of Federal Domestic Assistance (CFDA) reference for this program is 16.710.

Dated: March 6, 2000.

Thomas Frazier,

Director.

[FR Doc. 00–6533 Filed 3–15–00; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; FY 2000 Community Policing Discretionary Grants

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: Notice of availability.

SUMMARY: The Department of Justice, Office of Community Oriented Policing Services (''COPS'') announces the availability of funds under the Tribal Resources Grant Program, a program designed to meet the most serious needs of law enforcement in Indian communities through a broadened, comprehensive hiring program that will offer a ''menu of options'' from salary and benefits for new police personnel to funding for law enforcement training and equipment for new and existing officers. This program, which complements the COPS Office's efforts to fund 100,000 additional community policing officers and to support innovative community policing, will enhance law enforcement infrastructures and community policing efforts in tribal communities which have limited resources and are affected by high rates of crime and violence. Applications should reflect the department's most serious law enforcement needs and must link these needs to the implementation or enhancement of community policing. In addition, a written plan to retain COPS-funded officer positions after federal funding has ended must be submitted with the grant application.

All Federally Recognized Tribes with established police departments or existing police efforts are eligible to apply. Tribes that wish to establish police departments and meet specific criteria are eligible to apply. Tribes or villages may also apply as a consortium with a written partnership agreement that names a lead agency and describes how requested resources will serve the consortium's population. In addition, tribes that are currently served by Bureau of Indian Affairs (BIA) law enforcement may request funding under this grant program to supplement their existing police services. Tribes whose law enforcement services are provided by local policing agencies through a contract agreement are not eligible under the COPS program, but may apply to the COPS Universal Hiring Program for police officer positions only.

DATES: Applications will be sent to all Federally Recognized Tribes with existing law enforcement efforts by early March 2000. Tribes or villages that wish to apply as a start-up or consortium may request an application kit from the COPS Office. The deadline for the submission of applications is May 5, 2000. Applications must be postmarked by May 5, 2000, to be eligible.

ADDRESSES: To obtain an application or for more information, call the U.S. Department of Justice Response Center at 1–800–421–6770. A copy of the application kit will be available in early March on the COPS Office web site at:http://www.usdoj.gov/cops.

FOR FURTHER INFORMATION CONTACT: The U.S. Department of Justice Response Center, 1–800–421–6770 or your grant advisor.

SUPPLEMENTARY INFORMATION:

Overview

The Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103–322) authorizes the Department of Justice to make grants to increase deployment of law enforcement officers devoted to community policing on the streets and rural routes in this nation. As part of the Clinton Administration's commitment to combat and prevent crime in America's Tribal communities, the Justice Department's Office of Community Oriented Policing Services (COPS) has made funding available through the Tribal Resource Grant Program, a program developed to meet the most serious needs of law enforcement in Indian communities through a broadened, comprehensive hiring program that will offer a ''menu of options'' from salary and benefits for new police personnel to funding for law

enforcement training and equipment for new and existing officers. This program, which complements the COPS Office's efforts to fund 100,000 additional community policing officers and support innovative community policing, will enhance law enforcement infrastructures and community policing efforts in these Tribal communities, many of which have limited resources and are affected by high rates of crime and violence.,

The Tribal Resources Grant Program is part of a larger federal initiative which over the last three years, has resulted in the Department of Interior and Justice working in collaboration to improve law enforcement in tribal communities. A total of $91.5 million has been appropriated to several DOJ agencies including the FBI, the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Corrections Program Office (CPO), and the COPS Office. COPS is coordinating with these agencies as well as with the Office of Law Enforcement Services of the Bureau of Indian Affairs to ensure that limited resources are not spent on duplicative efforts.

The Tribal Resources Grant will provide tribal communities with the resources to: hire new police officers; train new and existing officers in community policing, grants management and computer training as well as basic police training at a state academy or the Indian Police Academy in Artesia, NM; and provide basic standard issue equipment, ranging from bullet-proof vests and uniforms, to firearms and portable radios.

The Tribal Resources Grant Program emphasizes deployment of officers and resources into communities that are affected by high rates of crime and violence. Applicants must submit a written plan to retain their COPS-funded officer positions after federal funding has ended. This plan must be submitted to the COPS Office with the Tribal Resource Grant Program application.

A total of $40,000,000 in funding will be available under the Tribal Resources Grant Program. The grant will cover a maximum federal Share of 75% of total project costs, including approved salary and benefits of entry-level police officers (up to a maximum of $75,000 per officer over three years), basic law enforcement training and equipment, vehicles, and technology. A local match requirement of 25% of the total project costs is included in this program. A waiver of the local match requirement may be requested but will be granted only on the basis of documented demonstrated fiscal hardship. Requests for waivers must be submitted with the application.

Tribes whose law enforcement services are provided by local policing agencies through contract arrangements are not eligible under this COPS program. However, tribes that do not meet the eligibility requirements for this program may apply to the COPS Office Universal Hiring Program for police officer positions only.

Receiving an award under the Tribal Resources Grant Program will not preclude grantees from future consideration under other COPS grant programs for which they are eligible.

The Catalog of Federal Domestic Assistance (CFDA) reference for this program is 16,710.

Dated: March 6, 2000.

Thomas Frazier,

Director.

[FR Doc. 00–6534 Filed 3–15–00; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Notice of Public Meeting; Concerning Heavy Duty Diesel Engine Consent Decrees

The Department of Justice and the Environmental Protection Agency announce a public meeting to be held on March 21, 2000 from 10:00 a.m. to 12:00 p.m. at 1425 New York Ave., N.W., 13th Floor Conference Room, Washington, DC. The subject of the meeting will be implementation of the provisions of seven consent decrees signed by the United States and diesel engine manufacturers and entered by the United States District Court for the District of Columbia on July 1, 1999. In supporting entry by the Court of the decrees, the United States committed to meet with states, industry groups, environmental groups, and concerned citizens to discuss consent decree implementation issues. This will be the third of a series of public meetings to be held quarterly during the first year of implementation of the consent decrees and at least annually thereafter. Future meetings will be announced in the **Federal Register** and/or on EPA's Diesel Engine Settlement web page at: www.epa.gov/oeca/ore/aed/diesel.

Topics covered will likely include the manufacturers' progress toward meeting the emission standards in the Consent Decrees and EPA's recent approval of the manufacturers' Project proposals. Interested parties may contract the Environmental Protection Agency prior to the meeting at the address listed below with questions or suggestions for other topics of discussion.

For further information, please contact: Anne Wick, EPA Diesel Engine Consent Decree Coordinator, U.S. Environmental Protection Agency (Mail Code 2242A), EPA Headquarters, Washington, DC 20460, e-mail: WICK.ANNE@EPA.GOV.

Joel M. Gross,

Chief, Environmental Enforcement Section Environment and Natural Resources Division.

[FR Doc. 00–6532 Filed 3–15–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq.

Under 28 CFR 50.7, notice is hereby given that on March 2, 2000, a proposed partial consent decree (''consent decree'') in *United States* v. *Excel Corp.,* Civil Action No. 3:93CV119RM, was lodged with the United States District Court for the Northern District of Indiana.

In this action the United States sought recovery, under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607(a), of response costs incurred in connection with the Main Street Well Field Site in Elkhart, Indiana (''Site''). The proposed consent decree provides for the payment by American Electronic Components, Inc., successor by statutory merger to defendant Durakool, Inc. (''AEC/Durakool''), of $2,700,000 of the United States' unrecovered response costs at the Site, plus interest.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States* v. *Excel Corp.,* D.J. Ref. No. 90–11–3–799.

The proposed consent decree may be examined at the Office of the United States Attorney, 301 Federal Building, 204 South Main Street, South Bend, Indiana; and at the Region 5 Office of EPA, 77 West Jackson Blvd., Illinois 60604. A copy of the proposed consent decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a

copy, please enclose a check in the amount of $9.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–6536 Filed 3–15–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 966(d)(2), and 28 CFR 50.7, notice is hereby given that on March 1, 2000, a proposed Consent Decree in *United States* v. *James E. Nichols, et al.* Civil Action No. IP97–2007 C, was lodged with the United States District Court for the Southern District of Indiana for a period of thirty days to facilitate public comment.

This Consent Decree represents a settlement of claims of the United States against Denver Smith and Rex A. Warthen (''Settling Defendants''), for reimbursement of response costs in connection with the Custom Finishing Site (''Site'') pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* Under this settlement with the United States, the Settling Defendants will pay $160,000, plus interest, for reimbursement of past response costs in connection with the Custom Finishing Site (''Site'') pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

The Department of Justice will receive for a period of Thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resource Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044–7611, and should refer to *United States* v. *James E. Nichols, et al.,* DOJ No,. 90–11–3–1766.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of Indiana, U.S. Courthouse, Fifth Floor, 46 East Ohio Street, Indianapolis, IN 46204 (317/226–6333), and at the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard (312/886–6630).

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–6535 Filed 3–15–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on March 3, 2000, a proposed Consent Decree in *United States of America and County of Allegheny, Pennsylvania* v. *Shenango Incorporated,* Civil Action 80–1172, was lodged with the United States District Court for the Western District of Pennsylvania.

In this action the United States sought civil contempt for violations of a Consent Decree between the same parties that resolved a prior civil contempt action in the same case (1993 Decree). The newly lodged Consent Decree is proposed to resolve Shenango's alleged violations of the 1993 Decree, which incorporates Allegheny County regulations enforceable under the Clean Air Act, 42 U.S.C. 7401, *et seq.*

The site of the alleged violations is Shenango's coke oven battery on Neville Island, located in the Ohio River approximately five miles from Pittsburgh, Pennsylvania. In settlement, Shenango will pay a civil penalty of $2,100,000 and accept a mandatory injunction. Under the injunction, Shenango is required to continue with major renovations to its desulfurization system and to make formal and improve a program designed to reduce or eliminate violations of Allegheny County's visible emission standard for coke oven combustion stacks. Further, Shenango has agreed to substantial stipulated penalties for any future violations of Allegheny County's desulfurization and combustion stack visible emission standards.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 2004–7611, and should refer to *United States et al.* v. *Shenango Incorporated,* DOJ Ref. #90–5–2–3–1099/1.

The proposed Consent Decree may be examined at the office of the United States Attorney, Western District of Pennsylvania, 633 U.S. Post Office and Courthouse, 7th and Grant Streets, Pittsburgh, Pennsylvania 15219, the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103, and the Allegheny County Health Department Library, Building #7, 301 39th Street, Pittsburgh, Pennsylvania 15201–1891 (between the hours of 8:30 a.m. and 4:30 p.m.) A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611. The proposed Consent Decree contains 119 pages, including attachments. To obtain the Consent Decree without attachments, please enclose a check for $19.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. To obtain the entire Decree, including attachments, please enclose a check to the Consent Decree Library in the amount of $29.75. In all correspondence, please refer to the case by its title and DOJ Ref. #90–5–2–3–1099/1.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–6537 Filed 3–15–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

109th Full Meeting of the Advisory Council on Employee Welfare and Pension Benefits Plan; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 109th open meeting of the full Advisory Council on Employee Welfare and Pension Benefit Plans will be held Monday, April 3, 2000, in Room S–2508, U.S. Department of Labor Building, Third and Constitution Avenue, NW, Washington, DC 20210.

The purpose of the meeting, which will begin at 1:30 p.m. and end at approximately 3:00 p.m., is to consider the items listed below:

I. Welcome and Introduction and Swearing In of New Council Members

II. Report from the Acting Assistant Secretary of Labor for the Pension and Welfare Benefits Administration (PWBA)

A. PWBA Priorities for 1999

B. Announcement of Council Chair

and Vice Chair
III. Introduction of PWBA Senior Staff
IV. Summary of the Final Reports Made by Advisory Council Working Groups for the 1999 Term
V. Determination of Topics to Be Addressed by council Working Groups for 2000
VI. Statements from the General Public
VII. Adjournment

Members of the public are encouraged to file a written statement pertaining to any topics the Council may wish to study for the year concerning ERISA by submitting 20 copies on or before March 28, 2000 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by March 28 at the address indicated.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before March 28, 2000.

Signed at Washington, DC this 10th day of March 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–6515 Filed 3–15–00; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection of: Blanket Justification for NEA Funding Application Guidelines FY 2000–FY 2004. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below on or before May 15, 2000. The NEA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

ADDRESSES: A.B. Spellman, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 516, Washington, DC 20506–0001, telephone (202) 682–5421 (this is not a toll-free number), fax (202) 682–5049.

Murray Welsh,

Director, Administrative Services, National Endowment for the Arts.

[FR Doc. 00–6519 Filed 3–15–00; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Extend an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the National Science Foundation (NSF) will publish periodic summaries of proposed projects.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden 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.

DATES: Written comments on this notice must be received by May 15, 2000, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone (703) 306–1125 x 2017; or send email to splimpto@nsf.gov. 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. You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton.

SUPPLEMENTARY INFORMATION:

Title of Collection: Request for Proposals.

OMB Approval Number: 3145–0080.

Expiration Date of Approval: July 31, 2000.

Type of Request: Intent to seek approval to extend an information collection for three years.

Proposed Project: The Federal Acquisition Regulations (FAR) Subpart 15.4—''Solicitation and Receipt of Proposals'' prescribes polices and procedures for preparing and issuing Requests for Proposals. The FAR System has been developed in accordance with the requirement of the Office of Federal Procurement Policy Act of 1974, as amended. The NSF Act of 1950, as amended, 42 U.S.C. 1870, Sec. II, states that NSF has the authority to:

(c) Enter into contracts or other arrangements, or modifications thereof,

for the carrying on, by organizations or individuals in the United States and foreign countries, including other government agencies of the United States and of foreign countries, of such scientific or engineering activities as the Foundation deems necessary to carry out the purposes of this Act, and, at the request of the Secretary of Defense, specific scientific or engineering activities in connection with matters relating to international cooperation or national security, and, when deemed appropriate by the Foundation, such contracts or other arrangements or modifications thereof, may be entered into without legal consideration, without performance or other bonds and without regard to section 5 of title 41, U.S.C.

Use of the Information: Request for Proposals (RFP) is used to competitively solicit proposals in response to NSF need for services. Impact will be on those individuals or organizations who elect to submit proposals in response to the RFP. Information gathered will be evaluated in light of NSF procurement requirements to determine who will be awarded a contract.

Estimate of Burden: The Foundation estimates that, on average, 558 hours per respondent will be required to complete the RFP.

Respondents: Individuals; business or other for-profit; not-for-profit institutions; Federal government; state, local, or tribal governments.

Estimate Number of Responses: 75.

Estimated Total Annual Burden on Respondents: 41,580 hours.

Dated: March 13, 2000.

Suzanne H. Plimpton,

Reports Clearance Officer.

[FR Doc. 00–6562 Filed 3–15–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302]

Florida Power Corporation et al. (Crystal River Unit 3); Exemption

I

Florida Power Corporation et al. (FPC or the licensee) is the holder of Facility Operating License No. DPR–72, which authorizes the operation of Crystal River Unit 3 (CR–3). The license states that the licensee is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

The facility consists of a pressurized-water reactor at the licensee's site located in Citrus County, Florida.

II

Title 10 of the Code of Federal Regulations (10 CFR), Part 70, Section 70.51, ''Material balance, inventory, and records requirements,'' in sub-section (c) states that ''Each licensee who is authorized to possess at any one time special nuclear material in a quantity exceeding one effective kilogram of special nuclear material shall establish, maintain, and follow written material control and accounting procedures that are sufficient to enable the licensee to account for the special nuclear material in the licensee's possession under license.'' Sub-section (d) states that ''Except as required by paragraph (e) of this section, each licensee who is authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall conduct a physical inventory of all special nuclear material in his possession under license at intervals not to exceed twelve months.''

By letter dated July 14, 1999, the licensee requested an exemption from the requirement of 10 CFR 70.51(d) that requires a 12-month physical inventory of the fuel in the spent fuel pool (SFP) due to the positioning of missile shields over the pool. The proposed exemption would allow the physical inventory of the special nuclear material (SNM) located in the CR–3 SFP to be performed each refueling outage, when the missile shields are removed for fuel movement, without having to perform physical inventories between outages if the missile shields have not been removed for other reasons. In order to perform the physical inventory, the licensee must remove four of the missile shields, which weigh approximately 6200 pounds each. Approximately two-man weeks of labor are required to perform the physical inventory if shield removal and re-installation are necessary. An exemption from this requirement would reduce the burden associated with the physical inventories as well as the personal safety risks associated with movement of the missile shields.

III

Pursuant to 10 CFR 70.14, ''Specific exemptions,'' the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

The underlying purpose of the physical inventory required by 10 CFR 70.51(d) is to verify that the material control and accounting procedures are sufficient to enable the licensee to account for the SNM in the licensee's possession under license. The CR–3 SFP has missile shields installed directly over the SFP to provide protection from tornado generated missiles. These shields are required to be installed at all times except when performing activities associated with handling fuel or pool maintenance. The missile shields weigh approximately 6200 pounds each and each is secured in place by four bolts. Movement of the missile shields requires the use of shield-handling devices and auxiliary building cranes.

The missile shields provide a physical barrier over the entire SFP, preventing access to the fuel in the SFP without first removing the shields. In addition, when the missile shields are in place, the Fuel Handling Bridge is immobilized. Thus, the missile shields serve to restrict access to the fuel in the SFP and protect the SNM from inadvertent and unauthorized movements or damage. Therefore, while the missile shields are installed, the inventory of SNM in the SFP cannot change.

Removal and installation of the SFP missile shields are administratively controlled by Refueling Procedure FP–434, ''Spent Fuel Pool Missile Shields.'' Prior to movement of any missile shield, the Nuclear Shift Manager must be notified. Thus, required adherence to the refueling procedures will control access to the SFP by controlling movement of the missile shields.

Instead of performing the physical inventory of SNM in the SFP every 12 months, FPC will perform a physical inventory of the SFP within 90 days of removing the missile shields over the fuel in the SFP, if a physical inventory has not been performed within the preceding 12 months. This will allow the physical inventory to be performed each refueling outage without having to remove the SFP missile shields solely to perform physical inventories between outages.

Based on the above, the staff finds that an exemption from the requirement to perform a physical inventory of the SNM in the SFP every 12 months is acceptable, in that the missile shields, in conjunction with the administrative controls governing their movement, ensure proper accountability of the SNM in the SFP between periods when the shields are removed.

IV

For the foregoing reasons, the NRC staff has determined that the proposed alternative measures for physical inventories of SNM in the CR–3 spent fuel pool continue to meet the requirements of 10 CFR 70.51 when the missile shields, which represent a physical barrier, are in place. A specific exemption is granted to the requirements in 10 CFR 70.51(d) for conducting a twelve-month physical inventory of SNM located in the CR–3 spent fuel pool.

Accordingly, the Commission has determined that the proposed change: (1) is authorized by law; (2) will not endanger life or property; (3) will not endanger the common defense and security; and (4) is otherwise in the public interest. Therefore, the Commission hereby grants Florida Power Corporation the following exemption:

The Florida Power Corporation, et al., is exempt from the requirements of 10 CFR 70.51(d) with respect to performing a physical inventory of the special nuclear material in the Crystal River Unit 3 spent fuel pool every 12 months. A physical inventory of the special nuclear material in the spent fuel pool will be conducted within 90 days of removal of the missile shields over the fuel in the spent fuel pool, if a physical inventory has not been performed within the preceding 12 months. This exemption only applies to the special nuclear material located in the Crystal River Unit 3 spent fuel pool.

Pursuant to 10 CFR 51.32, the Commission has determined that this exemption will not have a significant effect on the quality of the human environment (65 FR 12592).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 9th day of March 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–6499 Filed 3–15–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–400]

Carolina Power & Light Company; Shearon Harris Nuclear Power Plant, Unit 1, 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–63, issued to Carolina Power & Light Company (CP&L, the licensee), for operation of the Shearon Harris Nuclear Power Plant, Unit 1, (HNP) located in Wake and Chatham Counties, North Carolina.

Environmental Assessment

Identification of the Proposed Action

The proposed action is a one time exemption from the requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix E, Items IV.F.2.b and c regarding conduct of a full participation exercise of the onsite and offsite emergency plans every 2 years. Under the proposed exemption, the licensee would reschedule the exercise originally scheduled for September 21, 1999, and complete the onsite and offsite exercise requirements in two parts. The licensee would use the onsite exercise conducted on January 11, 2000, without the participation of the State of North Carolina and local government response agencies, to meet the onsite requirement. The offsite portion of the exercise would be conducted on June 27, 2000, with the participation of the State of North Carolina and local government response agencies.

The proposed action is in accordance with the licensee's application for an exemption dated December 7, 1999.

The Need for the Proposed Action

10 CFR Part 50, Appendix E, Items IV.F.2.b and c requires each licensee at each site to conduct an exercise of its onsite and offsite emergency plan every 2 years. Federal agencies (the Nuclear Regulatory Commission for the onsite exercise portion and the Federal Emergency Management Agency for the offsite exercise portion) observe these exercises and evaluate the performance of the licensee, State and local authorities having a role under the emergency plan.

The licensee had initially planned to conduct an exercise of its onsite and offsite emergency plan on September 21, 1999, within the required 2-year required interval. However, due to the significant impact and damage from hurricane ''Floyd,'' the State of North Carolina and the local emergency response agencies were occupied with responding to the natural disaster and were unable to participate in and could not support the exercise.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed action involves an administrative activity (a schedular change in conducting an exercise) unrelated to plant operations.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential 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 Shearon Harris Nuclear Power Plant.

Agencies and Persons Consulted

In accordance with its stated policy, on February 22, 2000, the staff consulted with the North Carolina State official, Mr. Johnny James of the North Carolina Department of Environment and Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments. In addition, by letter dated January 19, 2000, from Ms. Vanessa Quinn, the Federal Emergency Management Agency indicated support for rescheduling the exercise.

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 December 7, 2000, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http:www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 9th day of March 2000.

For the Nuclear Regulatory Commission.

Richard J. Laufer,

Project Manager, Secton 2 Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–6500 Filed 3–15–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Public Workshop on Prioritizing Nuclear Materials Regulatory Applications for New Risk-Informed Approaches

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff is in the initial stage of developing an approach for using risk information in the nuclear materials regulatory process. As a first step, the NRC staff has developed draft screening criteria for new regulatory applications to meet to be candidates for expanded use of risk information. The NRC staff has scheduled a workshop to (1) solicit public input in the development of these screening criteria and their applications, and (2) solicit public input in the process for developing appropriate nuclear materials safety goals. The meeting is open to the public and all interested parties may attend and provide comments.

DATES: The workshop will be held on April 25, 2000 from 9:00 a.m. to 5:00 p.m. and April 26, 2000 from 8:30 a.m. to 12:00 noon. Submit comments by May 19, 2000.

ADDRESSES: Exact location of the workshop has yet to be determined, but will be in the Washington, D.C. metropolitan area. When available, the location will be posted on the NRC website (*www.nrc.gov*) under meeting notices. Mail written comments to David L. Meyer, Chief, Rules and Directives Branch, T6–D59, Washington, D.C., 20555–0001.

FOR FURTHER INFORMATION, CONTACT: Stacey Rosenberg, Mail Stop T–8–K10, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–8117; Internet: SLR1@NRC.GOV. An agenda will be available to the public and will be distributed to participants prior to the workshop. Contact the workshop facilitator, Chip Cameron, regarding the agenda and workshop location. Telephone: 301–415–1642; Internet: FXC@NRC.GOV.

SUPPLEMENTARY INFORMATION: In SECY–99–100, ''Framework for Risk-informed Regulation in the Office of Nuclear Material Safety and Safeguards'', dated March 31, 1999, the NRC staff proposed a framework for risk-informed regulation in the Office of Nuclear Material Safety and Safeguards (NMSS). On June 28, 1999, the Commission approved the staff's proposal. In the associated staff requirements memorandum (SRM), the Commission approved the staff's recommendation to implement a five-step process consisting of:

(1) Identifying candidate regulatory applications that are amenable to expanded use of risk assessment information;

(2) Making a decision on how to modify a regulation or regulated activity;

(3) Changing current regulatory approaches;

(4) Implementing risk-informed approaches; and

(5) Developing or adapting existing tools and techniques of risk analysis to the regulation of nuclear materials safety and safeguards.

The focus of this workshop will be on (1) The process for identifying the specific regulatory applications that are amenable to expanded use of risk assessment information—step 1 of the five-step process—and (2) the process for developing appropriate nuclear materials safety goals. Step one of the five-step process will be accomplished by first defining screening criteria and then identifying regulatory application areas (e.g., licensing, inspection, rulemaking) that would be amenable to risk-informed approaches. These could, for example, include rulemaking activities, licensee performance assessment, or enforcement of regulatory requirements. Because of limited resources, the NRC staff is proposing a step-by-step approach, rather than a comprehensive reevaluation in all areas. The NRC staff's work to implement subsequent steps, namely steps 2 through 5 of the five-step process, will be prioritized based on safety, efficiency and effectiveness, and burden reduction.

The NRC staff proposes the following approach for step 1. A new regulatory application should meet the following draft screening criteria to be a candidate for expanded use of risk information:

1. A proposed risk-informed regulatory approach to a new licensing or inspection activity will resolve a question with respect to maintaining or improving the activity's safety basis, will improve the efficiency or the effectiveness of NRC processes, or will reduce unnecessary regulatory burden for the applicant or licensee;

2. Sufficient information (data), and analytical methods exist or can be developed to support risk-informing a regulation or regulatory activity;

3. Startup and implementation can be realized at a reasonable cost to the NRC and the applicant or licensee, and provide a net benefit. The net benefit will be considered to apply to the public, the applicant or licensee, and the NRC staff.

The NRC staff requests public comments on these draft criteria.

Related to the criteria, the NRC staff is also soliciting comments on the following items and questions. The intent of publishing these questions is to foster discussion about the issues at the workshop.

1. What specific applications or general areas of nuclear materials regulation do you believe NRC should focus its efforts in applying risk information to its regulatory framework, and why?

2. Will the various segments of the regulated community accept more risk-informed approaches in regulatory applications?

3. What factors should be considered in prioritizing NRC's efforts to systematically review regulatory activities for application of risk information?

4. How can data collection and processing information be enhanced without significant additional burden to licensees and applicants?

5. Could measures be made available under a more risk-informed approach which would allow the agency and the licensees to judge performance, recognize weaknesses, and provide opportunities for correction before significant safety issues or events occur?

6. What are the costs and benefits of risk-informing NMSS licensing and inspection activities?

In addition, in its SRM on SECY–99–100, the Commission directed the NRC staff to develop appropriate material safety goals analogous to the reactor safety goals and include, as a goal, the

avoidance of property damage. The NRC staff will open a discussion on a process for developing material safety goals during this workshop with the following questions and considerations:

1. What are your perceptions of a safety goal for nuclear materials?
2. What would be an effective process for developing nuclear materials safety goals?
3. How can the safety goal development process contribute to improving the regulatory process by helping to identify and articulate the underlying safety philosophy and safety principles currently driving the spectrum of NMSS programs?
4. What factors should be considered in the development of nuclear materials safety goals?
5. What aspects of future nuclear material safety goals can or should be analogous to the reactor safety goals?
6. Should separate safety goals for each activity regulated under each program area be contemplated?
7. What areas will have the greatest impact as a result of having a safety goal or goals?
8. How resource intensive will it be to develop a safety goal or goals?
9. What would change as a result of having safety goals (lives saved, costs savings, increased public confidence)?

The workshop will be conducted in a ''roundtable'' format. In order to have a manageable discussion, the number of participants around the table will, of necessity, be limited. NRC, through the facilitator for the meeting, will attempt to ensure broad participation by the broad spectrum of interests at the meeting, including citizen and environmental groups, nuclear industry interests, state, tribal, and local governments, experts from academia, or other agencies. Other members of the public are welcome to attend, and the public will have the opportunity to comment on each agenda item to be discussed by the roundtable participants.

Dated at Rockville, MD, this 9th day of March, 2000.

For the Nuclear Regulatory Commission

Donald A. Cool,

Director, Division of Industrial and Medical.

Nuclear Safety, NMSS

[FR Doc. 00–6501 Filed 3–15–00; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) publishes periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility,and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Application for Hospital Insurance Benefits; OMB 3220–0082. Under Section 7(d) of the Railroad Retirement Act (RRA), the Railroad Retirement Board (RRB) administers the Medicare program for persons covered by the railroad retirement system. The RRB currently uses Form AA–6, Employee Application for Medicare; Form AA–7, Spouse/Divorced Spouse Application For Medicare; and Form AA–8, Widow/Widower Application for Medicare; to obtain the information needed to determine whether individuals who have not yet filed for benefits under the RRA are qualified for Medicare payments provided under Title XVIII of the Social Security Act. Completion is required to obtain a benefit. One response is requested of each respondent. The RRB proposes minor editorial changes to Forms AA–6, AA–7 and AA–8. The RRB estimates that 180 Form AA–6's, 50 Form AA–7's, and 10 Form AA–8's are completed annually. The completion time for each form is estimated at 8 minutes.

The renewal of this information collection will begin the RRB's initiative to consolidate information collections by major functional areas. The purpose of the initiative is to bring related collection instruments together in one collection, better manage the instruments, and prepare for the electronic collection of this information. (A collection instrument can be an individual form, electronic collection, interview, or any other method that collects specific information from the public.)

As part of the OMB renewal process, the RRB also proposes that this collection (OMB 3220–0082), Application for Hospital Insurance Benefits, be renamed Medicare. Upon approval by OMB, the RRB intends to merge the following OMB approved Medicare-related collections into this collection by the expected expiration date(s).

OMB Collection No.	Title	RRB forms	Expected expiration date
3220–0189	Evidence of Coverage Under an Employer Group Health Plan	RL–311–F	9/30/2001
3220–0185	Report of Medicaid State Office on Beneficiary's Buy-In Status	RL–380F	7/31/2002
3220–0086	Application for Reimbursement for Hospital Insurance Services in Canada	AA–104	7/31/2002
3220–0131	Request for Medicare Payment	G–740S	8/31/2002
3220–0100	Request for Review of Part B Medicare Claim	HCFA–1500 G–790 G–791	11/30/2002.

Revisions to existing collection instruments and, occasionally, a new instrument related to this program function may be required during the three-year cycle of this information collection.

The RRB currently estimates the completion time for Form RL–311–F, Evidence of Coverage Under an Employer Group Health Plan at 10 minutes, Form RL–380F, Report of Problem to State Welfare Agency on Enrollees Medicare Status at 10 minutes, Form AA–104, Application for Reimbursement for Hospital Insurance Services in Canada at 10 minutes, Form G–740S, Patient's Request for Medicare Payment at 15 minutes, Form G–790, Request for Review of Part B Medicare Claim at 15 minutes, and Form G–791, Request for Hearing, Part B Medicare Claim at 15 minutes. After the last information collection is merged and other necessary adjustments are made,

the resultant information collection is expected to total approximately 1,500 annual burden hours.

A justification for each action described above (merge collection, revised collection instrument, new collection instrument) will be provided to OMB with a correction Change Worksheet (OMB Form 83–C) at the time the action occurs. With the next renewal of this collection, the RRB will update the information collection package to account for the consolidation and other interim adjustments.

ADDITIONAL INFORMATION OR COMMENTS: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 00–6538 Filed 3–15–00; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Sunshine Act Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on March 22, 2000, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

Portion Open to the Public

(1) Proposed Legislation.

(2) Medicare Contract.

Portion Closed to the Public

(A) Guidance of the Executive Committee.

The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: March 13, 2000.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 00–6612 Filed 3–14–00; 10:37 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Rule 15g–3, SEC File No. 270–346, OMB Control No. 3235–0392; Rule 15g–6, SEC File No. 270–349, OMB Control No. 3235–0395.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for approval of extension on the following rules:

Rule 15g–3 requires that brokers and dealers disclose to customers current quotation prices or similar market information in connection with transactions in penny stocks. It is estimated that approximately 270 respondents incur an average burden of 100 hours annually to comply with the rule.

Rule 15g–6 requires brokers and dealers that sell penny stocks to their customers to provide monthly account statements containing information with regard to the penny stocks held in customer accounts. It is estimated that approximately 270 respondents incur an average burden of 90 hours annually to comply with the rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) Michael Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

Dated: March 9, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–6517 Filed 3–15–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 33–7808, File No. S7–08–00]

Securities Uniformity; Annual Conference on Uniformity of Securities Laws

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Conference; Request for Comments.

SUMMARY: The Commission and the North American Securities Administrators Association, Inc. today announced a request for comments on the proposed agenda for their annual conference to be held on April 3, 2000. This meeting seeks to carry out the policies and purposes of Section 19(c) of the Securities Act of 1933, which are to increase cooperation between the Commission and state securities regulatory authorities in order to maximize the effectiveness and efficiency of securities regulation.

DATES: The conference will be held on April 3, 2000. We must receive your written comments by March 30, 2000 in order to be considered by conference participants.

ADDRESSES: Please send three copies of written comments to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549–0609. Comments also can be sent electronically to the following E-mail address: rule-comments@sec.gov. Comment letters should refer to File No. S7–08–00; if E-mail is used, please include this file number on the subject line. Anyone can inspect and copy the comment letters at our Public Reference Room, 450 5th Street, N.W., Washington, D.C. 20549–0102. All electronic comment letters will be posted on the Commission's internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: John Reynolds, Office of Small Business Review, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549–0304, (202) 942–2950.

SUPPLEMENTARY INFORMATION:

I. Discussion

The federal government and the states have jointly regulated securities offerings and the securities industry since the adoption of the federal regulatory structure in the Securities Act of 1933 (the ''Securities Act'').[1] Issuers trying to raise capital through securities offerings, as well as participants in the secondary trading markets, must comply with the federal securities laws as well as all applicable state laws and regulations. Parties involved in this process have long recognized the need to increase uniformity and cooperation between the federal and state regulatory systems so that capital formation can be made

[1] 15 U.S.C. 77a *et seq.*

easier while investor protections are retained.

Congress endorsed greater uniformity in securities regulation with the enactment of Section 19(c) of the Securities Act in the Small Business Investment Incentive Act of 1980.[2] Section 19(c) authorizes the Commission to cooperate with any association of state securities regulators which can assist in carrying out that Section's policy and purpose. Section 19(c) mandates greater federal and state cooperation in securities matters in order to:

- Maximize effectiveness of regulation;
- Maximize uniformity in federal and state standards;
- Minimize interference with the business of capital formation; and
- Reduce the costs, paperwork and burdens of raising investment capital, particularly by small business, and also reduce the costs of the government programs involved.

The Commission is required to conduct an annual conference to establish ways to achieve these goals. The 2000 meeting will be the seventeenth conference.

During 1996, Congress again examined the system of dual federal and state securities regulation. It considered the need for regulatory changes to promote capital formation, eliminate duplicative regulation, decrease the cost of capital and encourage competition, while at the same time promoting investor protection. Congress passed The National Securities Markets Improvement Act of 1996 [3] (the ''1996 Act'') as a result. The 1996 Act contains significant provisions that realign the partnership between federal and state regulators. The legislation reallocates responsibility for regulation of the nation's securities markets between the federal government and the states in order to eliminate duplicative costs and burdens and improve efficiency, while preserving investor protections.

II. 2000 Conference

The Commission and the North American Securities Administrators Association, Inc. (''NASAA'') [4] are planning the 2000 Conference on Federal-State Securities Regulation to be held April 3, 2000 in Washington, D.C. At the conference, Commission and NASAA representatives will divide into working groups in the areas of corporation finance, market regulation and oversight, investment management, investor education, and enforcement. Each group will discuss methods to enhance cooperation in securities matters and improve the efficiency and effectiveness of federal and state securities regulation. Generally, only Commission and NASAA representatives may attend the conference to encourage open and frank discussion. However, each working group in its discretion may invite specific self-regulatory organizations to attend and participate in certain sessions.

The Commission and NASAA are preparing the conference agenda. We invite the public, securities associations, self-regulatory organizations, agencies, and private organizations to participate by submitting written comments on the issues set forth below. In addition, we request comment on other appropriate subjects. Conference attendees will consider all comments.

III. Tentative Agenda and Request for Comments

The tentative agenda for the conference consists of the following topics in the areas of corporation finance, market regulation, investment management, investor education, and enforcement.

(1) Corporation Finance Issues

The 1996 Act amended section 18 of the Securities Act [5] to preempt state blue-sky registration and review of offerings of covered securities.[6] Covered securities, as defined by Section 18, include several types of securities. One class of covered securities are securities traded on the national markets like the New York Stock Exchange, Inc. (''NYSE''), American Stock Exchange LLC (''Amex'') and the Nasdaq National Market System (''Nasdaq/NMS''). Covered securities also include registered investment company securities and some exempt securities and offerings.

The states retain some authority over offerings of covered securities despite this preemption. Except for nationally-traded securities, the states have the right to require fee payments and notice filings. The states also retain anti-fraud authority over all securities offerings, including offerings of covered securities.

Securities that are not covered securities remain subject to state registration requirements. These securities generally include the securities of smaller companies, like those quoted on the Nasdaq SmallCap market or the over-the-counter Bulletin Board, or in the ''pink sheets.'' Securities issued under some federal exemptions from registration are not covered securities; the states retain authority to register or exempt those securities. These include securities issued in unregistered offerings under the following exemptions:

- Section 4(2) of the Securities Act where the offering does not meet the safe harbor requirements of Rule 506 of Regulation D; [7]
- Regulation A; [8] and
- Rules 504 and 505 of Regulation D.[9]

The states' authority over securities offerings, particularly their ability to register and review offerings of non-covered securities, continues the need for uniformity between the federal and state registration systems, where consistent with investor protection. Staff from the Commission's Division of Corporation Finance and state representatives will discuss ways to increase uniformity between the systems. The group will focus primarily on the following topics:

A. State Small Business Initiatives

The group will discuss several state initiatives designed to facilitate offerings by smaller issuers. These include:

- The Small Company Offering Registration (''SCOR'') form and state Regional Review Programs;
- The NASAA model state accredited investor exemption; and
- The Coordinated Equity Review (''CER'') program.

1. Small corporate offering registration; Regional review

NASAA adopted the SCOR form in 1989 to help small businesses raise seed capital to expand their operations through small securities offerings. The SCOR form is a simplified question and answer format used for the registration of securities offerings. Virtually all the states permit offerings on this form. It is used to register securities offerings exempt from federal registration under Rule 504 of Regulation D or Regulation A. More than 1,100 companies across the country have issued securities under the SCOR form. In September, 1999,

[2] Pub. L. 96–477, 94 Stat. 2275 (October 21, 1980).

[3] Pub. L. 104–290, 110 Stat. 3416 (October 11, 1996).

[4] NASAA is an association of securities administrators from each of the 50 states, the District of Columbia, Puerto Rico, Mexico and twelve Canadian Provinces and Territories.

[5] 15 U.S.C. 77r.

[6] 15 U.S.C. 77r(a) and (b).

[7] 17 CFR 230.501 through 230.508.

[8] 17 CFR 230.251 through 230.263.

[9] 17 CFR 230.504 and 230.505. Besides the listed securities, other securities also are not considered covered securities. These include securities traded on regional exchanges and asset-backed and mortgage-backed securities.

NASAA approved changes to simplify and improve the SCOR form.

The SCOR form disclosure requirements are the basis for one disclosure format for securities offerings exempt from federal registration under Regulation A. The Regulation A exemption allows companies that do not file reports with the Commission to offer and sell up to $5 million of securities within any twelve-month period without federal registration. An issuer seeking to rely on Regulation A must file an offering statement with the Commission, including, among other things, a disclosure document called an offering circular. Issuers may provide non-financial disclosure in their offering circulars based on one of three formats. One format includes the disclosure requirements of the state SCOR form. The group will discuss steps to address the revised SCOR form at the federal level, such as plans to amend Regulation A to incorporate the revised form.

Many states use a coordinated program to review state registrations using the SCOR form, the ''Regional Review Program.'' Under this program, states in certain regions of the country elect one state to lead the review and issue comments on the filing. Four regional programs have been started to date and include about 33 of the states requiring registration of these offerings.

NASAA's representatives will discuss their experiences with the SCOR form and the state coordinated review programs, including issues which have arisen in their use. Participants will consider how these programs may be improved to increase uniformity between the federal and state levels.

2. NASAA model state accredited investor exemption

The group also will discuss NASAA's Model Accredited Investor Exemption which was adopted in 1997. Generally, the model rule exempts offers and sales of securities from state registration requirements if, among other things, the securities are sold only to persons who are, or are reasonably believed to be, accredited investors.[10] Although the model exemption permits public offers to accredited investors, it limits the manner of the solicitation. State representatives will share their experiences with the exemption, and the group will discuss issues and concerns.

3. Coordinated Equity Review

The CER program provides for a coordinated state review process for some offerings of equity securities registered at the federal level. Under CER, the participating states coordinate with each other to produce one comment letter to an issuer which addresses both substantive and disclosure matters. To date, 43 states have agreed to participate in the program. The states have reviewed a number of registration statements under this program.

B. Federal small business initiatives

1. Rule 504 exemption

Rule 504 of Regulation D provides an exemption from the Securities Act registration requirements for offerings up to $1 million in any 12-month period, if certain conditions are met. Rule 504 is available only to the companies that do not report under the Exchange Act. The Commission amended Rule 504 in April 1999 to limit the circumstances where general solicitation is permitted and freely tradeable securities are issued under the rule.[11] Specifically, issuers may generally solicit and advertise and issue freely tradeable securities only in transactions that are either:

- Registered under state law requiring public filing and delivery of a substantive disclosure document to investors before sale; or
- Exempted under state law as long as sales are made to ''accredited investors'' only.

The group will discuss various matters that have arisen under the revised rule. One issue relates to some state accredited investor exemptions that do not impose a holding period requirement on purchasers. Although NASAA's model exemption generally restricts resales within 12 months of sale, some states have adopted unique exemptions that do not impose those transfer restrictions. The group will consider matters of common interest under revised Rule 504 and state accredited investor exemptions.

2. Securities of blank check companies

A blank check issuer or company is one in the development stage with no specific business plan or purpose, or one that indicates its plan is to engage in a merger or acquisition with an unidentified company or companies.[12] In 1990, the U.S. Congress found that offerings by these kinds of issuers were common vehicles for fraud and manipulation in the market for penny stocks. The Commission has adopted several rules, as Congress directed, to deter fraud in connection with these offerings.

Although blank check issuers are prohibited from relying on certain exemptions from federal registration, they may issue securities without federal registration under some exemptions including, for instance, the section 4(2) private offering exemption and the Rule 506 safe harbor. In many cases, the securities are issued for little or no consideration. Often, the promoters of the blank check company ''gift'' part of their securities to various donees.

The group will discuss matters of mutual concern relating to these offerings, including, for instance, issues raised by resales of restricted blank check securities.

3. Federal coordinating exemption for offerings exempt under state law

The Commission in 1996 adopted an exemption from federal registration for offerings up to $5 million made in compliance with one of California's exemptions from state securities qualification requirements. The California exemption—Section 25102(n) of the California Corporation Code—permits some forms of general solicitation and limits sales to persons called qualified purchasers.[13] The federal exemption applies only to offers and sales that satisfy the conditions of the California exemption. The Division understands that some issuers are misusing the exemption by making offers and sales to qualified purchasers in states other than California and claiming the federal coordinating exemption for those transactions. The staff believes those offers and sales are not exempt federally and may violate state securities laws as well.

The Division and state representatives will discuss ways to prevent misuse of this exemption and consider other issues of mutual interest.

4. Small business town hall meetings

During 1999, the Commission continued to meet with small businesses in town hall meetings conducted throughout the United States. These meetings—started in 1996—are intended to provide basic information

[10] 17 CFR 230.501(a). The term ''accredited investor,'' as defined by the Securities Act and the Commission's rules under the Act, is intended to encompass those persons whose financial sophistication render the protections of the Securities Act registration process unnecessary. Offers and sales to these investors are afforded special treatment under the federal securities laws.

[11] Securities Act Release No. 7644 (February 25, 1999) [64 FR 11090].

[12] *See* Section 7(b)(3) of the Securities Act. 15 U.S.C. 77g(b)(3).

[13] 17 CFR 230.1001.

about the securities offering process to small business issuers and educate the Commission about the concerns and problems facing small businesses in raising capital. Fifteen town hall meetings have been held to date. The group will discuss the results and prospects of this program.

C. Electronic distribution procedures in offerings of securities

Many underwriters have begun using the Internet to offer and sell securities in public offerings. These ''e-brokers'' are posting preliminary prospectuses and sometimes other materials on their websites. They also have set procedures that relate to prospectus access, account funding and the timing of offers and sales of the securities. Different firms have established diverse procedures.

The Division addressed the procedures of one e-broker in July, 1999.[14] The staff, without concurring in counsel's analysis, agreed not to recommend enforcement action to the Commission against the e-broker for its conduct of initial public offerings using the procedures described in the no-action letter request. The request described many procedures; one of which involved the solicitation of conditional electronic offers to buy the securities before effectiveness of the registration statement. The staff also has considered the transmission of ''road shows'' over the Internet.[15] Road shows generally are meetings between an issuer's senior management, brokers involved in the offering and a limited audience of select prospective investors that occur after the registration statement is filed with the Commission.

The group will discuss the various issues raised by offerings that are made electronically.

D. Plain English

Beginning October 1, 1998, issuers filing Securities Act registration statements must use plain English writing principles when drafting the front part of prospectuses, *i.e.,* the cover page and the summary and risk factors sections.[16] These plain English principles include: active voice; short sentences; everyday language; tabular presentation or ''bullet lists'' for complex material, if possible; no legal jargon or highly technical business terms; and, no multiple negatives.

The Division's staff, in its full review of a registration statement, examines the prospectus for compliance with the plain English requirements. If appropriate, the Division staff will issue comments to obtain improved plain English disclosures. Some states also review and issue comments on prospectus disclosures. The concurrent comment process from different regulators raises the prospect of inconsistent comments. For instance, the Division may ask for changes to conform to plain English requirements which seem contrary to state disclosure standards. The group will consider issues that have arisen in this area and ways to facilitate federal and state coordination in the comment process.

E. Uniform Securities Act

A committee of the National Conference of Commissioners on Uniform State Laws is in the process of drafting a new version of the Uniform Securities Act. The Uniform Securities Act is a uniform state securities law statute. Two versions are currently in force—The Uniform Securities Act of 1956 and the Revised Uniform Securities Act of 1985. The new version will modernize and update the law for many changes including, for example, NSMIA, technology advances, and internationalization of securities trading. The group will discuss the status of this redrafting effort and related matters.

(2) Market Regulation Issues

A. Books and Records

Section 103 of the 1996 Act prohibits any state from imposing broker-dealer books and records requirements that differ from, or are in addition to, the Commission's requirements. In addition, the same section directs the Commission to consult periodically with the state securities authorities concerning the adequacy of the Commission's books and records requirements.

On October 2, 1998, the Commission reproposed amendments to the books and records rules to clarify and expand recordkeeping requirements with respect to purchase and sale documents, customer records, associated person records, customer complaints, and certain other matters. The reproposed amendments also specified the books and records that broker-dealers would make available at their local offices. The Commission modified the reproposed amendments to reduce the burden on broker-dealers without substantially detracting from the original objective of establishing rules that would facilitate examinations and enforcement activities of the Commission, self regulatory organizations (SROs), and state securities regulators.[17] Among other changes in the reproposed amendments, the Commission redefined the term local office to include a place where two or more associated persons regularly conduct a securities business. The original proposal[18] defined the term local office to include a place where one associated person conducted a securities business. As reproposed, a broker-dealer would be required to update its customer account records at least once every three years. The original proposal required broker-dealers to update the customer account records annually.

The comment period closed December 9, 1998. The Commission received approximately 120 comment letters in response to the release re-proposing the amendments. The Commission staff has been reviewing the comments that have been submitted. The participants will discuss these efforts to amend Rules 17a–3 and 17a–4.

B. Capacity

The participants will discuss broker-dealer systems capacity issues in light of the increasing number of online brokerage accounts being opened by investors (9.7 million online accounts opened by the end of the second quarter of 1999, as compared to 7.3 million in 1998 and 3.7 million in 1997), and the instances of systems problems at broker-dealers.

C. Significant SEC and SRO Rule Proposals

On January 28, 2000, the Commission issued an order directing SROs to develop a plan to implement decimal pricing in the equities and options markets beginning no later than July 3, 2000.[19] The SROs are required to submit their decimalization implementation plan by March 13, 2000, and rule changes necessary to implement the plan by March 28, 2000. The participants intend to discuss the issues associated with the decimalization implementation plan submitted, as well as any comment letters submitted in response to proposed rule changes necessary to implement the plan.

Day trading practices continue to be the focus of media attention. Presently, the Commission is carefully considering the various issues relating to day trading activities. In particular, the Commission has been considering proposed rule

[14] *See* Wit Capital no-action letter (July 14, 1999).

[15] *See*, for example, the no-action letter to Charles Schwab & Co., Inc. (November 15, 1999 and February 9, 2000).

[16] Securities Act Release No. 7497 (January 28, 1998) [63 FR 6370].

[17] Exchange Act Rel. No. 40518 (October 2, 1998) [63 FR 54404].

[18] Exchange Act Rel. No. 37850 (October 22, 1996) [61 FR 55593].

[19] Exchange Act Release No. 42360 (January 28, 2000) [65 FR 5003].

changes by the NYSE and the National Association of Securities Dealers, Inc. (NASD) to amend margin requirements for day trading customers of member firms.

On January 14, 2000, the Commission published the NYSE's proposal raising margin requirements for day traders. The NASD filed a similar proposal on January 13, 2000, which was published on February 11, 2000. The Commission has received numerous comment letters, which are under review. Both the NYSE and NASD proposals are available on the Commission's web site.

D. Financial Modernization Legislation

After over twenty years of debate, on November 22, 1999, the President signed S. 900—the Gramm-Leach-Bliley Act of 1999—into law. S. 900 permits securities, insurance, and banking firms to enter each other's lines of business. In the coming years, the Commission staff will continue to work with other financial regulators and the financial services industry to implement the various provisions of S. 900. One early project will be to implement regulations regarding the privacy of customer financial information. The participants will discuss this legislation.

E. Central Registration Depository

The Central Registration Depository (CRD) system is operated and maintained by the NASD and is used by the Commission, the SROs, and state securities regulators in connection with registering and licensing broker-dealers and their registered personnel. On August 16, 1999, the old ''Legacy'' CRD system was replaced by Web CRD, a new Internet-based system. The ability to file electronically through Web CRD is expected to further streamline and lower the costs associated with the one-stop registration process for broker-dealers and their associated persons. In connection with this transition, the Commission adopted technical amendments to Forms BD and BDW, the uniform forms for broker-dealer registration and withdrawal from registration, and related rules under the Exchange Act.[20] The Commission also issued an order approving changes proposed by NASD Regulation, Inc. to Form U–4 (the Uniform Application for Securities Industry Registration or Transfer) and Form U–5 (the Uniform Termination Notice for Securities Industry Registration). These changes were also needed to conform to the Web CRD environment.[21] The participants may discuss issues related to Web CRD.

F. Examination Issues

State and federal regulators also will discuss various examination-related issues of mutual interest, including: summits and examination coordination; branch office examinations; micro-cap issues; and day trading.

(3) Investment Management Issues

A. Division of Regulatory Authority

In the 1996 Act, Congress amended the Investment Advisers Act of 1940 (''Advisers Act'')[22] to divide regulatory responsibility for investment advisers between the Commission and state securities regulators. Advisers that have assets under management of $25 million or more, or that advise registered investment companies, generally register with the Commission while advisers that have assets under management of less than $25 million must register with the appropriate state securities authorities.[23] Approximately 8,500 investment advisers are currently registered with the Commission.

The conferees will discuss cooperation between Commission and state adviser programs, including sharing information about examinations of advisers, advisers switching between federal and state registration, advisers that may no longer qualify for SEC registration, advisers whose registration has been canceled by the SEC, and advisers located in the state of Wyoming—the only state that does not have an investment adviser statute. The conferees also will discuss advisers that provide advice over the Internet and best execution reviews.

B. Electronic Filing System

Congress also amended the Advisers Act to require the Commission to establish and maintain a ''readily accessible telephonic or other electronic process'' to receive public inquiries about the disciplinary histories of investment advisers and persons associated with investment advisers.[24]

To satisfy this mandate, the Commission, in cooperation with NASAA and the state securities authorities, has been working with NASD Regulation, Inc. to design, build, and operate the Investment Adviser Registration Depository (IARD) system. The IARD will be a one-stop electronic filing system that investment advisers will use to apply for registration with the Commission or the appropriate state securities authorities, to update their registration, and to make notice filings with the states. The Commission and state authorities will have access to the resulting database to review adviser registration materials and the database will be available to the public on an Internet web site. Clients and prospective clients of investment advisers will be able to quickly obtain disciplinary and other information about investment advisers and persons associated with investment advisers.

The conferees will discuss the transition to electronic filing by investment advisers on the IARD, which is expected to begin receiving investment adviser submissions later this year.

C. Revised Registration and Disclosure Forms

The Commission and NASAA are revising the investment adviser registration and disclosure forms. The revised registration form would provide more useful information to the Commission and the state securities regulators. The new disclosure form would require advisers to provide clear and complete disclosures in plain English to clients and prospective clients.

The conferees will discuss the revised forms, which the Commission staff expects soon to recommend that the Commission propose for comment.

(4) Investor Education and Assistance Issues

The Commission currently pursues a number of programs to educate investors on how to invest wisely and to protect themselves from fraud and abuse. The states and NASAA have a long-standing commitment to investor education, and the SEC intends to complement those efforts to the greatest extent possible. The investor education working group will discuss the following investor education initiatives and potential joint projects:

A. Online Investor Protection

The SEC's staff will brief NASAA on the steps it has taken to fight Internet fraud and to educate investors on how to use the Internet to invest wisely.

[20] Release No. 34–41594 (July 2, 1999) [64 FR 37586]; Release No. 34–41356 (April 30, 1999) [64 FR 25143].

[21] Release No. 34–41560 (June 25, 1999) [64 FR 36059].

[22] 15 U.S.C. 80b–1.

[23] Advisers Act Section 203A(a), 15 U.S.C. 80b–3a. The Advisers Act also provides for registration with the Commission of advisers that have their principal office and place of business in a state that has not enacted an investment adviser statute (currently, Wyoming), or that have their principal office and place of business outside the United States. In addition, the Commission has adopted rules exempting five categories of investment advisers from the prohibition on registration with the Commission. See Rule 203A–2, 17 CFR 275.203A–2.

[24] 1996 Act section 306.

Similarly, NASAA will discuss state initiatives to enhance online investor protection.

B. Financial Literacy 2001

In the spring of 1998, NASAA, the NASD, and the Investor Protection Trust (IPT) joined forces to launch ''Financial Literacy 2001'' (FL2001), an unprecedented $1 million campaign targeting 25,000 high school teachers across America. The goal of FL2001 is to encourage—and make it easier for—teachers in every state to teach the basics on saving and investing. Working together, NASAA, the NASD, and the IPT have developed a state-by-state customized classroom guide and have begun to provide aggressive distribution and teacher training. During the working group session, the states will brief the SEC on the progress of FL2001 and plans for dissemination of the FL2001 program in the coming year.

C. Facts on Saving and Investing Campaign

In the spring of 1998, NASAA and the SEC, in conjunction with the Council of Securities Regulators of the Americas (COSRA), launched the Facts on Saving and Investing Campaign. The campaign is an ongoing, grassroots effort to educate individuals about saving, investing, and avoiding financial fraud. Twenty-one countries throughout the Western Hemisphere participated in the campaign's enormously successful kick-off week. In the U.S., campaign partners—including more than thirty government agencies, consumer organizations, and financial industry associations—held educational events and distributed information on saving and investing throughout the country. During the working group session, participants will discuss the campaign and future campaign initiatives. They'll also discuss other initiatives for international investor education.

D. New Investor Education Programs

Participants will brainstorm ideas for new investor education programs, including joint NASAA and SEC initiatives.

E. Investor Education Resources

The group will assess existing resources for investor education—including brochures, videotapes, online materials, and other media—and identify gaps. They will further discuss the most efficient and effective ways to provide educational resources to individuals at the grassroots level.

(5) Enforcement Issues

In addition to the above topics, state and federal regulators will discuss various enforcement-related issues of mutual interest.

(6) General

There are a number of matters which are applicable to all, or a number, of the areas noted above. These include EDGAR—the Commission's electronic disclosure system, rulemaking procedures, training and education of staff examiners and analysts, and information sharing.

The Commission and NASAA request specific public comments and recommendations on the above-mentioned topics. Commenters should focus on the agenda but may also discuss or comment on other proposals which would enhance uniformity in the existing scheme of state and federal regulation, while helping to maintain high standards of investor protection.

Dated: Dated: March 10, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–6516 Filed 3–15–00; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42514; File No. SR–CBOE–00–08]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Trading of Options on Biotech HOLDRs

March 9, 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 March 9, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The proposed rule change has been filed by the CBOE as a ''non-controversial'' rule change under Rule 19b–4(f)(6)[3] under the Act. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to trade standardized and FLEX equity options on Biotechnology Holding Company Depositary Receipts (''Biotech HOLDRs'' or ''HOLDRs''). The text of the proposed rule change is available at the Office of the Secretary, CBOE 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 IV 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

The purpose of the proposed rule change is to provide for the trading of standardized equity options and FLEX[4] equity options on Biotech HOLDRs. Biotech HOLDRs are exchange-listed securities representing beneficial ownership of the specific deposited securities represented by the HOLDRs. They are negotiable receipts issued by a trust representing securities of issuers that have been deposited and are held on behalf of investors in HOLDRs. Biotech HOLDRs, which trade in round lots of 100, and multiples thereof, may be issued after their initial offering through a deposit of the required number of shares of common stock of the underlying issuers with the trustee. The trust will only issue HOLDRs upon the deposit of the shares of underlying securities that are represented by a round-lot of 100 HOLDRs. Likewise, the trust will cancel, and an investor may obtain, hold, trade or surrender HOLDRs in a round-lot and round lot multiples of 100 HOLDRs. Biotech HOLDRs are currently traded on the Exchange like other equity securities, subject to the Exchange's equity trading rules.

[4] Flex equity options provide investors with the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices.

The Exchange believes trading options on Biotech HOLDRs is appropriate because Biotech HOLDRs currently exceed the minimum eligibility criteria for equities set forth in CBOE Rule 5.3 Interpretation .01, as do each of the underlying securities. Specifically, there are a minimum of 7,000,000 shares of each of the underlying securities owned by persons other than those required to report their security holdings under Section 16(a) of the Act; there are a minimum of 2000 shareholders of each of the underlying securities; trading volume (in all markets in which the underlying securities are traded) has been at least 2,400,000 shares in the preceding twelve months; the market price share of each of the underlying securities has been at least $7.50 for the majority of business days during the three calendar months preceding the date of selection as measured by the lowest closing price reported in any market in which the underlying securities traded on each of the subject days and the issuers are in compliance with any applicable requirements of the Act. The Biotech HOLDRs themselves also satisfy these same eligibility criteria.

Options on Biotech HOLDRs will be traded on the Exchange pursuant to the same rules and procedures that apply to trading in options on equity securities. However, the Exchange is also proposing to list FLEX Equity options on Biotech HOLDRs. The Exchange will list option contracts covering 100 HOLDRs, the minimum required round lot trading size for HOLDRs. Strike prices for the contracts will be set to bracket the trust issued receipts at the same intervals that apply to standardized equity options (*i.e.,* 2½ point intervals for underlying equity values up to $25, 5 point intervals for underlying equity values greater than $25 up to $200, and 10 point intervals for underlying equity values greater than $200). The proposed position and exercise limits for options on Biotech HOLDRs will be the same as those established for stock options as set forth in CBOE Rule 4.11. The Exchange anticipates that options on Biotech HOLDRs will initially qualify for a position limit of 13,500 contracts. However, as with standardized equity options, applicable position limits will be increased for options on Biotech HOLDRs if the volume of trading in HOLDRs increases to meet the requirements of a higher limit. As is currently the case for all FLEX Equity options, no position and exercise limits will be applicable to FLEX Equity options overlying the HOLDRs. Options on Biotech HOLDRs will be subject to the listing and maintenance standards set forth in CBOE Rule 5.3.[5] FLEX options will be subject to the standards set forth in the CBOE Chapter 24A.

Should Biotech HOLDRs cease to trade on an exchange or as national market securities in the over-the counter market, there will be no opening transactions in the options on the HOLDRs, and all such options will trade on a liquidation-only basis (*i.e.,* only transactions to permit the closing of outstanding open options positions will be permitted). In addition, the CBOE will consider the suspension of opening transactions in any series of options of the class covering Biotech HOLDRs if: (1) The options fail to meet the uniform equity option maintenance standards in Interpretation .01 to CBOE Rule 5.4; [6] (2) the trust has more than 60 days remaining until termination and there are fewer than 50 record and/or beneficial holders of Biotech HOLDRs for 30 or more consecutive trading days; (3) there are fewer than 50,000 HOLDRs issued and outstanding; (4) the market value of all Biotech HOLDRs issued and outstanding is less than $1,000,000; or (5) such other event shall occur or condition exist that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

Options on Biotech HOLDRs will be physically-settled and will have the American-style exercise feature used on all standardized equity options, and not the European-style feature. The Exchange, however, also proposes to trade FLEX Equity options which will be available with both the American-style and European-style exercise feature, as well as other FLEX Equity features.[7] Lastly, the proposed margin requirements for options on Biotech HOLDRs will be at the same levels that apply to options generally under CBOE Rule 12.3.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [8] of the Act in general and furthers the objectives of Section 6(b)(5) [9] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange represents that the proposed rule change will impose no 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 solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder [11] because the proposed rule change (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time that the Commission may designate if consistent with the protection of investors and the public interest.[12] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.[13]

The Exchange has requested that the rule change be accelerated to become operative immediately upon filing of the proposal, because such proposal

[5] The CBOE intends to file in the near future listing standards that will specifically govern trust issued receipts.

[6] Specifically, Interpretation .01 to CBOE Rule 5.4 provides that an underlying security will not meet the Exchange's requirements for continued listing when, among other things: (i) There are fewer than 6,300,000 publicly-held shares; (ii) there are fewer than 1,600 holders; (iii) trading volume was less than 1,800,000 shares in the preceding twelve months; and (iv) the share price of the underlying security closed below $5 on a majority of the business days during the preceding 6 months.

[7] An American-style option may be exercised at any time prior to its expiration. A European-style option, however, may be exercised only on its expiration date.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In reviewing this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] Because CBOE and Commission staff have had a number of discussions concerning the proposed trading of Biotech HOLDRS, the Commission has determined to waive the requirement that CBOE provide the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date.

[13] 15 U.S.C. 78s(b)(3)(C).

contemplates trading options on a product in which both the product and each of the underlying component securities exceed the minimum eligibility requirements for trading options on equities as set forth in CBOE Rule 5.3. Because both the securities underlying Biotech HOLDRs and Biotech HOLDRs themselves meet the eligibility requirements for trading options on equity securities, the Commission finds that accelerating the operative date of the rule change is consistent with the protection of investors and the public interest, and thus designates March 9, 2000 as the operative date of this filing.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CBOE–00–08 and should be submitted by April 6, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–6518 Filed 3–15–00; 8:45 am]

BILLING CODE 8010–01–M

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3256]

Determination Under Section 508 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2000 (Public Law 106–113)

Pursuant to Section 508 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2000 (Pub. L. 106–113), and comparable provisions of law, and Section 1–201 of Executive Order 12163, as amended, I hereby determine that, subsequent to the military coup against the democratically elected Government of Niger on January 27, 1996, a new democratically elected government has assumed office, such that assistance for Niger is not prohibited by the aforementioned provision of law.

This Determination shall be reported to the Congress immediately and published in the **Federal Register**.

Dated: February 23, 2000.

Madeleine K. Albright,

Secretary of State, Department of State.

[FR Doc. 00–6540 Filed 3–15–00; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–6942]

Commercial Fishing Vessel Safety Listening Sessions

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Coast Guard will hold five more regional listening sessions to present, and receive feedback on, the Coast Guard's Commercial Fishing Vessel Safety Action Plan (CFVSAP). The Coast Guard created the CFVSAP to help fishermen improve the level of safety in the fishing industry. The information gathered during these listening sessions will be presented to the Commercial Fishing Industry Vessel Advisory Committee and used to further refine the CFVSAP. The first two listening sessions took place in Rockport, ME, and Kodiak, AK. The remaining listening sessions are scheduled for Norfolk, VA; Charleston, SC; Galveston, TX; Los Angeles, CA; and Seattle, WA.

DATES: The listening session in Norfolk, VA, will be on April 5, 2000, from 12:30 p.m. to 4:00 p.m.; the one in Charleston, SC, will be on April 13, 2000, from 1:00 p.m. to 5:00 p.m.; the one in Galveston, TX, will be on May 5, 2000, from 9:00 a.m. to 12:00 p.m.; the one in Los Angeles, CA, will be on May 20, 2000, from 10:00 a.m. to 2:00 p.m.; and the one in Seattle, WA, will be on June 13, 2000, from 9:00 a.m. to 12:00 p.m. The comment period will close on July 30, 2000.

ADDRESSES:

Norfolk Airport Hilton, 1500 North Military Hwy, Norfolk, VA 23502, Tel. (757) 466–8000

Maritime Center, 10 Wharfside St., Charleston, SC 29401, P.O.C.: Victor Smith at Tel. (843) 853–3625, Fax (843) 577–6673

Texas Shrimpers' Association Convention, Moody Gardens Hotel, 7 Hope Boulevard, Galveston, TX 77551, Tel. (361) 758–5024—Texas Shrimpers' Assoc.; Tel. (409) 741–8484—Moody Gardens Hotel

Italian American Club, 1903 Cabrillo Avenue, San Pedro, CA 90831, Tel. (510) 437–2947

National Oceanic and Atmospheric Association, Building 9 Auditorium, 7600 Sand Point Way N.E., Seattle, WA 98115

To make sure your comments and related material do not enter the docket more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, (USCG–2000–6942), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

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

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

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

The Docket Management Facility maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection on the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except federal holidays. You may also electronically access the public docket for this notice on the internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, call Carol Kelly, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202–366–9329; for

information concerning the notice of meeting reach Lieutenant Joe Paitl or Ensign Chris O'Neal, (G–MOC–3), 2100 Second St, SW, Washington, DC 20593–0001, telephone 202–267–0507 or 202–267–2008, or electronic mail Gpaitl@comdt.uscg.mil or Co'neal@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage interested persons to participate in this information-gathering initiative by submitting written data, views, or other relevant documents. Persons submitting comments should include their names and addresses, and identify this notice (USCG–2000–6942) by the date and give the reasons for each comment. You may submit your comments and material by mail, delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES,** but please submit your comments and material by only one means. Please submit all comments and attachments in an unbound format, no larger than 8½ x 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgement of receipt of your comments, please enclose a stamped, self-addressed post card or envelope. Comments received, whether submitted in writing to the docket or presented during the regional listening sessions, will be considered in refining the CFVSAP.

Background

In response to the alarming number of deaths in the fishing industry, the Coast Guard chartered a Task Force to identify ways to improve safety. The Task Force examined fishing vessel casualties in the context of historical data, reviewed the Coast Guard's existing Commercial Fishing Vessel Safety Program, reviewed past safety recommendations, and provided quick feedback to the fishing industry by recommending measures believed to have the greatest potential for reducing loss of life and property. The Task Force completed a report containing safety recommendations in March 1999 and presented the report to the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) and Coast Guard District Fishing Vessel Safety Coordinators. The Task Force report is available at http://www.get.to/thefishingreport or from Commandant (G–MOA), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, 202–267–1430. The Coast Guard consolidated the Task Force recommendations commonly supported by both the CFIVAC and the District Fishing Vessel Safety Coordinators and subsequently developed the CFVSAP. The CFVSAP was presented at the October 4–5, 1999, meeting of the CFIVAC. The CFIVAC agreed with the concepts presented in the CFVSAP. Also, the CFIVAC agreed with the Coast Guard that holding regional listening sessions would result in valuable input from a larger segment of the fishing industry. By publication of this notice, the Coast Guard is seeking further feedback from fisherman on the CFVSAP. The CFVSAP is available at http://www.uscg.mil/hq/g-m/advisory/cfivac/fishexpo99.pdf or from Commandant (G–MOC), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, 202–267–2008.

Objective and Issues

The objective of the regional listening sessions and the request for comments is to receive information from the general public and the fishing industry pertaining to the CFVSAP and other possible safety issues affecting the fishing industry. The Coast Guard wishes to identify ways to improve safety in the fishing industry.

The Coast Guard is specifically interested in information pertaining to the following:

The most critical safety issues in your region.

Ways the Coast Guard might better communicate with the fishing industry.

Ways the Coast Guard might assist in improving safety in the fishing industry.

Ways the fishing industry might improve its safety record without Coast Guard or other government involvement.

The minimum level of training that should be considered in a training-based certificate program.

The most safety-beneficial composition of a vessel examination program.

Whether the Territorial Sea Baseline is the best reference parameter for setting certain safety equipment carriage requirements.

Format of Regional Listening Sessions

Each listening session will follow a presentation by the Coast Guard on the CFVSAP. After the presentation the audience will have an opportunity to comment on the specifics of the CFVSAP. The Coast Guard will then present a list of standardized issues similar to those contained in Objectives and Issues and then open the listening session to general comments from the audience.

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, reach LT Paitl or ENS O'Neal where noted in **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Dated: March 10, 2000.

R.C. North,

Rear Admiral, Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–6545 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–09]

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 or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 3, 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, 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 Terry Stubblefield (202) 267–7624, 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 March 13, 2000.

Michael E. Chase,

Acting Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29883.
Petitioner: Embry-Riddle Aeronautical University.
Section of the FAR Affected: 14 CFR 61.65(a)(1).
Description of Relief Sought: To permit students enrolled in ERAUs Advanced General Aviation Transport Experiments (AGATE) Modified Intergrated Curriculum (AGATE III) to take concurrently the private pilot practical test and the instrument rating practical test.

Dispositions of Petitions

Docket No.: 29103.
Petitioner: Era Helicopters.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought/ Disposition: To permit Era to operate three Sikorsky S–61N helicopters (Registration Nos. N561EH, N562EH, and N563EH; Serial Nos. 61471, 61257, and 61808, respectively) without an approved digital flight data recorder installed on each helicopter.
GRANT, 1/31/00, Exemption No. 6712B.

Docket No.: 29109.
Petitioner: Mobil Business Resources Corporation.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought/ Disposition: To permit MBRC to operate its Sikorsky S–76A helicopters under part 135 without an approved digital flight data recorder installed on each helicopter.
GRANT, 1/31/00, Exemption No. 6788A.

Docket No.: 28855.
Petitioner: Offshore Logistics, Inc.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought/ Disposition: To permit Offshore to operate 10 Bell 212 helicopters, 2 Bell 214ST helicopters, 7 Bell 412 helicopters, and 7 Sikorsky S–76A helicopters under part 135 without an approved digital flight data recorder installed on each helicopter.
GRANT, 1/31/00, Exemption No. 6714B.

Docket No.: 28905.
Petitioner: Petroleum Helicopters, Inc.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought/ Disposition: To permit PHI to operate three Bell 212 helicopters (Registration Nos. N1074C, N5009N, and N5736D; Serial Nos. 30989, 30915, and 31135, respectively), two Bell 214ST helicopters (Registration Nos. N59805 and N59806, Serial Nos. 28141 and 28140, respectively), three Bell 412 helicopters (Registration Nos. N2014K, N2258f, and N3893L; Serial Nos. 33020, 33073, and 33006, respectively), and one Bell 412SP helicopter (Registration No. N142PH, Serial No. 33150) under part 135 without an approved digital flight data recorder installed on each helicopter.
GRANT, 1/31/00, Exemption No. 6713D.

Docket No.: 29142.
Petitioner: Geo-Seis Helicopters, Inc.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought/ Disposition: To permit Geo-Seis to operate one Bell 212 helicopter (Registration No. N49678, Serial No. 30743) under part 135 without an approved digital flight data recorder installed on the helicopter.
GRANT, 1/31/00, Exemption No. 6785A.

Docket No.: 29174.
Petitioner: Hawaii Helicopters, Inc.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought/ Disposition: To permit HHI to operate its Sikorsky S–61N helicopter (U.S. Registration No. N29111, Serial No. 61711) and its Sikorsky S–76A helicopter (Canadian Registration No. C–CHJG, Serial No. 760015) under part 135 without an approved digital flight data recorder installed on each helicopter.
GRANT, 1/31/00, Exemption No. 6789.

Docket No.: 29172.
Petitioner: Heli-Jet Corporation.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought/ Disposition: To permit Heli-Jet to operate five Bell 212 helicopters under part 135 without an approved digital flight data recorder installed on each helicopter.
GRANT, 1/31/00, Exemption No. 6796A.

Docket No.: 27867.
Petitioner: Department of the Navy, United States Marine Corps.
Sections of the FAR Affected: 14 CFR 91.209 (a) and (b).
Description of Relief Sought/ Disposition: To continue to permit USMC to conduct helicopter night-vision flight device training operations without lighted aircraft position lights.
GRANT, 1/31/00, Exemption No. 5978C.

Docket No.: 29759.
Petitioner: Aviation Ventures, Inc., doing business as Vision Air.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought/ Disposition: To permit Vision Air to operate up to 10 Dornier 228 (DO228) airplanes under part 135 without the required digital flight data recorder (DFDR) until the FAA can amend § 135.152(k) to permanently except the DO229 airplane from the requirements of § 135.152.
GRANT, 1/31/00, Exemption No. 7009A.

Docket No.: 29820.
Petitioner: Bombardier Completion Centre, Inc.
Sections of the FAR Affected: 14 CFR 25.785(b).
Description of Relief Sought/ Disposition: To exempt Bombardier from the requirements of § 25,785(b), for the general occupant protection requirements for occupants of multiple place side-facing seats that are occupied during takeoff and landing for Bombardier Global Model BD–7001A10 airplanes manufactured prior to January 1, 2004.
GRANT, 1/31/00, Exemption No. 7120.

[FR Doc. 00–6557 Filed 3–15–00; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Emergency Evacuation Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss emergency evacuation (EE) issues.

DATES: The meeting is scheduled for March 30, 2000, beginning at 8:30 a.m. Arrange for oral presentations by March 24.

ADDRESSES: Renton, WA. You may contact the person identified under the

heading **FOR FURTHER INFORMATION CONTACT** after March 21 for the exact location of the meeting.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM–209, FAA, Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–7626, FAX (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held March 30, in Renton, WA.

The agenda will include:

- Opening Remarks.
- FAA Report.
- Joint Aviation Authorities Report.
- Harmonization Management Team Report.
- Performance Standards Working Group Report.
- Cabin Safety Harmonization Working Group Report.
- Proposal to re-charter the Emergency Evacuation issues group.

Attendance is open to the public, but will be limited to the space available. The public must make arrangements by March 24 to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Emergency or by providing copies at the meeting.

If you are in need of assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT.** Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on March 10, 2000.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking, Advisory Committee.

[FR Doc. 00–6558 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues.

DATES: The meeting is scheduled for March 28–29, 2000, beginning at 8:30 a.m. on March 28. Arrange for oral presentations by March 23.

ADDRESSES: Renton, WA. You may contact the person identified under the heading **FOR FURTHER INFORMATION CONTACT** after March 21 for the exact location of the meeting.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM–209, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–7626, FAX (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting ARAC meeting to be held March 28–29, 2000, in Renton, WA.

The agenda will include:

Tuesday, March 28, 2000

- Opening Remarks.
- FAA Report.
- Joint Aviation Authorities Report.
- Transport Canada Report.
- Executive Committee Meeting Report.
- Harmonization Management Team Report.
- Human Factors Harmonization Working Group (HWG) Report.
- Engine HWG Report and Vote.
- Flight Guidance System HWG Report.
- Systems Design and Analysis HWG Report.
- Ice Protection HWG Report.
- Powerplant Installation HWG Report and Vote.
- Seat Test HWG Report and Vote.
- Avionics System HWG Report and Vote.
- Design for Security HWG Report.
- Braking System HWG Report and vote.

Wednesday, March 29

- General Structures HWG Report and Vote.
- Airworthiness Assurance HWG Report.
- Flight Test Report and Vote.
- Electromagnetic Effects HWG Report and Vote.
- Loads & Dynamics HWG Report and Vote.
- Flight Control HWG Report.
- Mechanical Systems HWG Report and Vote.
- Electrical Systems HWG Report and Vote.

Ten HWG's-Engine, Powerplant Installation, Seat Test, Avionics Systems, General Structures, Flight Test, Electromagnetic Effects, Loads and Dynamics, Mechanical Systems, and Electrical Systems—plan to request approval of reports completed to address tasking statements.

Two HWG's-Braking Systems and Loads & Dynamics—plan to request a vote to submit dispositions of comments to the FAA. The Braking Systems HWG's request addresses comments relating to documents that were published in the **Federal Register** on August 10, 1999, on brakes and braking systems certification and analysis; the comment period closed November 8, 1999. The Loads and Dynamics HWG's request addresses comments relating to documents that were published in the **Federal Register** on June 18, 1999, on revised landing gear shock absorption test requirements; the comment period closed October 18, 1999.

The Engine HWG plans to request a vote for formal FAA legal and economic reviews for proposed rules addressing safety analysis and one-engine inoperative procedures.

Attendance is open to the public, but will be limited to the space available. The public must make arrangements by March 23 to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine issues or by providing copies at the meeting. Copies of the documents to be voted upon may be made available by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

If you are in need of assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT.** Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on March 10, 2000.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 00–6559 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: York & Lancaster Counties, South Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway facility from the intersection of S.C. 122 (Dave Lyle Boulevard) and S.C. Route 161 Extension east of Rock Hill in York County to near U.S. Route 521 in

Lancaster County, South Carolina. An earlier notice had been published in 1992 but the EIS was not completed due to insufficient project funding.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Myers, Planning & Environmental Engineer, Federal Highway Administration, 1835 Assembly Street, Suite 1270, Strom Thurmond Federal Building, Columbia, South Carolina 29201, Telephone: (803) 253–3881.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the South Carolina Department of Transportation (SCDOT), will prepare an environmental impact statement on the proposed extension of Dave Lyle Boulevard (S.C. route 122) from the S.C. route 161 Extension east of Rock Hill in York County to U.S. route 521 in Lancaster County, South Carolina. The proposed route would be approximately 10 miles in length and would consist of two travel lanes for each direction of traffic with an earth median. Alternatives under consideration include: (1) taking no action (no-build); (2) Transportation System Management (improvement of existing routes); and (3) several alternative corridor alignment build alternatives.

The FHWA and SCDOT are seeking input as a part of the scoping process to assist in determining and clarifying issues relative to this project. Letters describing the proposed action and soliciting comments have been sent by the SCDOT to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. No formal scoping meeting is planned at this time. Early coordination with State and Federal permit and resource agencies will be completed in the development of the draft EIS. The U.S. Corps of Engineers is being requested to be a cooperating agency due to the likely involvement of the proposal with wetlands in the Catawba River flood plain area. Two public informational meetings have been held to inform the public and solicit their input. At least one location public hearing will be held for which public notice will be given of the time and place of the hearings. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 7, 2000.

Robert L. Lee,

Division Administrator, Columbia, South Carolina.

[FR Doc. 00–6463 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7054]

Petition for Grandfathering of Non-Compliant Equipment, Maryland Mass Transit Administration

In accordance with 49 CFR 238.203(f), notice is hereby given that the Maryland Mass Transit Administration (MTA) has petitioned the Federal Railroad Administration (FRA) for grandfathering of non-compliant equipment for use on MTA's Central Light Rail Line.

Section 238.203 of title 49 of the Code of Federal Regulations addresses static end strength requirements for passenger rail equipment. Paragraph (a)(1) provides that all passenger equipment (subject to limited exceptions) shall resist a minimum static end load of 800,000 pounds applied on the line of draft without permanent deformation of the body structure. Paragraph (d)(2) provides that ''[a]ny passenger equipment placed in service on a rail line or lines before November 8, 1999 that does not comply with the requirements of paragraph (a)(1) may continue to be operated on that particular line or (those particular lines) if the operator of the equipment files a petition seeking grandfathering approval under paragraph (d)(3) before November 8, 1999. Such usage may continue while the petition is being processed, but in no event later than May 8, 2000, unless the petition is approved.''

MTA requests that all conventional light rail vehicles operating on the Central Light Rail Line (extending from Baltimore, Maryland, north to Timonium, south to Cromwell, southwest to BWI Airport, east to Penn Station and north to Hunt Valley) be grandfathered to permit usage pursuant to 49 CFR 238.203(d).

Interested parties are invited to participate in this proceeding by submitting written views, data or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding, however, if any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning this proceeding should be identified with Docket Number FRA–2000–7054 and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590–0001. Communications received within 30 days of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered to the extent possible. MTA's petition and all written communications concerning this proceeding are available for examination during regular business hours (9:00 a.m. to 5:00 p.m.) at DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 Seventh, SW, Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at http://dms.dot.gov.

Issued in Washington, DC on March 10, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–6446 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on October 27, 1999 [64 FR 57924–57925].

DATES: Comments must be submitted on or before April 17, 2000.

FOR FURTHER INFORMATION CONTACT: George Entwistle at the National Highway Traffic Safety Administration, Office of Safety Assurance (NSA–32.2), 202–366–5306, 400 Seventh Street, SW, Room 6240, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: National Highway Traffic Safety Administration.

Title: Motor Vehicle Information.

OMB Number: 2127—0002.

Type of Request: Extension of a currently approved collection.

Abstract: The National Highway Traffic Safety Administration's (NHTSA's) statute at 49 U.S.C. Subchapter III *Importing Noncomplying Motor Vehicles and Equipment* (49 U.S.C. section 30141 *et seq.*) Requires that a motor vehicle which does not conform to applicable Federal Motor vehicle Safety Standards (FMVSS) be refused admission into the United States. NHTSA may authorize importation of nonconforming vehicles upon specified terms and conditions to insure that any such vehicle or equipment will be brought into conformity with all applicable FMVSS or will be exported out of or abandoned to the United States at no cost.

Affected Public: Those businesses or persons requesting to import a motor vehicle into the United States.

Estimated Total Annual Burden: 77,500.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, D.C. 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, D.C., on March 10, 2000.

Herman L. Simms,

Associate Administrator for Administration.

[FR Doc. 00–6560 Filed 3–15–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Foreign Assembler's Declaration (With Endorsement by Importer)

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Foreign Assembler's Declaration (with Endorsement by Importer). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Foreign Assembler's Declaration (with Endorsement by Importer).

OMB Number: 1515–0088.

Form Number: N/A.

Abstract: The Foreign Assembler's Declaration with Importer's Endorsement is used by Customs to substantiate a claim for duty free treatment of U.S. fabricated components sent abroad for assembly and subsequently returned to the United States.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals.

Estimated Number of Respondents: 2,730.

Estimated Time Per Respondent: 50 minutes.

Estimated Total Annual Burden Hours: 302,402.

Estimated Total Annualized Cost on the Public: N/A.

Dated: March 8, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6435 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Protest

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Protest. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Protest.

OMB Number: 1515–0056.

Form Number: Customs Form 19.

Abstract: This collection is used by an importer, filer, or any party at interest to petition the Customs Service, or Protest, any action or charge, made by the port director on or against any; imported merchandise, merchandise excluded from entry, or merchandise entered into or withdrawn from a Customs bonded warehouse.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 3,750.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 41,250.

Estimated Total Annualized Cost on the Public: N/A.

Dated: March 8, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6436 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Declaration of Free Entry of Returned American Products (Customs Form 3311)

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration of Free entry of Returned American Products. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Declaration of Free entry of Returned American Products.

OMB Number: 1515–0043.

Form Number: Customs Form 3311.

Abstract: This collection of information is used as a supporting documents which substantiates the claim for duty free status for returning American products.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals.

Estimated Number of Respondents: 12,000.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 51,000.

Estimated Total Annualized Cost on the Public: $198,000.

Dated: March 8, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6437 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Certificate of Registration

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Certificate of Registration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300

Pennsylvania Avenue, NW, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Certificate of Registration.

OMB Number: 1515–0014.

Form Number: Customs Forms 4455 and 4457.

Abstract: The Certificate of Registration is used to expedite free entry or entry at a reduced rate on foreign made personal articles which are taken abroad. There articles are dutiable each time they are brought into the United States unless there is acceptable proof of prior possession.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Individuals, travelers.

Estimated Number of Respondents: 200,000.

Estimated Time Per Respondent: 3 minutes.

Estimated Total Annual Burden Hours: 10,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: March 8, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6438 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Importers ID Input Record

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Importers ID Input Record. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Importers ID Input Record.

OMB Number: 1515–0191.

Form Number: Customs Form 5106.

Abstract: This document is filed with the first formal entry which is submitted or the first request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses/ Institutions.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 100.

Estimated Total Annualized Cost on the Public: N/A.

Dated: March 8, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6439 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Free Admittance Under Conditions of Emergency

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Free Admittance Under Conditions of Emergency. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300

Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Free Admittance Under Conditions of Emergency.

OMB Number: 1515–0130.

Form Number: N/A.

Abstract: This collection of information will be used in the event of emergency or catastrophic event to monitor goods temporarily admitted for the purpose of rescue or relief.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Nonprofit Assistance Organizations.

Estimated Number of Respondents: 1.

Estimated Time Per Respondent: 1 minute.

Estimated Total Annual Burden Hours: 1.

Estimated Total Annualized Cost on the Public: N/A.

Dated: March 8, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6440 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Harbor Maintenance Fee

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Harbor Maintenance Fee. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Harbor Maintenance Fee.

OMB Number: 1515–0158.

Form Number: Customs Forms 349 and 350.

Abstract: This collection of information will be used to verify that the Harbor Maintenance Fee paid is accurate and current for each individual, importer, exporter, shipper, or cruise line.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Institutions.

Estimated Number of Respondents: 18,095.

Estimated Time Per Respondent: 26 minutes.

Estimated Total Annual Burden Hours: 32,245.

Estimated Total Annualized Cost on the Public: N/A.

Dated: March 8, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6441 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Crew Members Declaration

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Crew Members Declaration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Crew Members Declaration.

OMB Number: 1515–0063.

Form Number: Customs Form 5129.

Abstract: This document is used to accept and record importations of merchandise by crew members, and to enforce agricultural quarantines, the currency reporting laws, and the revenue collection laws.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Individuals.

Estimated Number of Respondents: 5,968,351.

Estimated Time Per Respondent: 3 minutes.

Estimated Total Annual Burden Hours: 298,418.

Estimated Total Annualized Cost on the Public: N/A.

Dated: March 13, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6442 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–U

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Importers Declaration/ Shippers Declaration

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Importers Declaration/Shippers Declaration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before May 15, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Importers Declaration/Shippers Declaration.

OMB Number: 1515–0200.

Form Number: N/A.

Abstract: These declarations are related to the legal requirements and procedures which must be followed in order to obtain duty-free treatment on articles imported into the Customs territory of the United States from the insular possession.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 310.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 31.

Estimated Total Annualized Cost on the Public: N/A.

Dated: March 8, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–6443 Filed 3–15–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Today, the Office of Thrift Supervision within the Department of the Treasury solicits comments on the Mutual Holding Company information collection package.

DATES: Submit written comments on or before May 15, 2000.

ADDRESSES: Send comments to Manager, Dissemination Branch, Information Management and Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0072. Hand deliver comments to the Public Reference Room, 1700 G Street, NW., lower level, from 9:00 a.m. to 4:00 p.m. on business days. Send facsimile transmissions to FAX Number (202) 906–7755; or (202) 906–6956 (if comments are over 25 pages). Send e-mails to ''public.info@ots.treas.gov'', and include your name and telephone number. Interested persons may inspect comments at the Public Reference Room, 1700 G St. NW, from 9:00 a.m. until 4:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Nadine Y. Washington, Supervision, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–6706.

SUPPLEMENTARY INFORMATION:

Title: Mutual Holding Company.

OMB Number: 1550–0072.

Form Number: MHC–1 and MHC–2.

Abstract: The information collections apply to mutual holding companies and to their subsidiaries. The collections are necessary to (1) fulfill statutory requirements; and (2) facilitate review of transactions presenting risks.

Current Actions: OTS proposes to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 16.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 4,213 hours.

Request for Comments: The OTS will summarize comments submitted in response to this notice or will include these comments in its request for OMB approval. All comments will become a matter of public record. The OTS invites comment on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or starting costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 10, 2000.

John E. Werner,

Director, Information & Management Services Division.

[FR Doc. 00–6465 Filed 3–15–00; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Today, the Office of Thrift Supervision within the Department of the Treasury solicits comments on the Holding Company Reports information collection package.

DATES: Submit written comments on or before May 15, 2000.

ADDRESSES: Send comments to Manager, Dissemination Branch, Information Management and Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0060. Hand deliver comments to the Public Reference Room, 1700 G Street, NW., lower level, from 9:00 a.m. to 4:00 p.m. on business days. Send facsimile transmissions to FAX Number (202) 906–7755; or (202) 906–6956 (if comments are over 25 pages). Send e-mails to ''public.info@ots.treas.gov'', and include your name and telephone number. Interested persons may inspect comments at the Public Reference Room, 1700 G St. NW, from 9:00 a.m. until 4:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Nadine Y. Washington, Supervision, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–6706.

SUPPLEMENTARY INFORMATION:

Title: Holding Company Reports.

OMB Number: 1550–0060.

Form Number: H(b)11.

Abstract: The H(b)11 report is used to determine a savings association holding company's adherence to the statutes, regulations and conditions of approval to acquire an insured institution and whether any of the company's activities would be injurious to the operation of any subsidiary savings association.

Current Actions: OTS proposes to renew this information collection without revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 932.

Estimated Time Per Respondent: 15.5 hours.

Estimated Total Annual Burden Hours: 57,784 hours.

Request for Comments: The OTS will summarize comments submitted in response to this notice or will include these comments in its request for OMB approval. All comments will become a matter of public record. The OTS invites comment on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or starting costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 10. 2000.

John E. Werner,

Director, Information & Management Services Division.

[FR Doc. 00–6466 Filed 3–15–00; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[Order No.: 2000–26]

Appointment of a Receiver; Mutual Federal Savings Bank of Atlanta, Atlanta, GA

March 10, 2000.

Issued Under Delegated Authority

The Director of the Office of Thrift Supervision (OTS) has determined to appoint the Federal Deposit Insurance Corporation (FDIC) as receiver for Mutual Federal Savings Bank of Atlanta, Atlanta, Georgia (the Association).

I. Grounds for Actions Taken in This Order

Receivership: Grounds for Appointment of FDIC as Receiver

The Director, upon consideration of the administrative record, and for the reasons set forth in the supporting legal and supervisory memoranda contained in the administrative record from offices within the OTS, finds and determines that:

(a) The Association's assets are less than its obligations to its creditors and others, including members of the Association;

(b) The Association has substantially depleted its assets or earnings due to unsafe or unsound practices;

(c) The Association is in an unsafe or unsound condition to transact business;

(d) The Association has incurred losses that have depleted all of its capital, and there is no reasonable prospect for the Association to become adequately capitalized without Federal assistance;

(e) The Association's unsafe and unsound practices and condition are likely to seriously prejudice the interests of its depositors and the deposit insurance fund;

(f) The Association is undercapitalized as defined in 12 U.S.C. 1831o(b), and has no reasonable prospect of becoming adequately capitalized, has failed to become adequately capitalized when required to do so under 12 U.S.C. 1831o(f)(2)(A), and failed to submit an acceptable capital restoration plan within the time prescribed under 12 U.S.C. 1831o(e)(2)(D); and

(g) The Association is critically undercapitalized, as defined in 12 U.S.C. 1831o(b) and otherwise has substantially insufficient capital.

The Director, therefore, has determined that each of the above grounds for the appointment of a receiver for the Association exist under section 5(d)(2) of the Home Owners' Loan Act (''HOLA'') (12 U.S.C. 1464(d)(2)) and section 11(c)(5) of the Federal Deposit Insurance Act (''FDIA'') (12 U.S.C. 1821(c)(5)).

II. Actions Ordered or Approved: Appointment of a Receiver

The Director hereby appoints the FDIC as Receiver for the Association for the purpose of liquidation, pursuant to section 5(d)(2) of the HOLA and section 11(c)(6)(B) of the FDIA (12 U.S.C. 1821(c)(6)(B)).

Delegation of Authority To Act for the OTS

The Director hereby authorizes the Regional Director, or his designee, and the Deputy Chief Counsel for Business Transactions, or his successors or designees, to: (1) certify Orders; (2) sign, execute, attest or certify other documents of the OTS issued or authorized by this Order; (3) deliver or accept delivery of any notice from or to the OTS regarding the Association; and (4) perform other functions of the OTS necessary or appropriate for the implementation of such Orders. All documents to be issued under the authority of this Order must be first approved, in form and content, by the Chief Counsel's Office. In addition, the Director hereby authorizes the Deputy Chief Counsel for Business Transactions, or his successors or designees, to make any subsequent technical corrections, that might be necessary, to this Order, or any documents issued under the authority of this Order.

By Order of the Director of the OTS effective March 10, 2000.

Richard M. Riccobono,

Deputy Director, Office of Supervision.

[FR Doc. 00–6464 Filed 3–15–00; 8:45 am]

BILLING CODE 6720–01–P

Corrections

Federal Register

Vol. 65, No. 52

Wednesday, March 16, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 136 and 445

[FRL–6503–5]

RIN 2040–AC23

Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category

Correction

In rule document 00–1037 beginning on page 3008 in the issue of Wednesday, January 19, 2000, make the following corrections:

1. On page 3050, in the first table, the heading ''Maximum daily[1]'' should head the table's second column, and ''Regulated parameter'' should head the table's first column.

2. On the same page, in the second table, the first column, in the fourth line, ''a-Terpineol'' should read ''α-Terpineol''.

3. On the same page, the same table, the same column, in the sixth line, ''p-Cresol'' should read ''*p*-Cresol''.

4. On the same page, the same table, the second column, in the last line, ''2)'' should read ''[2]''.

5. On the same page, the same table, the third column, the last line should also read ''[2]''.

[FR Doc. C0–1037 Filed 3–15–00; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-42426; File No. SR-NASD-99-54]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change by the National Association of Securities Dealers, Inc. Creating a Voluntary Single Arbitrator Pilot Program

Correction

In notice document 00–4150 beginning on page 8753, in the issue of Tuesday, February 22, 2000, make the following correction:

On page 8753, in the third column, the docket number is corrected to read as set forth above.

[FR Doc. C0–4150 Filed 3–15–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–6586; Notice 01]

RIN 2127–AH76

Preliminary Theft Date; Motor Vehicle Theft Prevention Standard

Correction

In notice document 00–2723 beginning on page 6250 in the issue of Tuesday, February 8, 2000, make the following corrections:

1. On page 6252, in the first line of the table, in the last column, ''3.533'' should read ''3.5334''.

2. On the same page, in the line beginning with ''88'', in the second column, ''Jeep WRangler'' should read ''Jeep Wrangler''.

3. On page 6254, in the sixth line of the table, in the second column, ''Ferrari'' should read ''Ferrari 456'', and in the third column, ''456'' should read ''0''.

[FR Doc. C0–2723 Filed 3–15–00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00-ASO-7]

Amendment of Class E. Airspace; Lexington, NC

Correction

In final rule document 00–4227 beginning on page 10386 in the issue of Monday, February 28, 2000, make the following correction:

§71.1 [Corrected]

On page 10387, in the second column, in the third paragraph under the heading **ASO NC E5 Lexington, NC [Revised]**, in the third line, ''long. 89°18'14'' W. '' should read, '' long. 80°18' 14'' W.''.

[FR Doc. C0–4227 Filed 3–15–00; 8:45 am]

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Federal Register

Thursday,
March 16, 2000

Part II

Department of Education

National Institute on Disability and Rehabilitation Research; Final Funding Priorities for Fiscal Years 2000–2001; Invitation for Applications for Model Spinal Cord Injury Centers and Research Centers; Notice

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

AGENCY: Department of Education.

ACTION: Notice of Final Funding Priorities for Fiscal Years 2000–2001 for Certain Centers.

SUMMARY: The Assistant Secretary for the Office of Special Education and Rehabilitative Services announces final funding priorities for fifteen Model Spinal Cord Injury Centers and two Rehabilitation Engineering Research Centers (RERCs) under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal years 2000–2001. The Assistant Secretary takes this action to focus research attention on areas of national need. These priorities are intended to improve rehabilitation services and outcomes for individuals with disabilities.

DATES: These priorities take effect on April 17, 2000.

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475. Internet: Donna—Nangle@ed.gov

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: This notice contains final priorities under the Special Projects and Demonstrations for Spinal Cord Injuries (SCI) Program and two RERCs related to Low Vision and Blindness and Children with Orthopedic Disabilities. The final priorities refer to NIDRR's Long-Range Plan (the Plan). The Plan can be accessed on the World Wide Web at: http://www.ed.gov/legislation/FedRegister/other/1999–12/68576.html.

These final priorities support the National Education Goal that calls for every adult American to possess the skills necessary to compete in a global economy.

The authority for the Secretary to establish research priorities by reserving funds to support particular research activities is contained in sections 202(g) and 204 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762(g) and 764).

Note: This notice of final priorities does *not* solicit applications. A notice inviting applications is published elsewhere in this issue of the **Federal Register**.

Analysis of Comments and Changes

On December 9, 1999 the Assistant Secretary published a notice of proposed priorities for the Model Spinal Cord Injury Centers in the **Federal Register** (64 FR 69154). The Department of Education received 25 letters commenting on the notice of proposed priorities by the deadline date. On December 17, 1999 the Assistant Secretary published a notice of proposed priorities for two Rehabilitation Engineering Research Centers in the **Federal Register** (64 FR 70956). The Department of Education received 8 letters commenting on the notice of proposed priorities by the deadline date. Technical and other minor changes—and suggested changes the Assistant Secretary is not legally authorized to make under statutory authority—are not addressed.

Model Spinal Cord Injury Centers

Priority 1: Model Spinal Cord Injury Centers

Comment: Several commenters discussed the issue of the national database, with a range of questions and recommendations. Some asked whether it was a given that the national database would be continued as is, or whether the requirement might be to contribute to a national database not yet configured. Many commenters asked whether the number or type of variables in the current database (MSCIS) would be maintained or altered for the next five-year period. One commenter suggested that only large Centers should be required to contribute to the database. Several commenters asked whether there would be changes in the selection criteria or funding levels related to database participation.

Discussion: All Centers will be required to contribute to the national database as designated by the Secretary. The database has evolved over its entire existence, and will continue to evolve to meet current needs. NIDRR intends to evaluate the existing database within the next twelve months, and prescribe modifications as necessary. These modifications may include changes in the number and type of variables or limits on follow-up samples. However, for the purpose of responding to this notice, prospective applicants should base their proposals on the database as currently configured. If those modifications require changes to the proposed scope of work or budget of any funded Center, these changes can be negotiated with the funding agency.

Changes: None.

Comment: A number of commenters stated that the proposed research priority areas were either unclear or too limiting. Several questioned whether the Centers were to be limited to one area or topic. Some questioned why the Associated Research Areas section of the Plan, as well as other specific priorities in the Plan, were not referenced, and others proposed that each Center be encouraged to undertake one research project addressing Health and Function and one project addressing a second chapter of the Plan.

Discussion: This priority encourages focused, cohesive, and integrated research programs that will make a substantial contribution to the knowledge base in SCI rehabilitation, while simultaneously discouraging fragmented programs with numerous discrete and disparate projects. The Plan presents an integrated approach to research. NIDRR recognizes that disability and rehabilitation are both holistic phenomena. Investigations of major issues in one area, for example Health and Function, may involve issues of technology or independent living. Applicants have the freedom to investigate any issues prioritized in the Plan, including those in the associated areas chapter and issues that cut across areas of the Plan. The priority encourages studies that will capitalize on each Center's population and programmatic characteristics to make significant contributions to SCI rehabilitation. Applicants should carefully justify the likelihood of achieving the proposed research objectives.

Changes: The list of priorities for the research projects has been modified to include the associated areas chapter of the Plan, and to incorporate investigation of any long-range plan priority areas, including cross-cutting issues.

Comment: Several commenters discussed the mechanism of running a separate competition for collaborative research projects. Most commenters supported this idea, although one contended that large Centers should be funded to do site-specific research, while Centers with smaller patient loads could collaborate on research projects.

Discussion: A major advantage of supporting a Model Systems program is the ability to conduct studies with large samples on populations that are geographically, ethnically, culturally, and otherwise diverse. This is an important justification for the common data collection system. In the past, Centers have been required to propose both collaborative and site-specific research. This was an administrative problem, because applicants would have to propose collaborations with

other applicants who might not be chosen for funding. After the Centers were funded, many had to drop or alter proposed collaborative studies because some of the partners did not receive funding. Also, the peer review process in the past did not give adequate attention to the research proposals, as they were focused on evaluating the comprehensiveness and quality of the systems of care. A separate competition for collaborative research projects in Fiscal Year 1998 for the NIDRR Traumatic Brain Injury program led to awards of substantial and meaningful research projects. It should be noted that collaboration is not precluded in the current competition. Applicants can form collaborative relationships with any appropriate entity as required to address their particular research.

NIDRR acknowledges the concerns of Centers that are tracking large patient populations. Projects will be funded at varying amounts up to the maximum allowed based on individual factors in proposals. Proposed budgets should reflect costs associated with data collection, proposed research, and administration. Funding will be determined individually for each successful applicant up to the maximum allowed based upon documented workload, the peer review process, and the overall budgetary limits of the program.

Changes: None.

Comment: Many practitioners and researchers in SCI rehabilitation point out that the individuals with SCI of non-traumatic origins now comprise a large portion of the individuals treated in rehabilitation units. There have been strong arguments for expanding the scope of the SCI Model Systems beyond traumatic SCI.

Discussion: This is an important change to consider. However, there has not been sufficient examination of the ramifications of changing the inclusion criteria of the database. NIDRR requires more data concerning the populations to be considered, proposed inclusion criteria such as time of onset and extent of lesion, and comparison of characteristics of traumatic vs. the non-traumatic SCI populations, including natural course, coexisting conditions, and socio-demographic variables. Applicants remain free to treat non-traumatic SCI in clinical settings and to include these patients in research projects. However, the parameters of the MSCIS will not be expanded at this time to include these non-traumatic patients. The peer review process will evaluate the merits of each proposal.

Changes: None.

Comment: Some respondents were concerned that there were too few points being awarded to adequacy of facilities, as the new selection criteria award a large number of points for project design. Respondents were unclear as to whether project design refers only to the design of the research portion. Other commenters objected to the inclusion of additional points for employment of individuals with disabilities on the project, arguing that applicants would tend to give pro forma responses, that the requirement is antithetical to the direction of current affirmative action practices, or that institutions may be forced into a bidding war for the relatively few qualified disabled researchers.

Discussion: The new thrust of the model systems program is to emphasize research. NIDRR believes there are sufficient points allowed for a comprehensive, integrated system of care to supplement the importance of high quality facilities. The Project Design criteria refer to the research project, and the Service Comprehensiveness criteria refer to the model demonstration.

NIDRR encourages employment of persons with disabilities on research projects not only as a measure of equal opportunity, but because individuals with disabilities bring important perspectives and concerns to research. The disability research field is also encouraged to find innovative ways to build research capacity among persons with disabilities.

Changes: The Project Design criteria section has been renamed Research Project Design.

Comment: Several commenters discussed the need for a specified minimum number of new injuries to be considered for inclusion in this program.

Discussion: NIDRR agrees that a ''critical mass'' of new injuries is important for an SCI Center of Excellence. This is important for maintaining a high level of clinical skill and for having enough subjects to perform meaningful research. However, NIDRR views this requirement as contextual. It is expected that applicants will document their history of new patients, and the likelihood of obtaining sufficient numbers to maintain a center of excellence for SCI care and to conduct research. It is the responsibility of the applicants to demonstrate that they have sufficient admissions to maintain a clinical Center of excellence and to conduct significant research.

Changes: None.

Comments: Two commenters were concerned that the priority did not discuss the geographic distribution of the Centers.

Discussion: When making funding determination, both the legislation (Section 204(b)(4) of Rehabilitation Act of 1973, as amended (29 USC 764(b)(4)) and the regulations (34 CFR Part 359) specify that the Director must take into account the location of any proposed SCI Center and the appropriate geographical and regional allocation of such Centers. This geographic distribution is considered in making the final determination of the awards.

Changes: None.

Rehabilitation Engineering Research Centers—General

Comment: What criteria does NIDRR use for selection of RERCs?

Discussion: NIDRR publishes selection criteria in the Notice Inviting Applications. The selection criteria are used by peer reviewers to evaluate the proposals submitted to NIDRR under this competition.

Changes: None.

Comment: Do RERCs have the authority to establish linkages with other agencies in order to achieve the necessary outcomes?

Discussion: RERCs are required to collaborate with specific RERCs and RRTCs as identified in each priority. In addition to these requirements, an applicant could propose to coordinate with other agencies or organizations. The peer review process will evaluate the merits of each applicant's proposed activities.

Changes: None.

Comment: Are the proposed RERCs required to establish partnerships between product manufacturers and practitioners to design and implement innovative technologies?

Discussion: NIDRR encourages applicants to include manufacturers, practitioners and consumers, as appropriate, in the design process. Each RERC is required to develop and implement, in consultation with the NIDRR-funded RERC on Technology Transfer, a utilization plan to ensure that all new and improved technologies developed by the RERC are successfully transferred to the marketplace. The peer review process will evaluate the merits of each application.

Changes: None.

Priority 2: Low Vision and Blindness

Comment: Four commenters suggested that a new activity should be added that requires the RERC to research and develop technologies that address jobsite adaptation, employment and daily living problems among the target population.

Discussion: NIDRR agrees that unemployment for persons who are blind or visually impaired is a very serious problem, as referenced in the first paragraph of the background statement.

Changes: A new activity has been added requiring the RERC to investigate, develop, and evaluate new vocational and daily living technologies and approaches.

Comment: Two commenters expressed concern that the word ''screening'' in the first required activity may be interpreted to imply merely the detection of a problem, whereas the real need is for more detailed assessment and analysis of the complex problems. Substituting ''assessment'', ''analysis'' or ''evaluation'' for ''screening'' would clarify and focus this priority.

Discussion: NIDRR agrees that ''assessment'' is a more appropriate term.

Changes: The first required activity has been revised by substituting the word ''assessment'' for ''screening.''

Comment: One individual commented that the main mandate of RERCs, as stated in the Rehabilitation Act, as amended, is to focus on research and development ''to produce new scientific knowledge, and new or improved methods, equipment, and devices.'' This theme is very well represented in the third required activity, which refers to ''technologies and approaches,'' but the other activities may be somewhat limiting in their focus. This would easily be remedied by inserting ''technologies and approaches'' or ''technologies and methods'' in each activity where the word ''technologies'' appears.

Discussion: NIDRR agrees that the priority would be strengthened by replacing ''technologies'' with ''technologies and approaches'' where applicable.

Changes: Required activities 1, 2, and 4 have been revised by replacing ''technologies'' with ''technologies and approaches.''

Comment: The third required activity does not accurately reflect the background statement and the broad language used might suggest that any and all studies of vision and aging apply.

Discussion: NIDRR believes that the background statement adequately supports each activity. However, while NIDRR agrees with the commenter that the third required activity would be strengthened by limiting the number of potential vision screening and assessment technologies investigated, NIDRR does not agree that the commenter's specific language recommendations accomplish this purpose.

Changes: The third required activity 3 has been revised by adding the words ''and practical'' after the word ''simple.''

Priority 3: Technologies for Children with Orthopedic Disabilities

Comment: Two goals for this RERC are to enable children to negotiate their environment and to enhance interactive play and social skill development. To accomplish these goals, the RERC must include typically developing peers.

Discussion: An applicant could propose research methodologies that include the use typically developing peers. NIDRR elects to leave the choice of research methodologies to be proposed to the applicants. The peer review process will evaluate the merits of each proposal.

Changes: None.

Comment: Parental involvement should be a requirement in the design and use of technologies developed by this RERC.

Discussion: NIDRR agrees that parental involvement is necessary for an RERC such as this one. There is mention of parental expectations in the first paragraph of the background statement. Furthermore, there is a general requirement that all RERCs involve persons with disabilities and their family representatives in planning and implementing their research and development activities. The peer review process will evaluate the merits of each applicant's proposed activities.

Changes: None.

Model Spinal Cord Injury Centers

The authority for Model Spinal Cord Injury Centers is contained in section 204(b)(4) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 764(b)(4)). The Secretary may make awards for up to 60 months through grants or cooperative agreements. This program provides assistance to establish innovative projects for the delivery, demonstration, and evaluation of comprehensive medical, vocational, and other rehabilitation services to meet the wide range of needs of individuals with spinal cord injuries.

Description of Special Projects and Demonstrations for Spinal Cord Injuries

This program provides assistance for projects that provide comprehensive rehabilitation services to individuals with Spinal Cord Injury (SCI) and conduct spinal cord research, including clinical research and the analysis of standardized data in collaboration with other related projects.

Each SCI Center funded under this program establishes a multidisciplinary system of providing rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries. This includes acute care as well as periodic inpatient or outpatient follow up and vocational services. Centers demonstrate and evaluate the benefits and cost effectiveness of such a system for the care of individuals with SCI and demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with SCI. Grantees demonstrate and evaluate methods of community outreach and education for individuals with SCI in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

Projects funded under this program ensure widespread dissemination of research findings to all SCI Centers, and to rehabilitation practitioners, individuals with SCI, and the parents, family members, guardians, advocates, or authorized representatives of such individuals. They engage in initiatives and new approaches and maintain close working relationships with other governmental and voluntary institutions and organizations to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among SCI researchers.

The Department is particularly interested in ensuring that the expenditure of public funds is justified by the execution of intended activities and the advancement of knowledge and, thus, has built this accountability into the selection criteria. Not later than three years after the establishment of any Center, NIDRR will conduct one or more reviews of the activities and achievements of the Center. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on satisfactory performance and accomplishment.

Priority

Under 34 CFR 75.105(c)(3) the Assistant Secretary gives an absolute preference to applications that meet the following priority. The Assistant Secretary will fund under this competition only applications that meet this absolute priority.

Priority 1: Model Spinal Cord Injury Centers

Background

Estimates of the number of people living with traumatic spinal cord injury (SCI) range from 183,000 to 230,000, with an incidence of approximately 10,000 new cases each year (''Spinal Cord Injury Facts and Figures at a Glance,'' National Spinal Cord Injury Statistical Center (NSCISC), University of Alabama at Birmingham). Although SCI predominately affects young adults (56% of SCIs occur among people aged 16–30 years), there is an increasing proportion of new SCI cases in the population over 60 years of age (NSCISC, ibid.). The true significance of traumatic SCI lies not primarily in the numbers affected, but in the substantial impact on individuals' lives and the associated substantial health care costs and living expenses. A traumatic SCI has far-reaching repercussions on the lives of the injured persons and their families that can be devastating if not addressed effectively. According to a report from the Agency for Health Care Policy and Research (Hospital Inpatient Statistics, 1996, AHCPR Publication No. 99–0034), SCI is the most expensive condition or diagnosis treated in U.S. hospitals. The estimated lifetime costs for an individual injured at the age of 25 range from $365,000 for an incomplete injury to more than $1.7 million for an individual with a high cervical injury (NSCISC, op cit).

The Model SCI program was developed in 1970 to demonstrate the value of a comprehensive integrated continuum of care for SCI. Twenty-six sites have been designated, at various times, as Model SCI Centers through funding initially from the Rehabilitation Services Administration, and subsequently from the National Institute on Handicapped Research, and its successor, the National Institute on Disability and Rehabilitation Research (NIDRR). For the period 1995–2000 there are 18 funded Model SCI Centers. (Additional information is available on the World Wide Web at *http://www.ncddr.org/mscis/).* The clinical components of the Model Centers are specified in the program regulations, and include ''* * * emergency medical services, acute care, vocational and other rehabilitation services, community and job placement, and long-term community follow up and health maintenance'' (34 CFR 359.11). In addition to demonstrating and evaluating the benefits of such a system the centers are required to contribute data on their patients to the National Spinal Cord Injury Database (NSCID), and engage in research both within the center, and in collaboration with other centers.

During the past 30 years, there have been substantial improvements in outcomes following SCI (Stover, S.L., et al., *Spinal Cord Injury: Clinical Outcomes From the Model Systems,* and Special Issue, Spinal Cord Injury: Current Research Outcomes from the Model Spinal Cord Injury Care Systems, *Archives of Physical Medicine and Rehabilitation,* Vol. 80, No. 11, November, 1999). Enhanced emergency medical services have led to increased preservation of neurologic function. Mortality during the first year following injury has continuously declined. Life expectancy, while still below that for those without SCI, has significantly increased for all levels of injury. The ideal of a comprehensive multi-disciplinary system of care for SCI has gained widespread acceptance.

However, significant challenges and opportunities remain for SCI rehabilitation. Recent statistics from the National Spinal Cord Injury Statistical Center (NSCISC) suggest that as the length of stay in rehabilitation settings has progressively decreased (1993–1998), there has been an increase in re-hospitalization during the first year after injury. In addition, mortality after the first anniversary of injury declined continuously from 1973–1992, but now has increased for the period 1993–1998. Secondary medical complications, including, but not limited to, respiratory complications, pressure ulcers and autonomic dysreflexia, continue to be significant problems. Injuries due to interpersonal violence have increased as a proportion of the total SCI incidence and are more likely to be neurologically complete injuries.

There is a need to identify, evaluate, and eliminate barriers in the natural, built, cultural, and social environments to enable people with SCI to achieve the goal of fully reintegrating into their community. Particular focus is required to address the needs of minority and underserved populations. Although employment for the U.S. population is at historically high levels, employment for the SCI population remains low. Individuals with SCI due to inter-personal violence have an employment rate approximately half of the average for all individuals with SCI (NSCISC, op cit).

NIDRR shares the concerns of the rehabilitation community about the impact of changes in health care delivery and financing upon the continuum of care for SCI. People with SCI often have more difficulty in obtaining adequate primary health care than non-disabled individuals. The unique needs of women with SCI in cardiac rehabilitation, reproductive health, and early cancer screening are special issues that need to be addressed.

There are also new and developing opportunities for improving SCI care. Medical and pharmacological therapies show promise for preserving and enhancing function. There is a need to identify and evaluate therapeutic interventions, including prevention and wellness programs, and complementary and alternative therapies using evidence-based evaluation protocols.

Advancing technology has the potential to enhance access and function for individuals with SCI. There is a need to develop and evaluate service delivery models incorporating telerehabilitation strategies and technologies to provide services for people with SCI. Assistive technologies may reduce the likelihood of secondary complications in SCI. For example, improved wheelchair and seating systems may reduce musculoskeletal trauma associated with long term wheelchair use. Technological advancement has the promise of providing greater accessibility to information, telecommunications, and employment. The adoption of universal design methodologies will enhance access to the built environment as well as rapidly developing electronic and information technologies.

The development of strong collaborations by SCI centers with community and social support organizations has the potential to impact positively the independence and community integration for individuals with SCI. Peer support beginning early in the rehabilitation process may enhance return to participation in the community. The causes of unemployment in SCI include lack of education and skills, lack of prior work experience, and policy disincentives. Pending changes in legislation and policy to permit retention of some medical insurance during employment, together with the high demand for skilled individuals in the workforce, represents an opportunity to foster education and employment of individuals with SCI.

NIDRR has published the Plan that is based upon a new paradigm for rehabilitation that identifies disability in terms of the relationship between the individual and the natural, built, cultural, and social environments (63 FR 57189–57219). The Plan focuses on both individual and systemic factors that have an impact on the ability of people to function. The elements of the Plan include employment outcomes,

health and function, technology for access and function, and independent living and community integration. As part of the Plan to attain the goals in these areas, NIDRR is committed to capacity building for research and training, and to ensure knowledge dissemination and utilization. Each area of the Plan includes objectives at both the individual and system levels. For example, the health and function objectives include research to improve medical rehabilitation interventions, as well as research to ensure access to an integrated continuum of quality health care services that address the unique needs of persons with disabilities. It is clear that the challenges and opportunities for SCI care reflect all of the priority areas of the Plan.

NIDRR has recently completed Program Reviews of all current Model SCI Centers. Based upon presentations by the Centers, and discussion with the external reviewers, NIDRR has concluded that the value of a comprehensive integrated system of care for SCI has been demonstrated. Because this conclusion is widely accepted, NIDRR is shifting the focus of the program from demonstration, to place a greater emphasis upon research. Participants in the Program Reviews observed that the comprehensive continuum of quality care should continue to be a requirement for participation in the Model SCI Centers Program. There is significant diversity among the Centers, however, in research interests and capacities. This diversity extends across the priority areas of the Plan, and represents a strength of the program.

Reviewers noted that uniformly comprehensive, high quality care, together with a common data collection system and administrative infrastructure makes the Model SCI Centers Program a valuable platform for various collaborative studies, including multi-center trials of therapies and technologies. To further the enhancement of the research mission, participants recommended a separate competition for the collaborative research portion of the program. A separate competition will facilitate focused, considered proposals, a higher level of scientific review, and the development of significant research projects in the Model SCI Centers. The competition for collaborative research projects will be conducted subsequent to the identification of the Model SCI Centers, and funds will be reserved for that purpose.

During the Program Reviews, there was considerable discussion of the NSCID. It is clear that the database is a valuable resource and that participation in the NSCID is an essential element for the Model SCI Centers. For the purpose of the present competition, the data collection activities will be maintained without change. NIDRR expects that applicants will include historical documentation of numbers of patients as well as expected new patients and expected annual follow-up submissions based on current eligibility criteria for the NSCID. However, it is anticipated that, through discussion among the newly identified Model SCI Centers, NIDRR staff, and external reviewers, details of data collection may be modified following the award. This process should not result in increased data collection workloads above current levels.

Priority 1

The Assistant Secretary will establish Model Spinal Cord Injury Centers for the purpose of generating new knowledge through research, development, or demonstration to improve outcomes for SCI through improved interventions and service delivery models. A Model SCI Center must:

(1) Establish a multidisciplinary system of providing rehabilitation services specifically designed to meet the special needs of individuals with SCI, including emergency medical services, acute care, vocational and other rehabilitation services, community and job placement, and long-term community follow up and health maintenance;

(2) Participate as directed by the Assistant Secretary in national studies of SCI by contributing to a national database and by other means as required by the Assistant Secretary; and

(3) Conduct a significant and substantial research program in SCI that will contribute to the advancement of knowledge in accordance with the Plan. Applicants may select from the following examples of research objectives related to specific areas of the Plan or other research objectives, including those that cut across areas of the Plan:

- (Chapter 3, Employment Outcomes): Either (1) Assess the impact of legislative and policy changes on employment outcomes; or (2) test direct intervention strategies for improving employment outcomes.
- (Chapter 4, Maintaining Health and Function): Either (1) Study interventions to improve outcomes in the preservation or restoration of function or the prevention and treatment of secondary conditions; or (2) Design and test service delivery models that provide quality care under constraints imposed by recent changes in the health care financing system.
- (Chapter 5, Technology for Access and Function): Either (1) Evaluate the impact of selected innovations in technology and rehabilitation engineering on service delivery; or (2) Evaluate the impact of selected innovations in technology and rehabilitation engineering on outcomes such as function, independence, and employment.
- (Chapter 6, Independent Living and Community Integration): Assess the value of peer support and early onset of services from community and social support organizations to improve outcomes such as independence and community integration, employment function, and health maintenance.
- (Chapter 7, Associated): Either (1) Refine measures of medical rehabilitation effectiveness in SCI to incorporate environmental factors in the assessment function; or (2) Investigation of the impact of national telecommunications and information policy on the access of persons with SCI to related education, work, and other opportunities.

(4) Provide for the widespread dissemination of research and demonstration findings to other SCI centers, rehabilitation practitioners, researchers, individuals with SCI and their families and representatives, and other public and private organizations involved in SCI care and rehabilitation. In carrying out these purposes, the SCI center must:

- Incorporate culturally appropriate methods of community outreach and education in areas such as health and wellness, housing, transportation, recreation, employment, and other community activities for individuals with diverse backgrounds with SCI;
- Demonstrate the research and clinical capacity to participate in collaborative projects, clinical trials, or technology transfer with other model SCI centers, other NIDRR grantees, and similar programs of other public and private agencies and institutions; and
- Demonstrate the likelihood of having a sufficient number of individuals with SCI, including newly injured persons, to conduct statistically significant research.

Final Selection Criteria

The Assistant Secretary will use these selection criteria to evaluate applications under this program. The maximum score for all the criteria is 100 points. The new emphasis on research and NIDRR's Plan, plus the importance of the NSCID, require some

modifications to the selection criteria for this program. The Secretary will redistribute points to reflect the increased emphasis on research, and to add references to the Plan and NSCID.

(a) *Research Project design* (30 points). The Secretary reviews each application to determine to what degree—

(1) There is a clear description of how the objectives of the project relate to the purpose of the program and the Plan;

(2) The research is likely to produce new and useful information;

(3) The need and target population are adequately defined and are sufficient for meaningful research and demonstration;

(4) The outcomes are likely to benefit the defined target population;

(5) The research hypotheses are sound; and

(6) The research methodology is sound in the sample design and selection, the data collection plan, the measurement instruments, and the data analysis plan.

(b) *Service comprehensiveness* (20 points). The Secretary reviews each application to determine to what degree—

(1) The services to be provided within the project are comprehensive in scope, and include emergency medical services, intensive and acute medical care, rehabilitation management, psychosocial and community reintegration, and follow up;

(2) A broad range of vocational and other rehabilitation services will be available to individuals with severe disabilities within the project; and

(3) Services will be coordinated with those services provided by other appropriate community resources.

(c) *Plan of operation* (10 points). The Secretary reviews each application to determine to what degree—

(1) There is an effective plan of operation that ensures proper and efficient administration of the project;

(2) The applicant's planned use of its resources and personnel is likely to achieve each objective;

(3) Collaboration between institutions, if proposed, is likely to be effective;

(4) Participation in the National Spinal Cord Injury Database is clearly and adequately described; and

(5) There is a clear description of how the applicant will include eligible project participants who have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Individuals with disabilities; and

(iv) The elderly.

(d) *Quality of key personnel* (10 points). The Secretary reviews each application to determine to what degree—

(1) The principal investigator and other key staff have adequate training or experience, or both, in spinal cord injury care and rehabilitation and demonstrate appropriate potential to conduct the proposed research, demonstration, training, development, or dissemination activity;

(2) The principal investigator and other key staff are familiar with pertinent literature or methods, or both;

(3) All the disciplines necessary to establish the multidisciplinary system described in § 359.11(a) are effectively represented;

(4) Commitments of staff time are adequate for the project; and

(5) The applicant is likely, as part of its non-discriminatory employment practices, to encourage applications for employment from persons who are members of groups that traditionally have been underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Individuals with disabilities; and

(iv) The elderly.

(e) *Adequacy of resources* (5 points). The Secretary reviews each application to determine to what degree—

(1) The facilities planned for use are adequate;

(2) The equipment and supplies planned for use are adequate; and

(3) The commitment of the applicant to provide administrative and other necessary support is evident.

(f) *Budget/cost effectiveness* (5 points). The Secretary reviews each application to determine to what degree—

(1) The budget for the project is adequate to support the activities;

(2) The costs are reasonable in relation to the objectives of the project; and

(3) The budget for subcontracts (if required) is detailed and appropriate.

(g) *Dissemination/utilization* (10 points). The Secretary reviews each application to determine to what degree—

(1) There is a clearly defined plan for dissemination and utilization of project findings;

(2) The research results are likely to become available to others working in the field;

(3) The means to disseminate and promote utilization by others are defined; and

(4) The utilization approach is likely to address the defined need.

(h) *Evaluation plan* (10 points). The Secretary reviews each application to determine to what degree—

(1) There is a mechanism to evaluate plans, progress, and results;

(2) The evaluation methods and objectives are likely to produce data that are quantifiable; and

(3) The evaluation results, where relevant, are likely to be assessed in a service setting.

Final Additional Selection Criterion

The Assistant Secretary also will use the following criterion so that up to an additional ten points may be earned by an applicant for a total possible score of 110 points:

Within this absolute priority, we will give the following competitive preference to applications that are otherwise eligible for funding under this priority:

Up to ten (10) points based on the extent to which an application includes effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under these absolute priorities. In determining the effectiveness of those strategies, we will consider the applicant's success, as described in the application, in employing and advancing in employment qualified individuals with disabilities in the project.

For purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for this priority. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Rehabilitation Engineering Research Centers

The authority for RERCs is contained in section 204(b)(3) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762(b)(3)). The Secretary may make awards for up to 60 months through grants or cooperative agreements to public and private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations, to conduct research, demonstration, and training activities regarding rehabilitation technology in order to enhance opportunities for meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives. An RERC must be operated by or in collaboration with an institution of higher education or a nonprofit organization.

Description of Rehabilitation Engineering Research Centers

RERCs carry out research or demonstration activities by:

(a) Developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to (1) solve rehabilitation problems and remove environmental barriers, and (2) study new or emerging technologies, products, or environments;

(b) Demonstrating and disseminating (1) innovative models for the delivery of cost-effective rehabilitation technology services to rural and urban areas, and (2) other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities; or

(c) Facilitating service delivery systems change through (1) the development, evaluation, and dissemination of consumer-responsive and individual and family-centered innovative models for the delivery to both rural and urban areas of innovative cost-effective rehabilitation technology services, and (2) other scientific research to assist in meeting the employment and independent needs of individuals with severe disabilities.

Each RERC must provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations.

The Department is particularly interested in ensuring that the expenditure of public funds is justified by the execution of intended activities and the advancement of knowledge and, thus, has built this accountability into the selection criteria. Not later than three years after the establishment of any RERC, NIDRR will conduct one or more reviews of the activities and achievements of the Center. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on satisfactory performance and accomplishment.

General RERC Requirements

The following requirements apply to these RERCs pursuant to these absolute priorities unless noted otherwise. An applicant's proposal to fulfill these requirements will be assessed using applicable selection criteria in the peer review process.

The RERC must have the capability to design, build, and test prototype devices and assist in the transfer of successful solutions to relevant production and service delivery settings.

The RERC must evaluate the efficacy and safety of its new products, instrumentation, or assistive devices.

The RERC must involve individuals with disabilities and, if appropriate, their representatives, in planning and implementing its research, development, training, and dissemination activities, and in evaluating the Center.

Priorities

Under an absolute priority we consider only applications that meet one of these absolute priorities (34 CFR 75.105(c)(3)).

Priority 2: Low Vision and Blindness

Background

According to recent estimates there are more than 3 million Americans with low vision, and almost one million who are legally blind (National Eye Institute, ''Vision research: A national plan 1999–2003,'' A report of the National Advisory Eye Council, National Institutes of Health, 1999). Approximately 7.8% of persons over 65 cannot see well enough to read newspaper print (Nelson, K.A., ''Statistical brief #35: Visual impairment among elderly Americans: statistics in transition,'' *Journal of Visual Impairment and Blindness,* vol. 81, pgs. 331–334, 1987), and the number of persons in this age group is projected to increase twice as fast as the population as a whole (Schmeidler, E. and Halfman, D., ''Statistics on visual impairment on older persons, disability in children, life expectancy,'' *Journal of Visual Impairment and Blindness,* vol. 91, pgs. 602–606, 1997). Blind and visually impaired individuals face major barriers in information access and handling, orientation and mobility, and access to jobsites and public facilities, resulting in very high rates of unemployment (Kirchner, C. and Schmeidler, E., ''Prevalence and employment of people in the United States who are blind or visually impaired,'' *Journal of Visual Impairment and Blindness,* vol. 91, pgs. 508–511, 1997; Hagemoser, S.D., ''The relationship of personality traits to the employment status of persons who are blind,'' *Journal of Visual Impairment and Blindness,* vol. 90, pgs. 134–144, 1996). There is also a growing and underserved group of individuals with a combination of multiple sensory, physical, and cognitive impairments (Malakpa, S., ''Job placement of blind and visually impaired people with additional disabilities'' *RE:View,* vol. 26, pgs. 69–77, 1994).

The leading causes of vision impairment in children in the U.S. are cortical visual impairment (35%), retinopathy of prematurity (ROP), optic nerve hypoplasia, and other retinal conditions (Murphy, D. and Good, W.V., ''The epidemiology of blindness in children in California,'' *American Academy of Opthalmology*, pg. 157, 1997; *Oxford Register of Early Childhood Impairments Annual Report, The National Perinatal Epidemiology Unit, Ratcliffe Infirmary*, pgs. 32–36, 1998). As a result of improvements in medical diagnosis, treatment and technologies, more premature infants are surviving birth. However, a significant number of newborn infants experience traumatic conditions that include blindness and cognitive and motor deficits. New approaches and technologies are needed to identify and separate the sensory and cognitive deficits so that habilitation can be planned and monitored more effectively (Good, W.V., Jan, J.E., deSa, L., Barkovich, A.J., Groenveld, M. and Hoyt, C.S., ''Cortical visual impairment in children: A major review,'' *Survey of Opthalmology*, vol. 38, pgs. 351–364, 1994). Intervention in the very young age groups offers maximum promise of cost effectiveness and independent functioning throughout life.

Wayfinding refers to the techniques used by persons who are blind or visually impaired as they move from place to place independently. Wayfinding is commonly divided into orientation and mobility skills. Orientation refers to the ability to monitor one's position in relation to the environment. Mobility refers to one's ability to move safely, from one location to the next with a limited amount of veering. Orientation and mobility are prerequisites to success at school, on the job, and in daily living. Various electronic devices and environmental modifications have been used in attempts to improve wayfinding and to reduce veering. Current technologies, including clear-path and drop-off detectors, do little to prevent veering.

Low vision or blindness frequently coexists with other disabilities including hearing loss, cognitive impairments and mobility limitations. Individuals with multiple disabilities present technological challenges and require complex adjustments to achieve functionality in and across environments (Greenbaum, M.G., Fernandes, S. and Wainapel, S.F., ''Use of a motorized wheelchair in conjunction with a guide dog for the legally blind and physically disabled,'' *Archives of Physical Medicine and Rehabilitation*, vol. 79(2), pgs. 216–217, 1998).

The most common cause of visual impairment among the aging population is Age Related Maculopathy (ARM) (Fletcher, D.C. and Schucard, R.A.,

''Preferred retinal loci relationship to macular scotomas in a low-vision population,'' *Opthalmology*, vol. 104, pgs. 632–638, 1997). Visual impairments among this population impact a wide variety of activities of daily living. Further, visual impairment is often accompanied by hearing loss, cognitive deficits, and motor dysfunction. Many older individuals reside in congregate care settings (i.e., nursing homes) where the prevalence of eye disorders can be as high as 90% (Marx, M.S., Werner, P., Feldman, R. and Cohen-Mansfield, J., ''The eye disorders of residents of a nursing home,'' *Journal of Visual Impairment and Blindness*, vol. 88(5), pgs. 462–468, 1994; Whitmore, W.G., ''Eye disease in a geriatric nursing home population,'' *Opthalmology*, vol. 96, pgs. 393–398, 1989; Horowitz, A., ''Vision impairment and functional disability among nursing home residents,'' *The Gerontologist*, vol. 34, pgs. 316–323, 1994). These facilities could be a platform for reaching many consumers with simple vision screening technologies that would permit non-clinical personnel to rapidly screen residents for visual impairments and make appropriate referrals. Currently, methods for assessing ARM include, but are not limited to, residual visual function and identifying optimal locations on the retina for reading and other tasks (Fletcher, D.C. and Schucard, R.A., op. cit., 1997). These methods address one eye at a time, and the advantages of binocular vision are often lost (Paul, W., ''The role of computer assistive technology in rehabilitation of the visually impaired: A personal perspective,'' *American Journal of Opthalmology*, vol. 127(1), pgs. 75–76, 1999; Schuchard, R.A. and Kuo, K., ''Retinal correspondence and binocular perception characteristics in low vision people with binocular eccentric PRLs,'' *Investigative Opthalmology and Vision Science*, vol. 91, pgs. 602–606, 1999).

Chapter 5 of the Plan (64 FR 68575) discusses the importance of directing research and development activities toward the problems faced by individuals who have significant visual, hearing, and communication impairments. The number of individuals with both severe hearing and visual impairments (deaf-blind) is small but increasing. The greatest challenges persons with multiple sensory impairments face are communication and access to information technology (Engelman, M.D., Griffin, H.C. and Wheeler, L., ''Deaf-blindness and communication: Practical knowledge and strategies,'' *Journal of Visual Impairments and Blindness*, vol. 92(11), pgs. 783–798, 1999). Individuals who are deaf-blind rarely use Braille for communication purposes. To date, technologies for individuals who are deaf-blind have focused primarily on tactile interpreting for face-to-face communication.

In today's complex and multifaceted electronic world, access to graphical and spatial information is critical for persons who are blind or visually impaired to be successful in school and work (Kent, D., ''Book review: Let's learn shapes with Shapely-Cal,'' *Journal of Visual Impairment and Blindness*, vol. 92(4), pgs. 245–247, 1998). Tactile graphical information and spatial and geometric concepts are difficult to represent for persons who are blind. Converting pictures or signs into raised tactile form has proven to be costly and time-consuming (Horsfall, B., ''Photopolymers, computer-aided design, and tactile signs,'' *Journal of Visual Impairment and Blindness*, vol. 92(11), pgs. 823–826, 1998). Audio and audio-tactile methods of graphics presentation and spatial and geometric concepts may promote parity between individuals who are blind or visually impaired and others in a variety of environments including school, work, and recreation.

Priority 2

The Assistant Secretary will establish an RERC that will identify and develop technologies that will improve assessment of vision impairments and promote independence for individuals with low vision and blindness. The RERC must:

(1) Investigate, develop, and evaluate new assessment technologies and approaches that will identify and differentiate between vision and cognitive impairments in infants;

(2) Develop and evaluate new wayfinding technologies and approaches that can be used by persons with coexisting disabilities;

(3) Investigate, develop, and evaluate simple and practical vision screening and assessment technologies and approaches for identifying visual impairments associated with aging;

(4) Investigate, develop, and evaluate new technologies and approaches to facilitate face-to-face communication for individuals who are deaf-blind and methods that will enable individuals who are blind or deaf-blind to navigate and interpret graphical, spatial and geometric information;

(5) Investigate, develop, and evaluate new technologies and approaches that will assist individuals who are blind or visually impaired in vocational and daily living environments; and

(6) Develop and implement, in consultation with the NIDRR-funded RERC on Technology Transfer, a utilization plan for ensuring that all new and improved technologies developed by this RERC are successfully transferred to the marketplace.

In carrying out the above required activities, the RERC must:

- Develop and implement, during the first year of the grant and in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to effectively disseminate the RERC's research outcomes to all appropriate target audiences including: clinicians, engineers, manufacturers, individuals with disabilities, families, disability organizations, technology service providers, businesses, journals, organizations representing minorities and other underrepresented groups;
- In the third year of the grant, conduct a state-of-the-science conference on technologies for individuals with low vision and blindness and publish a comprehensive report in the fourth year of the grant;
- Collaborate on research projects of mutual interest with NIDRR-funded RERCs on Information Technology Access and Telecommunications Access, RRTCs on visual disabilities and appropriate professional organizations; and
- Address the needs of children with vision disabilities from minority backgrounds and cultures.

Priority 3: Technologies for Children with Orthopedic Disabilities

Background

It is estimated that 6 million children, age 18 and younger, in the United States have some type of disability. The prevalence of children with orthopedic impairments in the U.S., including paralysis and congenital anomalies, is roughly 420,000 (8.4 percent) (LaPlante, M. and Carlson, D., ''Disability in the United States: Prevalence and Causes,'' *1992 Report of the Disability Statistics Rehabilitation Research and Training Center,* NIDRR, U.S. Department of Education, 1995). The majority of these children are unable to perform a major activity or are limited in the amount or types of major activities, including education and play, they can perform (Wenger, B.L., Kaye, H.S. and LaPlante, M.P., ''Disabilities among children,'' *Disability Statistics Abstract* (No. 15), NIDRR, U.S. Department of Education, 1996). Children with disabilities present unique challenges for health care

professionals when compared to adults with similar disabilities. For example: children experience periods of accelerated growth affecting shape, strength and body alignment; their body sizes are disproportionate to adults, they are not scaled-down adults; they experience developmental stages that affect their fine and gross motor skills; their capabilities change as they mature and as they learn to control their bodies and their environment; and parental expectations about their child's disability can influence medical treatment and therapeutic interventions.

Chapter 5 of the Plan (64 FR 45766) discusses the importance of research and development activities that will enhance mobility and improve manipulation for individuals with orthopedic impairments. Children with orthopedic impairments present unique challenges for rehabilitation specialists. The technology to 'replace' a child's missing limb does not exist today. It is possible, however, to restore considerable function with a prosthesis. The usefulness of such a device depends largely upon its weight, how well it fits, how easy it is to control and its durability, reliability and aesthetics. Continual developmental changes, including physical, emotional, and social growth, make it difficult to fit a child with a prosthesis and to determine the most appropriate time for introducing a prosthesis to a child. For example, the importance of fitting a child early with a prosthesis is well cited. However, there continues to be discussion about which developmental milestones to consider when determining the most suitable prosthesis for a child (Patton, J.G., ''Development approach to pediatric upper-limb prosthetic training,'' *Atlas of Limb Prosthetics: Surgical, Prosthetic, and Rehabilitation Principles,* Mosby, St. Louis, pgs. 778–793, 1992).

In addition to congenital and acquired amputations there are other conditions that can cause orthopedic impairments in children. Cerebral palsy (CP) is a motor disorder originating from a central nervous system injury that occurs before, during or shortly after birth. Children under the age of five who sustain brain injuries are also classified as having CP. The disability ranks third among childhood disabilities (LaPlante, M.P., *Disability risks of chronic illness and impairments,* Disability Statistics Program, San Francisco, CA., 1989) and is the most common cause of paralysis in children (Wenger, B.L., Kaye, H.S. and LaPlante, M.P., op. cit., 1996). The reported prevalence of CP in the U.S. is two per thousand and the incidence is approximately one per thousand live births (Turk, M.A., ''Early development-related conditions,'' *Assessing Medical Rehabilitation Practices: The Promise of Outcomes Research,* Marcus J. Fuhrer, ed., pgs. 371–372, 1997). Individuals with CP typically have abnormal muscle tone, muscle weakness, primitive reflexes, or uncoordinated movements requiring seating and orthotic interventions for postural control and alignment (Cook, A.M. and Hussy, S.M., *Assistive Technologies: Principles and Practice,* Mosby, St. Louis, pg. 237, 1995). Spina bifida is a congenital anomaly in which the neural tube that forms the spinal cord does not fully develop, leading to a number of lower extremity problems, including muscle paralysis, hip dislocations, knee hypertension, and club feet. The reported incidence of spina bifida is between 0.5 and 1 per thousand (Turk, M.A., op. cit., pgs. 378–379, 1997).

The most common management strategy for motor impairments caused by cerebral palsy and spina bifida is developmental therapy (*i.e.,* physical, occupational, speech and language therapies). However, orthotics, specific spasticity-reducing regimens (Baclofen pumps, botulinum toxin injections), orthopedic surgery, and adaptive equipment also are used in intervention. Orthotics are used on both upper and lower extremities to improve function, to prevent or compensate for anomalies, and to control muscle weakness, spasticity and structural instability. Most orthotic devices (*e.g.,* ankle-foot orthoses) are designed to be rigid. Dynamic orthoses and splints for gait, spasticity and contracture management may have significant application.

Adaptive equipment is used to improve functional independence in mobility, self-care, communication, environmental control, and school activities. There is no definitive study on how to make the best choice among all the options or which improves function the most (Turk, M.A., op. cit., pg. 376, 1997).

Composite materials have much to offer in prosthetic and orthotic design. They are strong, lightweight, and durable. However, these materials require different and more costly manufacturing techniques than those used with traditional materials such as metal and thermoplastics. A problem associated with composite materials is that they are difficult to postform, a process whereby prosthetic or orthotic devices are adjusted slightly during final fittings (White, M., ''Development of an advanced lightweight composite orthosis,'' Presented at ASM International—Aeromat 1992, New Trends in Advanced Composites, Anaheim, CA., May 20, 1992).

Leisure time is critical to a child's well-being and development. Play is one means for children to master developmental tasks and learn important behavioral and social skills. The ability to interact effectively with the environment through play can affect a child's self-esteem, behavior, self-awareness, confidence, and competency (Masten, A.S., ''The development of competence in favorable and unfavorable environments: Lessons from research on successful children,'' *American Psychologist,* vol. 53, pgs. 205–220, 1998). Children with disabilities, including those with amputations, cerebral palsy and spina bifida, encounter many challenges in their attempts to engage in learning and play activities. Often sensory and motor impairments severely limit the degree to which they are able to negotiate their environment and interact with others. Facilitating play for these children involves adapting the environment and providing appropriate technologies that will enhance interactive play and social skill development. The product market is challenged to meet the demands of millions of children with disabilities and their families who need alternative strategies in order to engage in recreation and social activities.

Priority 3

The Assistant Secretary will establish a RERC on technologies for children with orthopedic disabilities to identify and develop technologies that will help children with orthopedic disabilities to overcome functional deficits and to support their ability to learn, play and interact socially. The RERC must:

(1) Develop and evaluate new, lightweight upper and lower limb prosthetic and orthotic devices for children;

(2) Investigate the use of dynamic orthoses for controlling spasticity and contractures for children with orthopedic impairments including those with cerebral palsy and spina bifida;

(3) Identify, develop, and evaluate models for determining when during children's development to introduce assistive technologies and prosthetic and orthotic devices;

(4) Investigate, develop, and evaluate technologies, and strategies for their use, that will enable young children, including children with cerebral palsy and spina bifida, to participate in interactive play and socialization activities; and

(5) Develop and implement, in consultation with the NIDRR-funded RERC on Technology Transfer, a

utilization plan for ensuring that all new and improved technologies developed by this RERC are successfully transferred to the marketplace.

In carrying out the above required activities, the RERC must:

- Develop and implement, during the first year of the grant and in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to effectively disseminate the RERC's research outcomes to all appropriate target audiences including: clinicians, engineers, manufacturers, individuals with disabilities, families, disability organizations, technology service providers, businesses, and journals;
- In the third year of the grant, conduct a state-of-the-science conference on technologies for children with orthopedic disabilities and publish a comprehensive report in the fourth year of the grant;
- Collaborate on research projects of mutual interest with the RERC on Prosthetics and Orthotics, the RERC on Wheeled Mobility, and the RRTC on Children with Special Health Care Needs; and
- Address the needs of children with orthopedic disabilities from minority backgrounds and cultures.

Final Additional Selection Criterion

The Assistant Secretary will use the selection criteria in 34 CFR 350.54 to evaluate applications under this program. The maximum score for all the criteria is 100 points; however, the Assistant Secretary also will use the following criterion so that up to an additional ten points may be earned by an applicant for a total possible score of 110 points:

Within these absolute priorities, we will give the following competitive preference to applications that are otherwise eligible for funding under these priorities:

Up to ten (10) points based on the extent to which an application includes effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under these absolute priorities. In determining the effectiveness of those strategies, we will consider the applicant's success, as described in the application, in employing and advancing in employment qualified individuals with disabilities in the project.

For purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for these priorities. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

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Applicable Program Regulations: 34 CFR Part 350.

Program Authority: 29 U.S.C. 760–762.

(Catalog of Federal Domestic Assistance Number 84.133N, Model Spinal Cord Injury Centers and 84.133E, Rehabilitation Engineering Research Centers)

Dated: March 8, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–6140 Filed 3–15–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.133N and 84.133E]

Office of Special Education and Rehabilitative Services, National Institute on Disability and Rehabilitation Research, Notice Inviting Applications for New Model Spinal Cord Injury Centers and New Rehabilitation Engineering Research Centers for Fiscal Year 2000

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the programs and applicable regulations governing the programs, including the Education Department General Administrative Regulations (EDGAR), this notice contains information, application forms, and instructions needed to apply for a grant under these competitions.

These programs support the National Education Goal that calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The estimated funding levels in this notice do not bind the Department of Education to make awards in any of these categories, or to any specific number of awards or funding levels, unless otherwise specified in statute.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 80, 81, 82, 85, and 86; Disability and Rehabilitation Research Projects and Centers—34 CFR Part 350, and the Notice of Final Priority published elsewhere in this issue of the **Federal Register**.

Rehabilitation Engineering Research Centers in Subpart D; and Disability and Rehabilitation Research Special Projects and Demonstrations for Model Spinal Cord Injury—34 CFR Part 359 and the Notice of Final Priorities published elsewhere in this issue of the **Federal Register**.

Pre-Application Meetings: Interested parties are invited to participate in a pre-application meeting to discuss the funding priority for a RERC on Low Vision and Blindness and a Technologies for Children with Orthopedic Disabilities and to receive technical assistance through individual consultation and information about the funding priorities. The pre-application meeting will be held on April 4, 2000.

A pre-application meeting for the Model Spinal Cord Injury Centers will be held on April 5, 2000 at the Department of Education, Office of Special Education and Rehabilitative Services, Switzer Building, Room 3065, 330 C St. SW, Washington, DC between 10:00 a.m. and 12:00 a.m. NIDRR staff will also be available at this location from 1:30 p.m. to 5:00 p.m. on that same day to provide technical assistance through individual consultation and information about the funding priorities. NIDRR will make alternate arrangements to accommodate interested parties who are unable to attend the pre-application meeting in person. For further information contact William Peterson, Switzer Building, room 3425, 400 Maryland Avenue, SW, Washington, DC 20202. Telephone (202) 205–9192, or Joel Myklebust, Switzer Building, room 3042, 400 Maryland Avenue, SW, Washington, DC 20202. Telephone (202) 401–2071. If you use a Telecommunication Device for the Deaf (TDD), you may call (202) 205–4475.

Assistance to Individuals With Disabilities at the Public Meetings

The meeting site is accessible to individuals with disabilities, and a sign

language interpreter will be available. If you need an auxiliary aid or service other than a sign language interpreter in order to participate in the meeting (e.g. other interpreting service such as oral, cued speech, or tactile interpreter; assistive listening device; or materials in alternate format), notify the contact person listed in this Notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request we receive after this date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

APPLICATION NOTICE FOR FISCAL YEAR 2000, MODEL SPINAL CORD INJURY CENTERS—CFDA NO.84–133N

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Award amount (per year)*	Project Period (months)
Model Spinal Cord Injury Centers	60 Days, May 12, 2000	15	$300,000–$375,000	60

*Note: The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount per year (See 34 CFR 75.104(b)).

Program Title: Model Spinal Cord Injury Centers.

CFDA Number: 84.133N.

Purpose of Program: Model SCI Centers provide assistance to establish innovative projects for the delivery, demonstration, and evaluation of comprehensive medical, vocational, and other rehabilitation services to meet the wide range of needs of individuals with SCI.

Eligible Applicants: Parties eligible to apply for grants under this program are States, public or private agencies, including for-profit agencies, public or private organizations, including for-profit organizations, institutions of higher education, and Indian tribes and tribal organizations.

Projects will be funded at varying amounts up to the maximum allowed based on individual factors in proposals. Proposed budgets should reflect costs associated with data collection, proposed research, and administration. Funding will be determined individually for each successful applicant up to the maximum allowed based upon 6 documented workload, the peer review process, and overall budgetary limits of the program.

Final Selection Criterion

The Assistant Secretary will use these selection criteria to evaluate applications under this program. The maximum score for all the criteria is 100 points; however, the Assistant Secretary also will use the following criterion so that up to an additional ten points may be earned by an applicant for a total possible score of 110 points:

The new emphasis on research and NIDRR's Plan, plus the importance of the NSCID, require some modifications to the selection criteria for this program. The Secretary will redistribute points to reflect the increased emphasis on research, and to add references to the Plan and NSCID.

(a) *Research Project design* (30 points). The Secretary reviews each application to determine to what degree—

(1) There is a clear description of how the objectives of the project relate to the purpose of the program and the Plan;

(2) The research is likely to produce new and useful information;

(3) The need and target population are adequately defined and are sufficient for meaningful research and demonstration;

(4) The outcomes are likely to benefit the defined target population;

(5) The research hypotheses are sound; and

(6) The research methodology is sound in the sample design and selection, the data collection plan, the measurement instruments, and the data analysis plan.

(b) *Service comprehensiveness* (20 points). The Secretary reviews each application to determine to what degree—

(1) The services to be provided within the project are comprehensive in scope, and include emergency medical services, intensive and acute medical care, rehabilitation management, psychosocial and community reintegration, and follow up;

(2) A broad range of vocational and other rehabilitation services will be available to individuals with severe disabilities within the project; and

(3) Services will be coordinated with those services provided by other appropriate community resources.

(c) *Plan of operation* (10 points). The Secretary reviews each application to determine to what degree—

(1) There is an effective plan of operation that ensures proper and efficient administration of the project;

(2) The applicant's planned use of its resources and personnel is likely to achieve each objective;

(3) Collaboration between institutions, if proposed, is likely to be effective;

(4) Participation in the National Spinal Cord Injury Database is clearly and adequately described; and

(5) There is a clear description of how the applicant will include eligible project participants who have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Individuals with disabilities; and

(iv) The elderly.

(d) *Quality of key personnel* (10 points). The Secretary reviews each application to determine to what degree—

(1) The principal investigator and other key staff have adequate training or experience, or both, in spinal cord injury care and rehabilitation and demonstrate appropriate potential to conduct the proposed research, demonstration, training, development, or dissemination activity;

(2) The principal investigator and other key staff are familiar with pertinent literature or methods, or both;

(3) All the disciplines necessary to establish the multidisciplinary system described in § 359.11(a) are effectively represented;

(4) Commitments of staff time are adequate for the project; and

(5) The applicant is likely, as part of its non-discriminatory employment practices, to encourage applications for employment from persons who are members of groups that traditionally have been underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Individuals with disabilities; and

(iv) The elderly.

(e) *Adequacy of resources* (5 points). The Secretary reviews each application to determine to what degree—

(1) The facilities planned for use are adequate;

(2) The equipment and supplies planned for use are adequate; and

(3) The commitment of the applicant to provide administrative and other necessary support is evident.

(f) *Budget/cost effectiveness* (5 points). The Secretary reviews each application to determine to what degree—

(1) The budget for the project is adequate to support the activities;

(2) The costs are reasonable in relation to the objectives of the project; and

(3) The budget for subcontracts (if required) is detailed and appropriate.

(g) *Dissemination/utilization* (10 points). The Secretary reviews each application to determine to what degree—

(1) There is a clearly defined plan for dissemination and utilization of project findings;

(2) The research results are likely to become available to others working in the field;

(3) The means to disseminate and promote utilization by others are defined; and

(4) The utilization approach is likely to address the defined need.

(h) *Evaluation plan* (10 points). The Secretary reviews each application to determine to what degree—

(1) There is a mechanism to evaluate plans, progress, and results;

(2) The evaluation methods and objectives are likely to produce data that are quantifiable; and

(3) The evaluation results, where relevant, are likely to be assessed in a service setting.

Final Additional Selection Criterion

Within the absolute priority (see the notice of final priority published elsewhere in this issue of the **Federal Register**), we will give the following competitive preference to applications that are otherwise eligible for funding under this priority:

Up to ten (10) points based on the extent to which an application includes effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under this absolute priority. In determining the effectiveness of those strategies, we will consider the applicant's success, as described in the application, in employing and advancing in employment qualified individuals with disabilities in the project.

For purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for this priority. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

APPLICATION NOTICE FOR FISCAL YEAR 2000, REHABILITATION ENGINEERING RESEARCH CENTERS—CFDA NO. 84–133E

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year) *	Project period (months)
84.133E–1, Low Vision and Blindness	May 12, 2000	1	$650,000	60
84.133E–3, Technologies for Children with Orthopedic Disabilities	May 12, 2000	1	650,000	60

*Note: The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount per year (See 34 CFR 75.104(b)).

Program Title: Rehabilitation Engineering Research Centers (RERCs).

CFDA Number: 84.133E.

Purpose of Program: RERCs conduct research, demonstration, and training activities regarding rehabilitation technology—including rehabilitation engineering, assistive technology devices, and assistive technology services, in order to enhance the opportunities to better meet the needs of, and address the barriers confronted by, individuals with disabilities in all aspects of their lives.

Eligible Applicants: Parties eligible to apply for grants under this program are States, public or private agencies, including for-profit agencies, public or private organizations, including for-profit organizations, institutions of higher education, and Indian tribes and tribal organizations.

Selection Criteria: The Assistant Secretary uses the following selection criteria to evaluate applications for RERCs on Engineering for Low Vision and Blindness and Technologies for Children with Orthopedic Disabilities. (See section 350.54). The maximum score for all the criteria is 100 points.

(a) *Importance of the problem (8 points total).* (1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the following factors:

(i) The extent to which the applicant clearly describes the need and target population (3 points).

(ii) The extent to which the proposed activities address a significant need of rehabilitation service providers (2 points).

(iii) The extent to which the proposed project will have beneficial impact on the target population (3 points).

(b) *Responsiveness to an absolute or competitive priority (4 points total).* (1) The Secretary considers the responsiveness of the application to an absolute or competitive priority published in the **Federal Register**.

(2) In determining the application's responsiveness to the absolute or competitive priority, the Secretary considers the following factors:

(i) The extent to which the applicant addresses all requirements of the absolute or competitive priority (2 points).

(ii) The extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority (2 points).

(c) *Design of research activities (20 points total).* (1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art (4 points).

(ii) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of the current literature, demonstrating knowledge of the state-of-the-art (3 points);

(B) Each research hypothesis is theoretically sound and based on current knowledge (3 points);

(C) Each sample population is appropriate and of sufficient size (3 points);

(D) The data collection and measurement techniques are appropriate and likely to be effective (3 points); and

(E) The data analysis methods are appropriate (4 points).

(d) *Design of development activities (20 points total).* (1) The Secretary considers the extent to which the design of development activities is likely to be effective in accomplishing the objectives of the project.

(2) (i) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors—

(ii) The extent to which the plan for development, clinical testing, and evaluation of new devices and technology is likely to yield significant products or techniques, including consideration of the extent to which—

(A) The proposed project will use the most effective and appropriate technology available in developing the new device or technique (3 points);

(B) The proposed development is based on a sound conceptual model that demonstrates an awareness of the state-of-the-art in technology (4 points);

(C) The new device or technique will be developed and tested in an appropriate environment (3 points);

(D) The new device or technique is likely to be cost-effective and useful (3 points);

(E) The new device or technique has the potential for commercial or private manufacture, marketing, and distribution of the product (4 points); and

(F) The proposed development efforts include adequate quality controls and, as appropriate, repeated testing of products (3 points).

(e) *Design of training activities (4 points total).* (1) The Secretary considers the extent to which the design of training activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the extent to which the type, extent, and quality of the proposed clinical and laboratory research experience, including the opportunity to participate in advanced-level research, are likely to develop highly qualified researchers (4 points).

(f) *Design of dissemination activities (4 points total).* (1) The Secretary considers the extent to which the design of dissemination activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the materials to be disseminated are likely to be effective and usable, including consideration of their quality, clarity, variety, and format (2 points).

(ii) The extent to which the information to be disseminated will be accessible to individuals with disabilities (2 point).

(g) *Design of utilization activities (4 points total).* (1) The Secretary considers the extent to which the design of utilization activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the extent to which the potential new users of the information or technology have a practical use for the information and are likely to adopt the practices or use the information or technology, including new devices (4 points).

(h) *Design of technical assistance activities (2 points total).* (1) The Secretary considers the extent to which the design of technical assistance activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the extent to which the methods for providing technical assistance are of sufficient quality, intensity, and duration (2 points).

(i) *Plan of operation (4 points total).* (1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the following factors:

(i) The adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, and timelines for accomplishing project tasks (2 points).

(ii) The adequacy of the plan of operation to provide for using resources, equipment, and personnel to achieve each objective (2 points).

(j) *Collaboration (4 points total).* (1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers the following factors:

(i) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant (2 points).

(ii) The extent to which agencies, organizations, or institutions that commit to collaborate with the applicant have the capacity to carry out collaborative activities (2 points).

(k) *Adequacy and reasonableness of the budget (4 points total).* (1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (2 point).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (2 points).

(l) *Plan of evaluation (9 points total).* (1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the extent to which the plan of evaluation provides for periodic assessment of a project's progress that is based on identified performance measures that—

(i) Are clearly related to the intended outcomes of the project and expected impacts on the target population (5 points); and

(ii) Are objective, and quantifiable or qualitative, as appropriate (4 points).

(m) *Project staff (9 points total).* (1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, 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 (1 point).

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (2 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (2 points).

(iii) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas (2 points).

(iv) The extent to which the project staff includes outstanding scientists in the field (2 points).

(n) *Adequacy and accessibility of resources (4 points total).* (1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (2 points).

(ii) The extent to which the applicant has appropriate access to clinical populations and organizations representing individuals with disabilities to support advanced clinical rehabilitation research (1 point).

(iii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (1 point).

Final Additional Selection Criteria

Within this absolute priority, we will give the following competitive preference to applications that are otherwise eligible for funding under the notice of final priorities published elsewhere in this issue of the **Federal Register:**

Up to ten (10) points based on the extent to which an application includes effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under these absolute priorities. In determining the effectiveness of those strategies, we will consider the applicant's success, as described in the application, in employing and advancing in employment qualified individuals with disabilities in the project.

For purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for these priorities. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Instructions for Application Narrative

The Assistant Secretary strongly recommends the following:

(a) A one-page abstract;

(b) An Application Narrative (i.e., Part III that addresses the selection criteria that will be used by reviewers in evaluating individual proposals) of no more than 125 pages double-spaced (no more than 3 lines per vertical inch) 8½″x 11″pages (on one side only) with one inch margins (top, bottom, and sides). The application narrative page limit recommendation does not apply to: Part I—the electronically scannable form; Part II—the budget section (including the narrative budget justification); and Part IV—the assurances and certifications; and

(c) A font no smaller than a 12-point font and an average character density no greater than 14 characters per inch.

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 # [Applicant must insert number and letter]), Washington, DC 20202–4725, or

(2) Hand deliver or express mail the original and two copies of the application by 4:30 p.m. [Washington, DC time] on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # [Applicant must insert number and letter]), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC 20202.

(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 Assistant 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) An applicant wishing to know that its application has been received by the Department must include with the application a stamped self-addressed postcard containing the CFDA number and title of this program.

(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 letter, if any—of the competition under which the application is being submitted.

Application Forms and Instructions

The appendix to this application is divided into four parts. These parts are organized in the same manner that the submitted application should be organized. These parts are as follows:

PART I: Application for Federal Assistance (Standard Form 424 (Rev. 1/12/1999) and instructions.

PART II: Budget Form—Non-Construction Programs (Standard Form 524A) and instructions.

PART III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters: and Drug-Free Work-Place Requirements (ED Form 80–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014) and instructions. (NOTE: ED Form GCS–014 is intended for the use of primary participants and should not be transmitted to the Department.)

Certification of Eligibility for Federal Assistance in Certain Programs (ED Form 80–0016).

Disclosure of Lobbying Activities (Standard Form LLL (if applicable) and instructions; and Disclosure Lobbying Activities Continuation Sheet (Standard Form LLL–A).

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.* No grant may be awarded unless a completed application form has been received.

For Applications Contact: The Grants and Contracts Service Team (GCST), Department of Education, 400 Maryland Avenue S.W., room 3317, Switzer Building, Washington, D.C., (202) 205–8207. Individuals who use a Telecommunications Device for the Deaf (TDD) may call the TDD number at (202) 205–9860. The preferred method for requesting information is to FAX your request to (202) 205–8717.

Individuals with disabilities may obtain a copy of the application package in an alternate format by contacting the GCST. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, S.W., room 3414, Switzer Building, Washington, D.C. 20202–2645. Telephone: (202) 205–5880 or TDD (202) 205–4475. Internet: Donna Nangle@ed.gov

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

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

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the preceding 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, DC, area at (202) 512–1530.

Note: The official version of 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 Numbers: 84.133N, Special Projects and Demonstrations for Spinal Cord Injuries and 84.133E, Rehabilitation Engineering Research Centers)

Program Authority: 29 U.S.C. 760–762.

Dated: March 8, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

Appendix—Application Forms and Instructions

Applicants are advised to reproduce and complete the application forms in this Section. Applicants are required to submit an original and two copies of each application as provided in this Section. However, applicants are encouraged to submit an original and seven copies of each application in order to facilitate the peer review process and minimize copying errors.

Frequent Questions

1. Can I Get an Extension of the Due Date?

No. On rare occasions the Department of Education may extend a closing date for all applicants. If that occurs, a notice of the revised due date is published in the **Federal Register**. However, there are no extensions or exceptions to the due date made for individual applicants.

2. What Should Be Included in the Application?

The application should include a project narrative, vitae of key personnel, and a budget, as well as the Assurances forms included in this package. Vitae of staff or consultants should include the individual's title and role in the proposed project, and other information that is specifically pertinent to this proposed project. The budgets for both the first year and all subsequent project years should be included.

If collaboration with another organization is involved in the proposed activity, the application should include assurances of participation by the other parties, including written agreements or assurances of cooperation. It is not useful to include general letters of support or endorsement in the application.

If the applicant proposes to use unique tests or other measurement instruments that are not widely known in the field, it would be helpful to include the instrument in the application.

Many applications contain voluminous appendices that are not helpful and in many cases cannot even be mailed to the reviewers. It is generally not helpful to include such things as brochures, general capability statements of collaborating organizations, maps, copies of publications, or descriptions of other projects completed by the applicant.

3. What Format Should Be Used for the Application?

NIDRR generally advises applicants that they may organize the application to follow the selection criteria that will be used. The specific review criteria vary according to the specific program, and are contained in this Consolidated Application Package.

4. May I Submit Applications to More Than One NIDRR Program Competition or More Than One Application to a Program?

Yes. You may submit applications to any program for which they are responsive to the program requirements. You may submit the same application to as many competitions as you believe appropriate. You may also submit more than one application in any given competition.

5. What Is the Allowable Indirect Cost Rate?

The limits on indirect costs vary according to the program and the type of application. An applicant for a Rehabilitation Research Project should limit indirect charges to the organizations approved indirect cost rate. If the organization does not have an approved indirect cost rate, the application should include an estimated actual rate.

6. Can Profitmaking Businesses Apply for Grants?

Yes. However, for-profit organizations will not be able to collect a fee or profit on the grant, and in some programs will be required to share in the costs of the project.

7. Can Individuals Apply for Grants?

No. Only organizations are eligible to apply for *grants* under NIDRR programs. However, individuals are the only entities eligible to apply for fellowships.

8. Can NIDRR Staff Advise Me Whether My Project Is of Interest to NIDRR or Likely To Be Funded?

No. NIDRR staff can advise you of the requirements of the program in which you propose to submit your application. However, staff cannot advise you of whether your subject area or proposed approach is likely to receive approval.

9. How Do I Assure That My Application Will Be Referred to the Most Appropriate Panel for Review?

Applicants should be sure that their applications are referred to the correct competition by clearly including the competition title and CFDA number, including alphabetical code, on the Standard Form 424, and including a project title that describes the project.

10. How Soon After Submitting My Application Can I Find Out if It Will Be Funded?

The time from closing date to grant award date varies from program to program. Generally speaking, NIDRR endeavors to have awards made within five to six months of the closing date. Unsuccessful applicants generally will be notified within that time frame as well. For the purpose of estimating a project start date, the applicant should estimate approximately six months from the closing date, but no later than the following September 30.

11. Can I Call NIDRR To Find Out if My Application Is Being Funded?

No. When NIDRR is able to release information on the status of grant applications, it will notify applicants by letter. The results of the peer review cannot be released except through this formal notification.

12. If My Application is Successful, Can I Assume I Will Get the Requested Budget Amount in Subsequent Years?

No. Funding in subsequent years is subject to availability of funds and project performance.

13. Will All Approved Applications Be Funded?

No. It often happens that the peer review panels approve for funding more applications than NIDRR can fund within available resources. Applicants who are approved but not funded are encouraged to consider submitting similar applications in future competitions.

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

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.)

Title:

7. Type of Applicant *(Enter appropriate letter in the box.)*

A State
B County
C Municipal
D Township
E Interstate
F Intermunicipal
G Special District
H Independent School District
I Public College or University
J Private, Non-Profit College or University
K Indian Tribe
L Individual
M Private, Profit-Making Organization
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.

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

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

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.

ESTIMATED PUBLIC REPORTING BURDEN

Public reporting burden for these collections of information is estimated to average 30 hours per response, including the 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 this burden estimate or any other aspect of these collections 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 to the Office of Management and Budget, Paperwork Reduction Project 1820-0027, Washington, D.C. 20503.

Model Spinal Cord Injury Centers (CFDA No. 84.133N) 34 CFR Part 359.

Rehabilitation Engineering Research Center (CFDA No. 84.133E) 34 CFR Part 350.

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

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)

Certification of Eligibility for Federal Assistance in Certain Programs

I understand that 34 CFR 75.60, 75.61, and 75.62 require that I make specific certifications of eligibility to the U.S. Department of Education as a condition of applying for Federal funds in certain programs and that these requirements are in addition to any other eligibility requirements that the U.S. Department of Education imposes under program regulations. Under 34 CFR 75.60 – 75.62:

I. I certify that

A. I do not owe a debt, or I am current in repaying a debt, or I am not in default (as that term is used at 34 CFR Part 668) on a debt:

1. To the Federal Government under a nonprocurement transaction (e.g., a previous loan, scholarship, grant, or cooperative agreement); or

2. For a fellowship, scholarship, stipend, discretionary grant, or loan in any program of the U.S. Department of Education that is subject to 34 CFR 75.60, 75.61, and 75.62, including:

- Federal Pell Grant Program (20 U.S.C. 1070a, et seq.);
- Federal Supplemental Educational Opportunity Grant (SEOG) Program (20 U.S.C. 1070(b), et seq.):
- State Student Incentive Grant Program (SSIG) 20 U.S.C. 1070c, et seq.);
- Federal Perkins Loan Program (20 U.S.C. 1087aa, et seq.);
- Income Contingent Direct Loan Demonstration Project (20 U.S.C. 1087a, note);
- Federal Stafford Loan Program, Federal Supplemental Loans for Students [SLS], Federal PLUS, or Federal Consolidation Loan Program (20 U.S.C. 1071, et seq.);
- Cuban Student Loan Program (20 U.S.C. 2601, et seq.);
- Robert C. Byrd Honors Scholarship Program (20 U.S.C. 1070d-31, et seq.);
- Jacob K. Javits Fellows Program (20 U.S.C. 1134h-1134l);
- Patricia Roberts Harris Fellowship Program (20 U.S.C. 1134d-1134g);
- Christa McAuliffe Fellowship Program (20 U.S.C. 1105-1105i);
- Bilingual Education Fellowship Program (20 U.S.C. 3221-3262);
- Rehabilitation Long-Term Training Program (29 U.S.C. 774(b));
- Paul Douglas Teacher Scholarship Program (20 U.S.C. 1104, et seq.);
- Law Enforcement Education Program (42 U.S.C. 3775);
- Indian Fellowship Program (29 U.S.C. 774(b));

OR

B. I have made arrangements satisfactory to the U.S. Department of Education to repay a debt as described in A.1. or A.2. (above) on which I had not been current in repaying or on which I was in default (as that term is used in 34 CFR Part 668).

II. I certify also that I have not been declared by a judge, as a condition of sentencing under section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862), ineligible to receive Federal assistance for the period of this requested funding.

I understand that providing a false certification to any of the statements above makes me liable for repayment to the U.S. Department of Education for funds received on the basis of this certification, for civil penalties, and for criminal prosecution under 18 U.S.C. 1001.

_____ _____

(Signature) (Date)

_____

(Typed or Printed Name)

Name or number of the USDE program under which this certification is being made: _____

ED 80-0016 (9/92)

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.

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

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:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	**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 that $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; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

[FR Doc. 00–6141 Filed 3–15–00; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Thursday
March 16, 2000

Part III

Department of Defense

48 CFR Ch. 2

Defense Federal Acquisition Regulation Supplement; Technical Amendments to Update Activity Names and Addresses; Technical Amendments; Federal Prison Industries Waiver Threshold; Cargo Preference-Subcontracts for Commercial Items; Construction and Service Contracts in Noncontiguous States; Final Rules

DEPARTMENT OF DEFENSE

48 CFR Chapter 2

Defense Federal Acquisition Regulation Supplement; Technical Amendments to Update Activity Names and Addresses

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Acting Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement to update names and addresses of DoD activities.

EFFECTIVE DATE: March 16, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD(AT&L)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–4245; telefax (703) 602–0350.

List of Subjects in 48 CFR Chapter 2

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Appendix G to Chapter 2 is amended as follows:

1. The authority citation for 48 CFR Appendix G to Chapter 2 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

Appendix G—Activity Address Numbers

2. Appendix G to Chapter 2 is amended by revising Parts 2 through 10, adding Part 11, and revising Parts 12 through 14 to read as follows:

Appendix G—Activity Address Numbers

* * * * *

Part 2—Army Activity Address Numbers

DAAA03, B1 Pine Bluff Arsenal, ATTN: SIOPB–PO, 10020 Kabrich Circle, Pine Bluff, AR 71602–9500

DAAA08, B7 Rock Island Arsenal, ATTN: SIORI–CT, Rock Island, IL 61299–5000

DAAA09, BA U.S. Army Industrial Operations Command, ATTN: AMSIO–ACS, Rock Island, IL 61299–6000

DAAA10, 9X Blue Grass Army Depot Procurement Office, Building S–14, ATTN: SIOBG–PO 2091 Kingston Highway, Richmond, KY 40475–5115

DAAA12, ZM Sierra Army Depot, Building 74, Herlong, CA 96113–5009

DAAA14, BK Tooele Army Depot, Contracting Office, ATTN: SIOTE–CD, Building S–9, Tooele, UT 84074–0839

DAAA22, BV Watervliet Arsenal, ATTN: SIOWV–PQP, Building 10, Watervliet, NY 12189–4050

DAAA31, GJ McAlester Army Ammunition Plant, ATTN: SIOMC–PC 1 C Tree Road, McAlester, OK 74501–9002

DAAA32, 0P Crane Army Ammunition Activity ATTN: SIOCN–CT 300 Highway 361, Crane, IN 47522–5099

DAAA33 U.S. Army Combat Equipment Group-Asia 103 Guidance Road, Goose Creek, SC 29445–6060

DAAA34 Seneca Army Depot Activity, ATTN: SIOSE–IR 5786 State Route 96, Building 115, Romulus, NY 14541–5001

DAAB07, BG U.S. Army Communications-Electronics Command, CECOM Acquisition Center, ATTN: AMSEL–AC–CC–D–B, Building 1208, Fort Monmouth, NJ 07703–5008

DAAB08, 2V U.S. Army Communications-Electronics Command, CECOM Acquisition Center, ATTN: AMSEL–AC–CC–RT–S, Building 1208, Fort Monmouth, NJ 07703–5008

DAAB11, D0 U.S. Army Communications-Electronics Command, CECOM Acquisition Center Washington, ATTN: AMSEL–AC–W (Vint Hill Operations), 2461 Eisenhower Avenue, Alexandria, VA 22331–0700

DAAB15, BD U.S. Army Communications-Electronics Command, CECOM Acquisition Center Washington, ATTN: AMSEL–AC–W 2461 Eisenhower Avenue, Alexandria, VA 22331–0700

DAAB17, ZS U.S. Army Communications-Electronics Command, Tobyhanna Depot Contracting Office, ATTN: AMSEL–TY–KO 11 Hap Arnold Boulevard, Tobyhanna, PA 18466–5100,

DAAB18, E4 U.S. Army Communications-Electronics Command, Technology Applications Office, ATTN: AMSEL–DSA–TA 1671 Nelson Street, Fort Detrick, MD 21702–5004

DAAB22, E7 U.S. Army Communications-Electronics Command, APM–European Switched Systems, ATTN: AMSEL–DSA–SWE, CMR 421, Box 651, APO AE 09056–3104,

DAAB32, Y6 U.S. Army Communications-Electronics Command, Southwest Operations Office, ATTN: AMSEL–AC–CC–S, Building 61801, Room 3212, Fort Huachuca, AZ 85613–6000

DAAD01, B5 U.S. Army Materiel Command Acquisition Center, Yuma Proving Ground Office, ATTN: STEAA–CD–Y, Building 2100, Ocotilla Street, Yuma, AZ 85365–9106,

DAAD05, BM U.S. Army Materiel Command Acquisition Center, APG Contracting Division, Aberdeen Branch, ATTN: STEAA–AP–A 4118 Susquehanna Avenue, Aberdeen Proving Ground, MD 21005–3013

DAAD07, BN U.S. Army Materiel Command Acquisition Center, White Sands Missile Range Contract Division, ATTN: STEAA–WS, Building 126 West, Crozier Street, White Sands Missile Range, NM 88002–5201

DAAD09, BP U.S. Army Materiel Command Acquisition Center, Dugway Proving Ground Office, ATTN: STEAA–DP, 5330 Valdez Circle, Dugway, UT 84022–5000

DAAD11, B2 U.S. Army Materiel Command Acquisition Center, Rocky Mountain Arsenal Office, ATTN: STEAA–RM, 72nd and Quebec Streets, Commerce City, CO 80022–1748

DAAD13, ZU U.S. Army Materiel Command Acquisition Center, APG Contracting Division, Edgewood Branch, ATTN: STEAA–AP–E, 5183 Blackhawk Road, Aberdeen Proving Ground, MD 21010–5424

DAAD15, BB U.S. Army Materiel Command Acquisition Center, Natick Contracting Division, ATTN: AMSSB–ACN–M, Building 1, Kansas Street, Natick, MA 01760–5011

DAAD16, C5 U.S. Army Materiel Command Acquisition Center, Natick Contracting Division (R&D and BaseOps), ATTN: AMSSB–ACN–S, Building 1, Kansas Street, Natick, MA 01760–5011

DAAD17, 1Y U.S. Army Materiel Command Acquisition Center, Army Research Laboratory Contracting Division, ATTN: STEAA–AR, 2800 Powder Mill Road, Adelphi, MD 20783–1197

DAAD19,YU U.S. Army Materiel Command Acquisition Center, Army Research Laboratory Contracting Division, ATTN: STEAA–AO, PO Box 12211 Research Triangle Park, NC 27709–2211

DAAE07, BR TACOM—Warren, Corporate Contracting, ATTN: AMSTA–CM–C, E Eleven Mile Road, Warren, MI 48397–5000

DAAE20, DG TACOM—Rock Island, ATTN: AMSTA–CM–CR, Rock Island Arsenal, Rock Island, IL 61299–7630

DAAE24, BH TACOM—Anniston, Directorate of Contracting, ATTN: AMSTA–AN–CT, 7 Frankford Avenue, Building 221, Anniston, AL 36201–4199

DAAE30, 2T TACOM—Picatinny, Corporate Contracting Directorate, ATTN: AMST–CM–CP, Building 9, Picatinny Arsenal, NJ 07806–5000

DAAE32, D7 TACOM—Texarkana, ATTN: AMSTA–RR–P, 100 Main Drive, Building 110, Texarkana, TX 75507–5000

DAAG60, G8 United States Military Academy, Directorate of Contracting, ATTN: MADC, Building 681, West Point, NY 10996–1594

DAAG99, ZY U.S. Army Program Manager-SANG, ATTN: AMCPM–NGA, Unit 61304, APO AE 09803–1304

DAAH01, CC U.S. Army Aviation and Missile Command, ATTN: AMSAM–AC, Building 5303, Martin Road, Redstone Arsenal, AL 35898–5280

DAAH03, D8 U.S. Army Aviation and Missile Command, ATTN: AMSAM–AC, Building 5303, Martin Road, Redstone Arsenal, AL 35898–5280

DAAH10, D9 Aviation Applied Technology Directorate, AMCOM RDEC (Provisional), ATTN: AMSAM–RD–AA–C, Building 401, Lee Boulevard, Fort Eustis, VA 23604–5577

DAAH11, 0V U.S. Army Aviation and Missile Command, Charles Melvin Price Support Center, ATTN: AMSAM–AC–SS–BB, 100 First Street, Room 200, Granite City, IL 62040–1801

DAAH12, ZF IAS21WG, AMCOM RDEC (Provisional), ATTN: AMSAM–RD–AA–Z–I, Building 401, Lee Boulevard, Fort Eustis, VA 23604–5577

DAAH13, BJ Corpus Christi Army Depot, ATTN: SIOCC–RS–AQ, 308 Crecy Street, Corpus Christi, TX 78419–6170

DAAH 17, ZN Letterkenny Army Depot, ATTN: SIOLE–KO, 1 Overcash Avenue, Chambersburg, PA 17201–4152
DAAH23, BS U.S. Army Aviation and Missile Command, ATTN: AMSAM–AC, Building 5303, Martin Road, Redstone Arsenal, AL 35898–5280
DABT01, F6 U.S. Army Aviation Center, Contracting Office, ATTN: ATZQ–C, Building T–00116, Fort Rucker, AL 36362–5000
DABT02, 2A U.S. Army Chemical and Military Police, Centers and Fort McClellan, ATTN: ATZN–DOC, Building 241–C, Transportation Road, Fort McClellan, AL 36205–5000
DABT10, 2B U.S. Army Infantry Center and Fort Benning, ATTN: ATZB–KT, Building 6, Meloy Hall, Room 207, Fort Benning, GA 31905–5000
DABT11, 2C U.S. Army Signal Center and Fort Gordon, ATTN: ATZH–CT, Building 2102, Fort Gordon, GA 30905–5110
DABT19, 2D U.S. Army Combined Arms Center and Fort Leavenworth, ATTN: ATZL–GCC 600 Thomas Avenue, Fort Leavenworth, KS 66027–1389
DABT23, 2E U.S. Army Armor Center and Fort Knox, ATTN: ATZK–DC, Building 4022, Fort Knox, KY 40121–5000
DABT31, 2F U.S. Army Engineer Center and Fort Leonard Wood, ATTN: ATZT–DOC, Building 606, PO Box 140, Fort Leonard Wood, MO 65473–0140
DABT39, 2H U.S. Army Field Artillery Center and Fort Sill, ATTN: ATZR–Q, Building 1803, PO Box 3501, Fort Sill, OK 73503–0501
DABT43, 2J Carlisle Barracks, ATTN: ATZE–DOC–C, 314 Lovell Avenue, Suite 1, Carlisle Barracks, PA 17013–5072
DABT47, 2K U.S. Army Training Center and Fort Jackson, ATTN: ATZJ–DOC, Building 4340, Magruder Street, Fort Jackson, SC 29207–5491
DABT51, 2L U.S. Army Air Defense Artillery Center and Fort Bliss, ATTN: ATZC–DOC, Building 2021, 1733 Pleasonton Road, Fort Bliss, TX 79916–6816
DABT57, 2N Directorate of Peninsula Contracting, ATTN: ATZF–DPC, Building 2746, Harrison Loop, Fort Eustis, VA 23604–5293
DABT59, 2Q U.S. Army Combined Arms Support, Command and Fort Lee, ATTN: ATZM–DOC, 1830 Quartermaster Road, Fort Lee, VA 23801–1606
DABT60, 1L TRADOC Contracting Activity, ATTN: ATCA, Building 2798, Fort Eustis, VA 23604–5538
DABT61, BF The Judge Advocate General's School, U.S. Army, University of Virginia, ATTN: JAGS–SSL–B 600 Massie Road, Charlottesville, VA 22903–1781
DABT63, BL U.S. Army Intelligence Center and Fort Huachuca, ATTN: ATZS–DK, PO Box 12748, Fort Huachuca, AZ 85670–2748
DABT65, B0 Mission Contracting Activity at Fort Leavenworth, ATTN: ATOB–AL, Room 303, 600 Thomas Avenue, Fort Leavenworth, KS 66027–1389
DABT67, 0Q Commander DLIFLC & POM, ATTN: ATZP–DOC, Building 276, Plummer Street, Presidio of Monterey, CA 93944–5006
DACA01, DACW01, CK U.S. Army Engineer District, Mobile, ATTN: CESAM–CT, PO Box 2288, Mobile, AL 36628–0001
DACA02, DACW02 U.S. Army Corps of Engineers, ATTN: CEPR–ZA, 20 Massachusetts Avenue NW, Washington, DC 20314–1000
DACA03, DACW03, CL U.S. Army Engineer District, Little Rock, ATTN: CESWL–CT, PO Box 867, Little Rock, AR 72203–0867
DACA05, DACW05, CM U.S. Army Engineer District, Sacramento, ATTN: CESPK–CT, 1325 J Street, Sacramento, CA 95814–2922
DACA07, DACW07, CP U.S. Army Engineer District, San Francisco, ATTN: CESPN–CT, 333 Market Street, San Francisco, CA 94105–2195
DACA09, DACW09, CQ U.S. Army Engineer District, Los Angeles, ATTN: CESPL–CT, PO Box 532711, Los Angeles, CA 90053–2325
DACA17, DACW17, CS U.S. Army Engineer District, Jacksonville, ATTN: CESAJ–CT, PO Box 4970, Jacksonville, FL 32232–0019
DACA21, DACW21, CV U.S. Army Engineer District, Savannah, ATTN: CESAS–CT, PO Box 889, Savannah, GA 31402–0889
DACA23, DACW23, CX U.S. Army Engineer District, Chicago, ATTN: CELRC–CT, 111 North Canal Street, Chicago, IL 60606–7206
DACA25, DACW25, CD U.S. Army Engineer District, Rock Island, Clock Tower Building, ATTN: CEMVR–CT, PO Box 2004, Rock Island, IL 61204–2004
DACA27, DACW27, CY U.S. Army Engineer District, Louisville, ATTN: CELRL–CT, PO Box 59, Louisville, KY 40201–0059
DACA29, DACW29, CZ U.S. Army Engineer District, New Orleans, ATTN: CEMVN–CT, PO Box 60267, New Orleans, LA 70160–0267
DACA31, DACW31, DA U.S. Army Engineer District, Baltimore, Contracting Division, ATTN: CENAB–CT, PO Box 1715, Baltimore, MD 21203–1715
DACA33, DACW33, DB U.S. Army Engineer District, New England, ATTN: CENAE–CT, 696 Virginia Road, Concord, MA 01742–2751
DACA35, DACW35, DC U.S. Army Engineer District, Detroit, ATTN: CELRE–CT, PO Box 1027, Detroit, MI 48321–1027
DACA37, DACW37, DD U.S. Army Engineer District, St. Paul, ATTN: CEMVP–CT, 190 Fifth Street East, St. Paul, MN 55101–1638
DACA38, DACW38, DE U.S. Army Engineer District, Vicksburg, ATTN: CEMVK–CT, 4155 Clay Street, Vicksburg, MS 39183–3435
DACA41, DACW41, DH U.S. Army Engineer District, Kansas City, ATTN: CENWK–CT, 700 Federal Building 60l East 12th Street, Kansas City, MO 64106–2896
DACA42, DACW42, DF Vicksburg Consolidated Contracts Office, ATTN: ERDC, 4155 Clay Street, Vicksburg, MS 39183–3435
DACA43, DACW43, DJ U.S. Army Engineer District, St. Louis, ATTN: CEMVS–CT, 1222 Spruce Street, St. Louis, MO 63103–2833
DACA45, DACW45, DK U.S. Army Engineer District, Omaha, ATTN: CENWO–CT, 215 North 17th Street, Omaha, NE 68102–4978
DACA47, DACW47, DM U.S. Army Engineer District, Albuquerque, ATTN: CESPA–CT, 4101 Jefferson Plaza NE, Albuquerque, NM 87109–3435
DACA49, DACW49, DN U.S. Army Engineer District, Buffalo, ATTN: CELRB–CT, 1776 Niagara Street, Buffalo, NY 14207–3199
DACA51, DACW51, CE U.S. Army Engineer District, New York, Contracting Division, ATTN: CENAN–CT, 26 Federal Plaza, New York, NY 10028–0090
DACA54, DACW54, DQ U.S. Army Engineer District, Wilmington, ATTN: CESAW–CT, PO Box 1890, Wilmington, NC 28402–1890
DACA56, DACW56, DS U.S. Army Engineer District, Tulsa, ATTN: CESWT–CT, 1645 South 101st East Avenue, Tulsa, OK 74128–4609
DACA57, DACW57, DT U.S. Army Engineer District, Portland, ATTN: CENWP–CT, PO Box 2946, Portland, OR 97208–2946
DACA59, DACW59, DV U.S. Army Engineer District, Pittsburgh, ATTN: CELRP–CT, 1000 Liberty Avenue, Pittsburgh, PA 15222–4186
DACA60, DACW60, DW U.S. Army Engineer District, Charleston, ATTN: CESAC–CT, PO Box 919, Charleston, SC 29402–0919
DACA61, DACW61, CF U.S. Army Engineer District, Philadelphia, Contracting Division, ATTN: CENAP–CT, 110 Penn Square East, Wanamaker Building, Philadelphia, PA 19107–3390
DACA62, DACW62, DX U.S. Army Engineer District, Nashville ATTN: CELRN–CT, PO Box 1070, Nashville, TN 37202–1070
DACA63, DACW63, DY U.S. Army Engineer District, Fort Worth, ATTN: CESWF–CT, PO Box 17300, Fort Worth, TX 76102–0300
DACA64, DACW64, DZ U.S. Army Engineer District, Galveston, ATTN: CESWG–CT, PO Box 1229, Galveston, TX 77553–1229
DACA65, DACW65, EA U.S. Army Engineer District, Norfolk, ATTN: CENAO–CT, 803 Front Street, Norfolk, VA 23510–1096
DACA66, DACW66, EB U.S. Army Engineer District, Memphis, ATTN: CEMVM–CT, 167 North Main Street, Room B–202, Memphis, TN 38103–1894
DACA67, DACW67, EC U.S. Army Engineer District, Seattle, ATTN: CENWS–CT, PO Box 3755, Seattle, WA 98124–3755
DACA68, DACW68, YW U.S. Army Engineer District, Walla Walla, ATTN: CENWW–CT, 201 North 3rd Avenue,Walla Walla, WA 99362–1876
DACA69, DACW69, CG U.S. Army Engineer District, Huntington, ATTN: CELRH–CT, 502 8th Street, Huntington, WV 25701–2070
DACA72, DACW72, ZA U.S. Army Humphreys Engineer Center Support Activity, ATTN: CEHEC–CT, Kingman Building, Alexandria, VA 22315–3860
DACA75, DACW75, ZC U.S. Army Engineer Ordnance Program Division, ATTN: CETAC–OP–C, APO AE 09803–1303
DACA78, DACW78, 9V Transatlantic Programs Center, ATTN: CETAC–CT 201

Prince Frederick Drive, Winchester, VA 22602–5000
DACA79, DACW79, 2R U.S. Army Engineer District, Japan, ATTN: CEPOJ–CT Unit 45010, APO AP 96338–5010
DACA81, DACW81, CN U.S. Army Engineer District, Far East, ATTN: CEPOF–CT, Unit 15546, APO AP 96205–0610
DACA83, DACW83, ZH U.S. Army Engineer District, Honolulu, ATTN: CEPOH–CT, Building 230, Fort Shafter, HI 96858–5540
DACA85, DACW85, ZJ U.S. Army Engineer District, Alaska, ATTN: CEPOA–CT, PO Box 898, Anchorage, AK 99506–0898
DACA87, DACW87, ZW U.S. Army Engineer and Support Center, Huntsville, ATTN: CEHNC–CT, PO Box 1600, Huntsville, AL 35807–4301
DACA90, DACW90, 2S U.S. Army Engineer District, Europe, ATTN: CENAU–CT, CMR 410, Box 7, APO AE 09096–9401
DADA03, 8W Fitzsimons U.S. Army Garrison, Directorate of Contracting, ATTN: MCHG–DC, 205 McCloskey Avenue, Aurora, CO 80045–5000
DADA08, BT Dwight David Eisenhower Medical Center, Southwest Regional Contracting Office, ATTN: MCAA–SE, 39706 40th Street, Fort Gordon, GA 30905–5650
DADA09, YY William Beaumont Army Medical Center, Great Plains Regional Contracting Office, ATTN: MCAA–GP, Building 7777, 5000 North Piedras Street, El Paso, TX 79920–5001
DADA10, ZQ U.S. Army Medical Command, Medical Contracting Center, ATTN: MCAA–C, Building 4197, 2107 17th Street, Fort Sam Houston, TX 78234–5015
DADA13, 0W Madigan Army Medical Center, Western Regional Contracting Office, ATTN: MCAA–W, 9933A West Johnson Street, Tacoma, WA 98431–1110
DADA15, 0X Walter Reed Army Medical Center, Directorate of Contracting, ATTN: MCHL–ZC, Building T–20, 6825 16th Street NW, Washington, DC 20307–5000
DADA16, 0Y Tripler Army Medical Center, Pacific Regional Contracting Office, ATTN: MCAA–P, Building 160, Krukowski Road, Honolulu, HI 96850–5000
DADW30, 0F Fort Myer Military Community, Directorate of Contracting, ATTN: ANMY–OC, 204 Lee Avenue, Fort Myer, VA 22211–1199
DADW35, 2M MDW Acquisition Center, 9410 Jackson Loop, Fort Belvoir, VA 22060–5134
DADW36, 1J Fort Meade Directorate of Contracting, ATTN: ANME–OC, Building 2234, Fort George G. Meade, MD 20755–5081
DADW39, OS Fort Hamilton Military Community, ATTN: ANFH–GC, Building 111, Brooklyn, NY 11252
DADW49, 0M National Defense University, Building 62, Room 203, 300 5th Avenue, Fort McNair, DC 20319–5066
DAHA01, 9B USPFO for Alabama, PO Box 3715, Montgomery, AL 36109–0715
DAHA02, 0G USPFO for Arizona, 5645 East McDowell Road, Phoenix, AZ 85008–3442
DAHA03, 9D USPFO for Arkansas, Camp Robinson, North Little Rock, AR 72199–9600
DAHA04, 9N USPFO for California, PO Box 8104, San Luis Obispo, CA 93403–8104
DAHA05, Z0 USPFO for Colorado, ATTN: Mail Stop 53, 660 South Aspen Street, Building 1005, Aurora, CO 80011–9511
DAHA06, 1S USPFO for Connecticut, State Armory, ATTN: Contracting Officer, 360 Broad Street, Hartford, CT 06105–3795
DAHA07, 9A USPFO for Delaware, Grier Building, 1161 River Road, New Castle, DE 19720–5199
DAHA08, 2W USPFO for Florida, PO Box 1008, St. Augustine, FL 32085–1008
DAHA09, C0 USPFO for Georgia, PO Box 17882, Atlanta, GA 30316–0882
DAHA10, CU USPFO for Idaho, 3489 West Harvard Street, Boise, ID 83705–5004
DAHA11, 9E USPFO for Illinois, ATTN: PFOIL–PC, 1301 North McArthur Boulevard, Springfield, IL 62702–2399
DAHA12, 4E USPFO for Indiana, 2002 South Holt Road, Indianapolis, IN 46241–4839
DAHA13, 9L USPFO for Iowa, Camp Dodge, 7700 NW Beaver Drive, Johnston, IA 50131–1902
DAHA14, 4Z USPFO for Kansas, 2737 South Kansas Avenue, Topeka, KS 66611–1170
DAHA15, 6P USPFO for Kentucky, Boone National Guard Center, 120 Minuteman Parkway, Frankfort, KY 40601–6192
DAHA16, 0A USPFO for Louisiana, Building 39, New Orleans, LA 70146–0330
DAHA17, 0B USPFO for Maine, Camp Keys, Augusta, ME 04333–0032
DAHA18, 0C USPFO for Maryland, State Military Reservation, 301 Old Bay Lane, Havre de Grace, MD 21078–4094
DAHA19, 0D USPFO for Massachusetts, ATTN: Contracting Officer, 50 Maple Street, Milford, MA 01757–3604
DAHA20, 9F USPFO for Michigan, 3111 West Joseph Street, Lansing, MI 48913–5102
DAHA21, 9K USPFO for Minnesota, Camp Ripley, 15000 Highway 115, Little Falls, MN 56345–4173
DAHA22, CW USPFO for Mississippi, 144 Military Drive, Jackson, MS 39208–8880
DAHA23, 9H USPFO for Missouri, 7101 Military Circle, Jefferson City, MO 65101–1200
DAHA24, 9P USPFO for Montana, PO Box 1157, Helena, MT 59624–1157
DAHA25, 9S USPFO for Nebraska, 1234 Military Road, Lincoln, NE 68508–1092
DAHA26 USPFO for Nevada, 2601 South Carson Street, Carson City, NV 89701–5596
DAHA27, 9U USPFO for New Hampshire, PO Box 2003, Concord, NH 03302–2003
DAHA28, ZK USPFO for New Jersey, 131 Eggert Crossing Road, Lawrenceville, NJ 08648–2805
DAHA29 USPFO for New Mexico, ATTN: Contracting Officer, 47 Bataan Road, Santa Fe, NM 87502–4277
DAHA30, D2 USPFO for New York, 330 Old Niskayuna Road, Latham, NY 12110–2224
DAHA31, D3 USPFO for North Carolina, 4201 Reedy Creek Road, Raleigh, NC 27607–6412
DAHA32, D6 USPFO for North Dakota, PO Box 5511, Bismarck, ND 58506–5511
DAHA33, 9M USPFO for Ohio, 2811 West Dublin-Granville Road, Columbus, OH 43235–2788
DAHA34, 9J USPFO for Oklahoma, 3535 Military Circle NE, Oklahoma City, OK 73111–4398
DAHA35, 1X USPFO for Oregon, ATTN: USPFO–P, PO Box 14840, Salem, OR 97309–5008
DAHA36, DL USPFO for Pennsylvania, Department of Military Affairs, ATTN: Contracting Officer, Annville, PA 17003–5003
DAHA37, 9W USPFO for Rhode Island, 330 Camp Street, Providence, RI 02906–1954
DAHA38, DU USPFO for South Carolina, 9 National Guard Road, Columbia, SC 29201–4766
DAHA39, VQ USPFO for South Dakota, 2823 West Main Street, Rapid City, SD 57702–8186
DAHA40, YX USPFO for Tennessee, Powell Avenue, PO Box 40748, Nashville, TN 37204–0748
DAHA41, 9C USPFO for Texas, ATTN: Contracting Officer, PO Box 5218, Austin, TX 78563–5218
DAHA42 USPFO for Utah, PO Box 2000, Draper, UT 84020–2000
DAHA43 USPFO for Vermont, Camp Johnson, Building 3, PO Box 2000, Colchester, VT 05446–3004
DAHA44, ZR USPFO for Virginia, Building 316, Fort Pickett, Blackstone, VA 23824–6316
DAHA45, ZX USPFO for Washington, Building 32, Camp Murray, Tacoma, WA 98430–5000
DAHA46 USPFO for West Virginia, 50 Armory Road, Buckhannon, WV 26201–2396
DAHA47, 9G USPFO for Wisconsin, 8 Madison Boulevard, Camp Douglas, WI 54618–5002
DAHA48 USPFO for Wyoming, 5500 Bishop Boulevard, Cheyenne, WY 82009–3320
DAHA49 USPFO for the District of Columbia, Naval District of Washington, 189 Poremba Court SW, Washington, DC 20373
DAHA50 USPFO for Hawaii, 4208 Diamond Head Road, Honolulu, HI 96816–4495
DAHA51, 2Z USPFO for Alaska, P&C Division, PO Box B, Camp Denali, Fort Richardson, AK 99505–2600
DAHA70 USPFO for Puerto Rico, PO Box 34069, Fort Buchanan, PR 00904–4068
DAHA72 USPFO for Virgin Islands, RR #2, Box 9200, Kinghill, VI 00850–9200
DAHA74 USPFO for Guam, 622 East Harmon Industrial Park Road, Tamuning, GU 96911–4422
DAHA90, 2Y National Guard Bureau, Contracting Support, 1411 Jefferson Davis Highway, Arlington, VA 22202–3231
DAJA01, 9Q RCO Vicenza, ATTN: AEUCC–I, Unit 31401, Box 33, APO AE 09630–4033
DAJA02, G5 RCO Seckenheim, ATTN: AEUCC–S, Unit 29331, APO AE 09266–0509
DAJA16, 8X RCO Grafenwoehr, ATTN: AEUCC–G, Unit 28130, APO AE 09114–8130
DAJA22, G6 Wiesbaden Regional Contracting Center, G6 ATTN: AEUCC–C, CMR 410, Box 741, APO AE 09096–0741

DAJA61, 9Z RCO Benelux, ATTN: AEUCC–B, PSC 79, Box 003, APO AE 09724–0003
DAJA77 HQ, USACCE (Contracting Cell, Deployed), ATTN: AEUCC–O, Unit 29331, APO AE 09266–0509
DAJA89, F0 RCO Wuerzburg, ATTN: AEUCC–W, Unit 26622, APO AE 09244–6622
DAJA90, 0T RCO Bad Kreuznach, ATTN: AEUCC–BK, Unit 24335, APO AE 09252–4355
DAJB03, F4 HQ, EUSA, Asst Cofs Acquisition Mgt, ATTN: EAAQ (PARC), Unit 15236, APO AP 96205–0009
DAJN01, 1B U.S. Southern Command, Base Operations Support Activity Miami, 7955 NW 12th Street, Suite 450, Miami, FL 33126–1823
DAJN02, 8V Fort Buchanan Contracting Office, ATTN: SOFB–DOC, Building 556, Fort Buchanan, PR 00934–5049
DAJN21, 1V Theater Support Brigade, Panama, Directorate of Contracting, ATTN: SOCO–CO, Unit 7155, APO AA 34004–5000
DAKF04, ZE Directorate of Contracting, Fort Irwin, ATTN: AFZJ–DC, PO Box 10039, Fort Irwin, CA 92310–0039
DAKF06, 1C Directorate of Contracting, Fort Carson, ATTN: AFZC–DOC, 1850 Mekong Street, Building 6222, Fort Carson, CO 80913–4323
DAKF10, 1D Directorate of Contracting, Fort Stewart, ATTN: AFZP–DC, 1042 William H. Wilson Avenue, Suite 219, Fort Stewart, GA 31314–3322
DAKF11, 1E Army Atlanta Contracting Center, HQ, U.S. Army Forces Command, ATTN: AFLG–PRC, 1301 Anderson Way SW, Fort McPherson, GA 30330–1096
DAKF19, 1G Directorate of Contracting, Fort Riley, ATTN: AFZN–DOC, PO Box 2248, Fort Riley, KS 66442–0248
DAKF23, 1H Directorate of Contracting, Fort Campbell, ATTN: AFZB–DOC, Building 2174, 13½ & Indiana Streets, Fort Campbell, KY 42223–1100
DAKF24, G1 Directorate of Contracting, Fort Polk, ATTN: AFZX–DOC, PO Drawer 3918, Fort Polk, LA 71459–5000
DAKF29, 2G Directorate of Contracting, Fort Dix, ATTN: AFRC–FA–DC, Building 5418, 3rd Floor, South Scott Plaza, Fort Dix, NJ 08640–6150
DAKF36, 1M Directorate of Contracting, Fort Drum, ATTN: AFZS–DOC, 45 West Street, Fort Drum, NY 13602–5220
DAKF40, 1N Installation Business Office, Fort Bragg Contracting, ATTN: AFZA–IBO–C, PO Drawer 70120, Fort Bragg, NC 28307–0120
DAKF48, 1Q Headquarters, III Corps and Fort Hood, III Corps and Fort Hood Contracting Command, ATTN: AFZF–CC, 761st Tank Batallion Avenue, Room W103, Fort Hood, TX 76544–5025
DAKF57, 1T Directorate of Contracting, Fort Lewis, ATTN: AFZH–DOC MS 19, Building 2015, Box 339500, Fort Lewis, WA 98433–9500
DAKF61, 1U Directorate of Contracting, Fort McCoy, ATTN: AFRC–FM–DC, Building 2103, 8th Avenue, Fort McCoy, WI 54656–5000
DAMD17, B3 U.S. Army Medical Research Acquisition Activity, ATTN: MCMR–AAA, 820 Chandler Street, Frederick, MD 21702–5014
DAMT01, 0E HQ, MTMC, ATTN: MTAQ–A, 5611 Columbia Pike, Falls Church, VA 22041–5050
DAMT02, G3 Deployment Support Command (East), ATTN: MTDCE–LO–C, Building 42/7, Military Ocean Terminal, Bayonne, NJ 07002–5302
DAMT03, G4 Deployment Support Command (West), ATTN: MTDCW–PAL–CO, Building 1, Alaska Street, Room 2336, Oakland, CA 94626–5000
DAPCO1, 1K U.S. Army, Pacific, Office of the ACSAM, ATTN: APAM, Building T–115, B Street, Fort Shafter, HI 96858–5100
DAPC49, 8U U.S. Army Garrison, Alaska, Directorate of Contracting, ATTN: APVR–RDOC, PO Box 5–525, Fort Richardson, AK 99505–0525
DAPC50, CJ U.S. Army Garrison, Hawaii, Directorate of Contracting, ATTN: APVG–GK, Building 520, Pierce Street, Fort Shafter, HI 96858–5025
DASA01, G0 U.S. Army Central Command—Saudi Arabia, Directorate of Contracting, ATTN: ARCENT–SA, Eskan Village Riyadh, Saudi Arabia, APO AE 09852
DASA02 U.S. Army Central Command—Kuwait, ATTN: ARCENT–KU–DOC, Camp Doha, Kuwait, APO AE 09889–9900
DASA03 ARCENT Contracting Office, ATTN: AFRD–PARC, Building 363, Fort McPherson, GA 30330–7000
DASA04 U.S. Army Central Command—Qatar, ATTN: ARCENT–QA–DOC, Doha, Qatar, APO AE 09898
DASC01, YJ HQ USAINSCOM, Directorate of Contracting, ATTN: IAPC–DOC, 8825 Beulah Street, Fort Belvoir, VA 22060–5246
DASC02, YV National Ground Intelligence Center, ATTN: IANG–LOG, 220 Seventh Street NE, Charlottesville, VA 22902–5396
DASG60, CB U.S. Army Space and Strategic Defense Command, Deputy Commander, ATTN: SMDC–CM–AP, PO Box 1500, Huntsville, AL 35807–3801
DASG62, CH U.S. Army Space Command, ATTN: SMDC–AR–CM, 1670 North Newport Road, Suite 211, Colorado Springs, CO 80916–2849
DASW01, F7 Defense Supply Service—Washington, ATTN: Policy and Compliance, 5200 Army Pentagon, Room 1D245, Washington, DC 20310–5200
DASW02, 1W Joint Visual Information Activity, ATTN: JDHQS–AVIC–W, 601 North Fairfax Street, Room 334, Alexandria, VA 22314–2007
DATM01, 0R U.S. Army ATEC Contracting Activity, ATTN: CSTE–CA, PO Box Y, Fort Hood, TX 76544–0770

Part 3—Navy Activity Address Numbers

*An asterisk indicates a two-digit code of a major command that is shared with subordinate activities. Such subordinate activities will indicate the Unit Identification Code of the major command in parentheses, e.g., (MAJ00011).

N00011, LB*, LBZ Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350–2000
N00012, HX*, V8*, V8Y Assistant for Administration, Under Secretary of the Navy, 1000 Navy Pentagon, Washington, DC 20350–1000
N00013, MR Judge Advocate General, Hoffman Building 2, Room 8N45N, 200 Stovall Street, Alexandria, VA 22332–2400
N00014, EE*, EE0–9 Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217–5660
N00015, L0*, L0Z Director, Office of Naval Intelligence, 4251 Suitland Road, Washington, DC 20395–5720
N00018, MC*, MD*, J5*, QA*, MCZ Chief, Bureau of Medicine and Surgery, 2300 E Street NW, Washington, DC 20372–5300
N00019, EF*, GU*, EF0–9 Commander, Naval Air Systems Command (Code T), 47123 Buse Road, Unit IPT, Patuxent River, MD 20670–1547
N00022, ML*, MQ*, NV*, MLZ Contracting Officer, Chief of Naval Personnel, 2 Navy Annex, Washington, DC 20370–2000
N00023, 4J*, L5*, 4J0–9 Commander, Naval Supply Systems Command, PO Box 2050, 5450 Carlisle Pike, Mechanicsburg, PA 17055–0791
N00024, EH*, U0*, EH0–9 Commander, Naval Sea Systems Command, 2531 Jefferson Davis Highway, Arlington, VA 22242–5160
N00025, EJ*, FZ*, EJ0–9 Commander, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Avenue, Suite 1000, Washington, DC 20374–5362
N00030, EK*, EK0–9 Strategic Systems Programs, 1931 Jefferson Davis Highway, Arlington, VA 22241–5362
N00033, EL*, EL0–9 Commander, Military Sealift Command, Washington Navy Yard, 914 Charles Morris Court SE, Washington, DC 20398–5540
N00038, (MAJ00011), LB–5 Commander-in-Chief, U.S. Pacific Command, Box 64017, Camp H. M. Smith, HI 96861–4017
N00039, NS*, NS0–9 Commander, Space and Naval Warfare Systems Command, 4301 Pacific Highway, San Diego, CA 92110–3127
N00061, NL*, NLZ Commander-in-Chief, U.S. Naval Forces, Europe, (London, UK), FPO AE 09499–0153
N00062, 8A*, L9*, R0*, 8A0–9 Chief of Naval Education and Training, Code 013, NAS, Pensacola, FL 32508–5100
N00063, NT*, NTZ Naval Computer and Telecommunications Command, 4401 Massachusetts Avenue NW, Washington, DC 20394–5460
N00069, 8Q*, 8QZ Naval Security Group HQ, 9800 Savage Road, Suite 6585, Fort George Meade, MD 20775–6585
N00102, EN Commander, Portsmouth Naval Shipyard, Building 153, 6th Floor, Portsmouth, NH 03804–5000
N00104, EP, EQ Commander, Naval Inventory Control Point, 5450 Carlisle Pike, Box 2020, Mechanicsburg, PA 17055–0788
N00105, JT Commander, Naval Ambulatory Care Center, 1 Ayres Circle, Building H–1, Portsmouth, NH 03804–5000
N00123, ES Commanding Officer, Fleet and Industrial Supply Center, 937 North Harbor Drive, San Diego, CA 92132–0060
N00124, M5 Commanding Officer, Naval War College, 686 Cushing Road, Newport, RI 02841–1207

N00128, EU Supply Department, Naval Administrative Command, Naval Training Station, Great Lakes, IL 60088–5300
N00129, EV Commanding Officer, Submarine Base, New London, PO Box 156, Code 1150, Groton, CT 06349–5156
N00140, EX, LA Officer-in-Charge, Fleet and Industrial Supply Center, Norfolk, Detachment Philadelphia, 700 Robbins Avenue, Building 2B, Philadelphia, PA 19111–5083
N00153, N0 Governor, Naval Home, 01800 East Beach Boulevard, Gulfport, MS 39501–3111
N00158, 3V Commanding Officer, Naval Air Station, Joint Reserve Base, PO Box 21, Willow Grove, PA 19090–5021
N00161, FA Superintendent, U.S. Naval Academy, 121 Blake Road, Annapolis, MD 21402–5000
N00162, (MAJ00018), MDG–H Commanding Officer, Naval Medical Clinic, 250 Wood Road, Annapolis, MD 21402–5050
N00164, FC Commander, Crane Division, Naval Surface Warfare Center, 300 Highway 361, Building 64, Crane, IN 47522–5001
N00166, (MAJ00011), LC0–1 Commanding Officer, Naval Air Facility, 1 San Diego Loop, Building 3198, Andrews Air Force Base, Washington, DC 20762–5518
N00167, FD Commander, Carderock Division, Naval Surface Warfare Center, 9500 MacArthur Boulevard, West Bethesda, MD 20817–5700
N00168, FE Commanding Officer, National Naval Medical Center, 8901 Wisconsin Avenue, Building 54, Bethesda, MD 20889–5600
N0017A Atlantic Fleet Weapons Training Facility, Roosevelt Roads, PSC 1008, Box 3023, Naval Station, FPO AA 34051–9000
N00171, N5 Commandant, Naval District Washington, Washington Navy Yard, 1014 N Street SE, Suite 200, Washington, DC 20374–5001
N00173, FF Naval Research Laboratory, 4555 Overlook Avenue SW, Washington, DC 20375–5320
N00174, FG Commander, Indian Head Division, Naval Surface Warfare Center, 101 Strauss Avenue, Building 1558, Indian Head, MD 20640–5035
N00178 Commander, Dahlgren Division, Naval Surface Warfare Center, 17320 Dahlgren Road, Dahlgren, VA 22448–5100
N00181, FJ Commander, Norfolk Naval Shipyard Facility Support, Public Works Center, PO Box 5000, Portsmouth, VA 23709–5000
N00183, JX Commanding Officer, Naval Medical Center, 54 Lewis Minors Street, Building 250, Portsmouth, VA 23708–2297
N00187, 3J Commanding Officer, Navy Public Works Center, Naval Station, 9742 Maryland Avenue, Norfolk, VA 23511–3095
N00188, H2 Commanding Officer, Naval Air Station, 9420 3rd Avenue, Norfolk, VA 23511–2197
N00189, FK, H3 Commanding Officer, Fleet and Industrial Supply Center, 1968 Gilbert Street, Suite 600, Norfolk, VA 23511–3392
N00196, 3K Commanding Officer, Naval Air Station, Atlanta, 1000 Halsey Avenue, Marietta, GA 30060–5099
N00203, (MAJ00018), MCL Commanding Officer, Naval Hospital Pensacola, 6000 West Highway 98, Building 2269, Pensacola, FL 32512–0003
N00204, FN Commanding Officer, Naval Air Station Pensacola, 395 Millington Avenue, Pensacola, FL 32508–5014
N00205, FP Commanding Officer, Naval Support Activity New Orleans, 2300 General Meyer Avenue, New Orleans, LA 70142–5000
N00206 Commanding Officer, Naval Air Station Joint Reserve Base, 400 Russel Avenue, Building 31, Belle Chasse, LA 70143–5012
N00210, (MAJ00062) Commanding Officer, Naval Training Center Great Lakes, Building 3200, Code N23, 2601A Paul Jones Street, Great Lakes, IL 60088–5127
N00211, (MAJ00018), MCQ–S Commanding Officer, Naval Hospital, Hospital Supply, Building 1H, Great Lakes, IL 60088–5230
N00213, H4 Commanding Officer, Naval Air Station Key West, PO Box 9030, Building A–314, Key West, FL 33040–9001
N00215, 3W Commanding Officer, Naval Air Station, 8100 West Jefferson Boulevard, Dallas, TX 75211–9501
N00216, FR Commanding Officer, Naval Air Station, 1001 D Street, Corpus Christi, TX 78419–5021
N0022A Commander, Afloat Training Group Atlantic, 8952 First Street, Suite 150, Norfolk, VA 23511–3799
N00231, (MAJ00018), J54 Commanding Officer, Naval Medical Clinic, 2200 Lester Street, Quantico, VA 22134–6050
N00232, (MAJ00018), MCB–F Commanding Officer, Naval Hospital Jacksonville, Building H–2091, Code 0603, Jacksonville, FL 32214–5000
N00244, NW Naval Supply Center, Naval Base, 937 North Harbor Drive, San Diego, CA 92132–0060
N00245, (MAJ00070), LPN Commanding Officer, Naval Station, 3455 Senn Road, San Diego, CA 92136–5084
N00246, H5 Naval Air Station, North Island, San Diego, CA 92135–5112
N00250 FW Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724
N00251 FX Commander, Puget Sound Naval Shipyard, 1400 Farragut Avenue, Bremerton, WA 98314–5000
N00253 FY Commanding Officer, Keyport Division, Naval Undersea Warfare Center, 614 Dowell Street, Keyport, WA 98345–7610
N00259, (MAJ00018), JE Commanding Officer, Naval Medical Center, 34800 Bob Wilson Drive, Suite 1800, San Diego, CA 92134–5001
N00262, (MAJ00027, MUG Marine Air Corps Facility, 2100 Belleau Avenue, Quantico, VA 22134–5063
N00275, 3M Commanding Officer, Naval Air Reserve Activity Chicago, 615 Barry Road, Naval Training Center, Building 190, Great Lakes, IL 60088–5707
N00281, (MAJ00062) L90–1 Commanding Officer, Fleet Combat Training Center, Atlantic Dam Neck, 1912 Regulus Avenue, Virginia Beach, VA 23461–2098
N00285, (MAJ00018) MDR Commanding Officer, Naval Hospital, 10651 E Street, Corpus Christi, TX 78419–5200
N00311, GA Commander, Pearl Harbor Naval Shipyard, PO Box 400, 401 Avenue E, Suite 124, Pearl Harbor, HI 96860–5350
N0031A, Commander, (MAJ00060), J0K-M JOY-Z Naval Special Warfare Group Two, Naval Amphibious Base, Little Creek, Norfolk, VA 23521–5340
N00318, (MAJ00027, MUK-M Contracting Office (Code LSCP), Marine Corps Base Hawaii, Supply Dept, PO Box 63063, MCBH Kaneohe Bay, HI 96744–3063
N00367, (MAJ00023), L5G Commanding Officer, Navy Fleet Support Office, 5450 Carlisle Pike, PO Box 2010, Building 409, Code 9243, Mechanicsburg, PA 17055–0787
N00383, GB, GC Commanding Officer, Naval Inventory Control Point, 700 Robbins Avenue, Philadelphia, PA 19111–5098
N00391, EP, EQ, GB, GC Commanding Officer, Naval Inventory Control Point, 700 Robbins Avenue, Philadelphia, PA 19111–5098
N00406, GE Commanding Officer, Fleet and Industrial Supply Center, Puget Sound, 467 W Street, Bremerton, WA 98314–5100
N00421, M8 Naval Air Warfare Center, Aircraft Division, 47253 Whalen Road, Building 588, Patuxent River, MD 20670–1463
N00600 GG Officer-in-Charge, Fleet and Industrial Supply Center, Norfolk, Detachment Washington, Washington Navy Yard, Building 200 901 M Street SE, Washington, DC 20374–5014
N00604 NQ Commanding Officer, Fleet and Industrial Supply Center, PO Box 300, Pearl Harbor, HI 96860–5300
N00620, H6 Commanding Officer, Naval Air Station, Whidbey Island, 1170 West Lexington Street, Oak Harbor, WA 98278–5000
N00639, H7 Commanding Officer, Naval Support Activity Memphis, 5720 Integrity Drive, Building S–242, Millington, TN 38054–5045
N00702, (MAJ00069), 8QM-N Commander, Naval Security Group Activity, 10 Fabbri Green, Suite 70, Winter Harbor, ME 04693–0900
N00743, 8N Commanding Officer, Naval Computer and Telecommunications Station Puerto Rico, PSC 1008, Box 3022, FPO AA, PR 34051–8200
N00950, 8R Commanding Officer, Naval Computer and Telecommunications Area Master Station, EASTPAC 500 Center Street, Wahiawa, HI 96786–3050
N001024, (MAJ00023) Commanding Officer, USS Constitution, Building 5, Boston National Historical Park, Charlestown, MA 02129–1797
N00308A, (MAJ00033) Commanding Officer, Military Sealift Command Office Port Canaveral, PO Box 4066, Patrick AFB, FL 32925–7468
N00434A, (N00022), MQL Officer-in-Charge, United States Navy Band, Washington Navy Yard, Building 105, 901 M Street SE, Washington, DC 20374–5054
N00463A, (MAJ00024), EHC Commanding Officer, Navy Experimental Diving Unit, 321 Bullfinch Road, Panama City, FL 32407–7015
N00534A, (MAJ00019), EFG Commanding Officer, Pacific Missile Range Facility

(Code 7040), Barking Sands, Kokaha, HI 96752–0128
N00597A, (MAJ00012), HXP-W Director, Office of Civilian Personnel Management, Southeast Region, Building A–67, Naval Base, Norfolk, VA 23511–6098
N00608A, Commanding Officer, National Naval Regional Dental Center, 8901 Wisconsin Avenue, Building 2, Bethesda, MD 20889–5602
N00610A, (MAJ00062), L98 Commanding Officer, Naval Diving and Salvage Training Center, 350 South Crag Road, Panama City, FL 32407–7016
N00618A, (MAJ00062), 8AE Commanding Officer, School of Music, 1420 Gator Boulevard, Norfolk, VA 23521–2617
N00622A Commanding Officer, Naval School of Health Sciences, 8901 Wisconsin Avenue, Building 141, Bethesda, MD 20889–5611
N00708A, (MAJ00024), U0A-B Naval Warfare Engineering Activity, Port Hueneme Division, Naval Surface Warfare Center, PO Box 10, Yorktown, VA 23691–0010
N009158 Commander, Reserve Patrol Wing Atlantic, 513 Park Crescent, Norfolk, VA 23511–4091
N30530, (MAJ00023) Commanding Officer, Naval Air Reserve Center, 2988 North Access Road, Columbus, OH 43217–1199
N30829, (MAJ00061), NL0–2 Officer-in-Charge, Naval Support Activity, Naples Detachment (Gaeta, Italy), PSC 811, ADMIN, FPO AE, NA 09609–1001
N30929, Commanding Officer, Navy Flight Demonstration Squadron (Blue Angels), 390 San Carlos Road, Suite A, Pensacola, FL 32508–5508
N31020, (MAJ00011), LBP-Y Commanding Officer, Naval Reserve Information Systems Office, 4400 Dauphine Street, New Orleans, LA 70146–0001
N31188 Commanding Officer, Naval Security Group Activity Sugar Grove, Building 324, Sugar Grove, WV 26815–5399
N31699, (MAJ00012), V8Z Office of the Under Secretary of the Navy, 1000 Navy Pentagon, Room 4E732, Washington, DC 20350–1000
N31954, (MAJ00062), R0X Submarine Training Facility, 544 White Road, San Diego, CA 92106–3550
N31980, (MAJ00033) Commander, Military Sealift Command, 140 Sylvester Road, San Diego, CA 92106–3521
N32205, (MAJ00033) Commander, Military Sealift Command, Contracts and Business Management West, 140 Sylvester Road, San Diego, CA 92106–3521
N32263 Officer-in-Charge-of-Construction, Mediterranean Contracts Office Naples, PSC 817, Box 100, FPO AE, NA 09622–0100
N32434 Commander, Fleet and Industrial Service Center (Yokosuka Det Okinawa), Purchasing and Contracting Kadena, PSC 480, FPO AP, NA 96370–0006
N32515, (MAJ00011), VSF Patrol Wing One, Detachment Kadena, Supply Department, PSC 480, Box 055, FPO AP, NA 96370–0055
N32778, (MAJ00070), 4LE Commander, Fleet Activities, Chinhae (Korea), PSC 479, FPO AP, NA 96269–1100
N32960, K2 Commanding Officer, Navy Support Activity La Maddalena, PSC 816, FPO AE, NA 09612–0006
N33191 Commanding Officer, Engineering Field Activity Mediterranean, PSC 810, Box 51, APO AE, NA 09622–0051
N35697 Director, Defense Activity for Non-Traditional Education Support, 6490 Saufley Field Road, Pensacola, FL 32509–5243
N35949, (MAJ00018), J5S Commanding Officer, Naval Hospital, Marine Corps Air Ground Combat Center, Box 788250, Twentynine Palms, CA 92278–8250
N39088, (MAJ00022), NVF Commanding Officer, Navy Recruiting Orientation Unit, 206 South Avenue, Suite C, Pensacola, FL 32508–5102
N39163, (MAJ00018), MDO–9 Commanding Officer, Naval Hospital Sigonella, Italy, PSC 812, Box 2670, FPO AE, NA 09627–2670
N39479, (MAJ00023) Commander, Naval Air Reserve Activity, Selfridge ANGB, 41130 Castle Avenue, Building 1422, Selfridge ANGB, MI 48045–5008
N39539 Officer-in-Charge, U.S. Naval Air Pacific Repair Activity, Detachment Okinawa, PSC 556, Box 222, FPO AP, NA 98636–0222
N39830, (MAJ00030), EXE Directorate of Contracting (Code 52), Naval Security Station, Building 18–139, 3801 Nebraska Avenue NW, Washington, DC 20393–5440
N39849, (MAJ00025) Officer-in-Charge, Navy Public Works Detachment Philadelphia, U.S. Naval Base, Building 1, Philadelphia, PA 19112–5087
N42055 Commanding Officer, Beachmaster Unit Two, 1745 10th Street, Norfolk, VA 23521–2942
N42237, 7A Commanding Officer, Naval Submarine Base Public Works Department, 1063 Tennessee Avenue, Kings Bay, GA 31547–2606
N42985, LB Chief, Naval Forces Division, U.S. Military Training Mission, Kingdom of Saudi Arabia, Unit 61300, Box 5, APO AE, NA 09803–1300
N44249 Officer-in-Charge-of-Construction, Naval Facilities Engineering Command Contracts, 1005 Michael Road, Camp Lejeune, NC 28547–2521
N44250 Officer-in-Charge-of-Construction, Naval Facilities Engineering Command Contracts, Keflavik IC, PSC 1003, Box 28, FPO AE, NA 09728–0328
N44251 Officer-in-Charge-of-Construction, Naval Facilities Engineering Command Contracts (Guantanamo), Naval Base PSC 1005, Box 37,FPO AE, NA 09593–0137
N44255 Commanding Officer, Engineering Field Activity, Northwest, 19917 7th Avenue NE, Poulsbo, WA 98370–7570
N44416, (MAJ00023) Defense Printing Service Northeast Area, 700 Robbins Avenue, 4JL Philadelphia, PA 19111–5093
N45045, (MAJ00012) V8A Navy Comptroller Standard Systems Activity Det., Raleigh Oaks Plaza Building, 3606 Austin Peay Highway, Memphis, TN 38128–3757
N45411, (MAJ00070) LPE Commanding Officer, ssault Craft #5 PO Box 555161, Camp Pendleton, CA 92055–5003
N45534, (MAJ00024) EHN AEGIS Combat Flight Facility, Building V–10, Library K, Wallops Island, VA 23337–5000
N45610 Commanding Officer, Navy Consolidated Brig, 1050 Remount Road, Building 3107, Charleston, SC 29406–3515
N45806 Officer-in-Charge-of-Construction, Naval Facilities Engineering Command Contracts, 9324 Virginia Avenue, Norfolk, VA 23511–3689
N45809 Officer-in-Charge-of-Construction, Naval Facilities Engineering Command, Building 820, Naval Air Station Oceana, Virginia Beach, VA 23460–5121
N45810 Officer-in-Charge-of-Construction, Naval Facilities Engineering Command Contracts, Little Creek, 1450 Seventh Street, Norfolk, VA 23521–2443
N45854, (MAJ00011) LBE Commanding Officer, Fleet Surveillance Support Command, Chesapeake, 1298 Olympic Avenue, Chesapeake, VA 23322–5010
N46077 Director, (MAJ00033) Military Sealift Command, TAGOS Project Office East, 2425 Stalwart Road, Suite 200, Norfolk, VA 23521–3326
N46531, (MAJ00012), HX0–E Office of Civilian Personnel Management, National Capital Region, 801 North Randolph Street, Arlington, VA 22203–1977
N46656, NP Telecommunication Management Detachment West, 937 North Harbor Drive, San Diego, CA 92132–5104
N47408, (MAJ00025), EJP–W Commanding Officer, Naval Facilities Engineering Command Contracts Office, Seabee Logistics Center, Building 41, Code 27, 4111 San Pedro Street, Port Hueneme, CA 93043–4410
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N47898 (MAJ00074), QUA–B Naval Special Warfare Development, Fleet Combat Training Center, Atlantic, Dam Neck, Building 310, Virginia Beach, VA 23461–5200
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N49872, (MAJ00011), V85 Commander, Naval Media Center, Naval Station Anacostia, Building 168, 2701 South Capital Street SW, Washington, DC 20373–5819
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N55161 Commander, U.S. Seventh Fleet Representative, Perth, Western Australia, American Consulate Unit 11021, APO AP, NA 96530–5000
N55271, (MAJ00070), LP8 Commander, Naval Surface Group Pacific Northwest, 2000 West Marine View Drive, Everett, WA 98207–2400
N55322, (MAJ00060), LHN Explosive Ordnance Disposal Group Two, 821 Blasters Cove, Fort Story, VA 23459–5024
N55520 Officer-in-Charge, Commander-in-Chief Pacific Command Representative, Civil Action Detachment Guam, PSC 455, Box 181, FPO AP, GU 96540–2970
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N57016, (MAJ00060), J0N Commander, Submarine Force, U.S. Atlantic Fleet, 7958 Blandy Road, Norfolk, VA 23511–2494
N57023, GT Commander, Operational Test and Evaluation Force, 7970 Diven Street, Norfolk, VA 23505–1498
N57032, (MAJ00061), NLF–H Commanding Officer, Naval Air Facility, Mildenhall, UK, RAF Mildenhall, Unit 5020, PSC 37, Box 485, FPO AE, NA 09459–0485
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N57070, (MAJ00060), LH7 Commander, Undersea Surveillance, U.S. Atlantic Fleet, 373 Bullpup Street, Virginia Beach, VA 23461–2198
N57092, (MAJ00070), V5U Commander, Naval Inshore Undersea Warfare Group One, Building 184, PO Box 357140, NOLF Imperial Beach, San Diego, CA 92135–7140
N57095, (MAJ00060), LH0–1 Commander, Atlantic Fleet Headquarters Support Activity, 1918 Blandy Road, Suite 100, Norfolk, VA 23551–2419
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N60241, 3X Commanding Officer, Naval Air Station Kingsville, 802 Dealey Avenue, Suite 209, Kingsville, TX 78363–5027
N60495, 3T Commanding Officer, Naval Air Station, 4755 Pasture Road, Fallon, NV 89496–5000
N60508, 4Q Commanding Officer, Naval Air Station Whiting Field, 7201 USS Wasp Street, Milton, FL 32570–6141
N60514, GL Commanding Officer, Naval Station (Guantanamo Bay, Cuba), PSC 1005, PO Box 37, FPO AE, NA 09593–0137
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N60951, (MAJ00060), LHU Fleet Accounting and Disbursing Center, Operating Forces, U.S. Atlantic Fleet, Norfolk, VA 23511–6096
N61331, HR Commanding Officer, Coastal Systems Station, Dahlgren Division, Naval Surface Warfare Center, 6703 West Highway 98, Panama City, FL 32407–7001
N61337, H0 Commanding Officer, Naval Hospital Beaufort, 1 Pinckney Boulevard, Beaufort, SC 29904–6148
N61339, HT Commanding Officer, Naval Air Warfare Center Training System Division, 12350 Research Parkway, Orlando, FL 32826–3275
N61414, 4B Officer-in-Charge-of-Construction, Public Works Division Little Creek, 1450 Gator Boulevard, Code 026, Norfolk, VA 23521–2626
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N61685, (MAJ00065), S0A Naval Oceanography Command Center (Guam), Box 12, FPO AP, NA 96540–2926
N61726, QL Commanding Officer, Naval Ambulatory Care Center, Material Mangement, 1 Wahoo Drive, Building 449, Groton, CT 06349–5600
N61751, (MAJ00018), MCK,M,N,P Commanding Officer, Naval Medical Research Unit No. 3, Cairo (Egypt), PSC 452, Box 5000, FPO AE 09835–7000
N61797 Commanding Officer, Fleet Training Center Norfolk, 9549 Bainbridge Avenue, Norfolk, VA 23511–2594
N62102, (MAJ00011), 9T9 Commanding Officer, Naval and Marine Corps Reserve Center, 801 Reeves Avenue, Terminal Island, CA 90731–5992
N62254, (MAJ00070), 4LX Commander Fleet Activities, Okinawa Naval Air Facility, Kadena, PSC 480, Box SU/CR, FPO AP, NA 96370–1150
N62271, QE Commanding Officer, Naval Support Activity-Monterey Bay, 1 University Circle, Monterey, CA 93943–5000
N62285, (MAJ00065), S00–1 Superintendent, Naval Observatory, 3450 Massachusetts Avenue NW, Washington, DC 20390–5420
N62306, 7C Commanding Officer, Naval Oceanographic Office, 1002 Balch Boulevard, Stennis Space Center, MS 39552–5001
N62367, (MAJ00023), 4JC Officer-in-Charge, Navy Clothing and Textile Research Facility, 21 Strathmore Road, PO Box 59, Natick, MA 01760–0001
N62395, JK Navy Public Works Center, (Mariana Islands, Guam), PSC 455, Box 195, FPO AP, GU 96540–2937
N62404, JJ Commander, Military Sealift Command, Far East, PSC 471, Yokohama, Japan, FPO AP, NA 96347–2600
N62410, (MAJ00022), MQ6 Commanding Officer, Navy Recruiting District, PO Box 8667, Albuquerque, NM 87198–8667
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N62419 Commanding Officer, Navy Recruiting District, 9990 Richmond Avenue, Suite 200, Houston, TX 77042–4546
N62421, (MAJ00022), MQM Commanding Officer, Navy Recruiting District, 8925 North Meridian Street, Room 250, Indianapolis, IN 46260–2036
N62422 Commanding Officer, Navy Recruiting District, 4070 Boulevard Center Drive, Jacksonville, FL 32207–2897
N62427, (MAJ00022), MLP Commanding Officer, Navy Recruiting District, 6910 Pacific Street, Suite 400, Omaha, NE 68106–1085
N62429, (MAJ00022), MLE Commanding Officer, Navy Recruiting District, 1220 SW Third Avenue, Suite 576, Portland, OR 97204–2887
N62430 Commanding Officer, Navy Recruiting District, 801 Oberlin Road, Suite 120, Raleigh, NC 27605–1130
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N62470, JN Commanding Officer, Naval Facilities Engineering Command, Atlantic Division, 1510 Gilbert Street, Norfolk, VA 23511–2699
N62471, N7 Officer-in-Charge-of-Construction, Pacific Division Naval Facilities Engineering Command Contracts, Mid-Pacific, PO Box 104, Pearl Harbor, HI 96860–5421
N62472, JP Commanding Officer, Naval Facilities Engineering Command, Northern Division, 10 Industrial Highway, Mail Stop #82, Lester, PA 19113–2090
N62474, JR Commanding Officer, Engineering Field Activity, West Naval Facilities Engineering Command, 900 Commodore Drive, San Bruno, CA 94066–5006
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N62507, (MAJ00070) 4LJ Commanding Officer, Naval Air Facility (Atsugi, Japan), PSC 477, Box 4, FPO AP, NA 96306–1204,
N62537 Commander, Military Sealift Command, Europe, PSC 817, Box 23, FPO AE, NA 09622–0023,
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N62583, J3 Commanding Officer, Naval Construction Battalion Center, 1000 23rd Avenue, Port Hueneme, CA 93043–4301
N62585, K3 Commander, Naval Activities, United Kingdom, PSC 802, Box 26, FPO AE, NA 09499–1000
N62588, NR Commanding Officer, Naval Support Activity (Naples, Italy), PSC 817, Box 5, FPO AE, NA 09619–1005
N62604, J4 Commanding Officer, Naval Construction Battalion Center, 5200 CBC 2nd Street, Gulfport, MS 39501–5001
N62638, (MAJ00011) LCN Commander, Naval Inshore Undersea Warfare Group Two, 111 Sanda Avenue, Cheatham Annex, Williamsburg, VA 23185–5830
N62643 Commanding Officer, Naval Ice Center, 4521 Suitland Road, FB4, Washington, DC 20395–5180
N62645, EG Commanding Officer, Naval Medical Logistics Command Fort Detrick, 521 Fraim Street, Frederick, MD 21702–5015
N62649, JY Commanding Officer, Fleet and Industrial Supply Center, Yokosuka, PSC 473, Box 11, FPO AP, NA 96349–1500
N62661, (MAJ00062) L97 Commanding Officer, Naval Education and Training Center, 47 Chandler Street, Code 56, Newport, RI 02841–5000
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N62700, (MAJ00023) 4JJ Defense Automated Printing Service, Naval Training Center, Building 2A, Great Lakes, IL 60088–5700
N62706, JS Defense Automated Printing Service Detachment Office, San Diego Naval Station, Box 368148, 4300 Hoover Station, San Diego, CA 92136–5595
N62707, (MAJ00023), 4JS–U Defense Printing Service Detachment Office, Western Area, Pearl Harbor, Box 126, Pearl Harbor, HI 96860–5120
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N62766, L1 Officer-in-Charge-of-Construction, Naval Facilities Engineering Command Contracts, Marianas (Guam), PSC 455, Box 175, FPO AP, NA 96540–2200
N62786, ER Commanding Officer, Supervisor of Shipbuilding, Conversion and Repair, USN, 574 Washington Street, Bath, ME 04530–1916
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M00146, MT Marine Corps Regional Contracting Office (SUL), COMCABEAST, Marine Corps Air Station, Cherry Point, NC 28533–0018
M00243, NE Marine Corps Regional Contracting Office, 4411 Belleau Avenue, Marine Corps Recruit Depot/WRR, San Diego, CA 92140–5380
M00262, (MAJ00027), MUG Marine Air Corps Facility, 2100 Rowell Road, Quantico, VA 22134–5063
M00263, MX Marine Corps Regional Contracting Office, PO Box 5069, Marine Corps Recruit Depot/ERR, Parris Island, SC 29905–5069
M00264, (MAJ00027), MUT Marine Corps Regional Contracting Office, Northeast Region, 2010 Henderson Road, Quantico, VA 22134–5045
M00318, (MAJ00027), MUK–M Contracting Office (Code LSCP), Marine Corps Base Hawaii, Supply Dept, Box 63063, MCBH, Kaneohe Bay, HI 96744–3063
M00681, NG Marine Corps Regional Contracting Office, PO Box 1609, Oceanside, CA 92054–1609
M20002 Contracting Officer, HQ, U.S. Marine Forces South, 8420 NW 52nd Street, Miami, FL 33166
M60050, MV Marine Corps Regional Contracting Office, COMCABWEST, Marine Corps Air Station, El Toro, CA 92709–5001
M60169, W0 Contracting Office, Marine Corps Air Station, PO Box 55010, Beaufort, SC 29904–5010
M62204, NC Marine Corps Regional Contracting Office, Marine Corps Logistics Base, PO Box 110340, Barstow, CA 92311–5039
M62613, MUE Contracting Office, Marine Corps Air Station, PSC 561, Box 1872, Iwakuni, Japan, FPO AP, NA 96310–1872

M64495 Contracting Office, Marine Corps Mountain Warfare Training Center, Box 5009, Bridgeport, CA 93517–5009
M67001, NB Marine Corps Regional Contracting Office, PSC Box 20004, Marine Corps Base, Camp Lejeune, NC 28542–0004
M67004, (MAJ00027), NC COMMARCORLOGBASES, Marine Corps Regional Contracting Office, Marine Corps Logistics Base (Code 89), PO Drawer 43019, Albany, GA 31704–3019
M67011, (MAJ00027) Commander Officer, 1st Marine Corps District, 605 Stewart Avenue, Garden City, NY 11530–4761
M67013, (MAJ00027), MSC Commanding Officer, 4th Marine Corps District, DDRE, Building 54, Suite 3, Box 806, New Cumberland, PA 17070–0806
M67015, (MAJ00027), MSE Commanding Officer, 6th Marine Corps District, PO Box 19201, Marine Corps Recruit Depot, Eastern Recruiting Region, Parris Island, SC 29905–9201
M67016, (MAJ00027), MSG Commanding Officer, 8th Marine Corps District, Building 10, Room 121, NSA, New Orleans, LA 70142–5100
M67017, (MAJ00027), MSJ Commanding Officer, 9th Marine Corps District, 3805 155th Street, Building 710, Kansas City, MO 64147–1309
M67019, (MAJ00027), MSL Commanding Officer, 12th Marine Corps District, 3704 Hochmuth Avenue, San Diego, CA 92140–5191
M67029, (MAJ00027), MSN Contracting Office, Marine Barracks, 8th and I Street, SE, Washington, DC 20390–5000
M67351 COMMARFOREUR, Marine Corps Regional Contracting Office, HQ FMF Europe (Designate), Panzer Kaserne, Building 2901, APO AE, NA 09046–0160
M67353, (MAJ00027), MSQ Contracting Office (HQBN–1), HQBN HQMC Henderson Hall, Building 28, Battalion Supply, Arlington, VA 22214–5000
M67354 Contracting Office, Headquarters, U.S. Marine Corps (Code ARD), 2 Navy Annex, Arlington, VA 20380–1775
M67355, (MAJ00027), MUN Marine Corps Regional Contracting Office (Code N45), Expeditionary Warfare Training Group, Atlantic, 1575 Gator Boulevard, Suite 243, Norfolk, VA 23521–2740
M67385, (MAJ00027), MU0–1 COMMARFORPAC, Marine Corps Regional Contracting Office (LSCP), HQSVCBN, Building 600, Box 64131, Camp H. M. Smith, HI 96861–5010
M67386, LG Marine Corps Regional Contracting Office, (Midwest), Marine Corps Support Activity, 15430 Andrew Road, Kansas City, MO 67147–1208
M67399, NF Marine Corps Regional Contracting Office, Northwest Region, PO Box X24, Building 1525, Marine Corps Air-Ground Combat Center, Twentynine Palms, CA 92278–0124
M67400, QJ Marine Corps Regional Contracting Officer (Far East), MCB Camp Smedley D. Butler, PSC 577, Box 2000, Building 355, Okinawa, Japan, FPO AP, NA 96379–2000
M67438 Contingency Contracting Office, Unit 3880401, 3rd FSSG, FPO AP, NA 96604–8401
M67854, (MAJ00027), MU6–9 Commander, Marine Corps Systems Command, 2033 Barnett Avenue, Suite 315, Quantico, VA 22134–5010
M67861, MUC, MSU Marine Corps Regional Contracting Office, Marine Forces Reserve, 4400 Dauphine Street, New Orleans, LA 70146–5400
M68447 Contingency Contracting Office, 2nd Supply Battalion, 2nd FSSG, PSC Box 20120, Camp Lejuene, NC 28542–0128
M68450 Contingency Contracting Office, SMU, 1st Supply Battalion, 1st FSSG , PO Box 1609, Oceanside, CA 92501–1609
M68909, (MAJ00027), MU3 Commanding Officer, Marine Corps Tactical Systems Support Activity, PO Box 555171, Camp Pendleton, CA 92055–5171

Part 5—Air Force Activity Address Numbers

F01600, 5A 42 CONS/CC, 50 Lemay Plaza South, Building 804, Maxwell AFB, AL 36112–6334
F01620, 6K SSG/PK, 375 Libby Street, MAFB-Gunter Annex, AL 36114–3207
F02601, 5C 355 CONS/CC, 3180 South Craycroft Road, Davis Monthan AFB, AZ 85707–3522
F02604, 5D 56 CONS/CC, 14100 West Eagle Street, Luke AFB, AZ 85309–1217
F03602, 5F 314 CONS/CC, 642 Thomas Avenue, Little Rock AFB, AR 72099–5119
F04605, 5H 482 LSS/LGC, 820 Baucom Avenue NW, Suite 101, March AFB, CA 92518–2260
F04606 SM SM-ALC/PK, 3237 Peacekeeper Way, Suite 17, McClellan AFB, CA 95652–1060
F04611, QQ AFFTC/PK, Building 2800, 5 South Wolfe Avenue, Edwards AFB, CA 93524–1185
F04626, 5M 60 CONS/LGC, 350 Hangar Avenue, Building 549, Travis AFB, CA 94535–2632
F04666, 5N 9 CONS/CC, 6500 B Street, Suite 101, Beale AFB, CA 95903–1712
F04684, QW 30 CONS/LGC, Building 7015, Section 2c, Suite D, 806 13th Street, Vandenberg AFB, CA 93437–6025
F04689, RN 750 LSS/LGC, 1080 Lockheed Way, Box 039, Onizuka AFB, CA 94089–1234
F04693, MG SMC/PKO, 400 North Douglas Boulevard, Suite 212E, Los Angeles, CA 90245–4640
F04699, Q5 SM-ALC/PK, 3227 Peacekeeper Way, Suite 17, McClellan AFB, CA 95652–1060
F04700, Q2 AFFTC/PKA, 5 South Wolfe Avenue, Building 2800, Edwards AFB, CA 93524–1185
F04701, TB SMC/PK, 155 Discoverer Boulevard, Suite 1516, Los Angeles, CA 90245–4692
F05603 HQ AFSPC/LGC, 150 Vandenberg Street, Suite 1105, Peterson AFB, CO 80914–4350
F05604, SX 21 CONS/LGC, 700 Suffolk Street, Peterson AFB, CO 80914–1200
F05611, 5Q 10 ABW/LGC, 8110 Industrial Drive, Suite 200, USAF Academy, CO 80840–2315
F07603, 5R 436 CONS/LGC, 639 Atlantic Street, Suite 243, Dover AFB, DE 19902–5639
F08602, 5S 6 CONS/CC, 2606 Brown Pelican Avenue, MacDill AFB, FL 33621–5000
F08620, 5T 16 CONS/LGC, PO Box 9190, 350 Tully Street, Hurlburt Field, FL 32544–5825
F08630, S1 AFRL/MNK, 101 West Eglin Boulevard, Suite 337, Eglin AFB, FL 32542–6810
F08635, RH AAC/PK, 205 West D Avenue, Suite 433, Eglin AFB, FL 32542–6864
F08637, 5V 325 CONS/CC, 501 Illinois Avenue, Suite 5, Tyndall AFB, FL 32403–5526
F08650, TJ 45 CONS/LGC, 1201 Edward H. White II Street, MS7200, Patrick AFB, FL 32925–3227
F08651, Q3 AAC/PKO, 205 West D Avenue, Suite 541, Eglin AFB, FL 32542–6862
F09603, RJ, RR WR-ALC/PK, Building 300, 215 Byron Street, Robins AFB, GA 31098–1611
F09604, RU LR Directorate/PK, 750 3rd Street, Building 350, Robins AFB, GA 31098–2122
F09607, 5W 347 CONS/CC, 4380B Alabama Road, Moody AFB, GA 31699–1793
F09609, 5X 94 LG/LGC, 1538 Atlantic Avenue, Suite 141, Dobbins ARB, GA 30069–4824
F09634, 5Y HQ AFRC/LGC, 155 2nd Street, Robins AFB, GA 31098–1635
F09650, Q6 WR–ALC/PKO, 235 Byron Street, Robins AFB, GA 31098–1611
F10603, 5Z 366 CONS/CC, 366 Gunfighter Avenue, Suite 498, Mountain Home AFB, ID 83648–5296
F11623, 6C 375 CONS/LGC, 102 East Martin Street, Suite 216, Scott AFB, IL 62225–5015
F11626, RL HQ AMC/DOKR, 402 Scott Drive, Unit 3A1, Scott AFB, IL 62225–5302
F12617, 6D 434 LSS/LGC, 448 Mustang Avenue, Grissom ARB, IN 46971–5320
F14614, X4 22 CONS/LGC, 53147 Kansas Street, Suite 102, McConnell AFB, KS 67221–3606
F16602, 6G 2 CONS/CC, 841 Fairchild Avenue, Barksdale AFB, LA 71110–2271
F19617, R5 439 LSS/LGC, 250 Airlift Drive, Westover Air Reserve Base, Chicopee, MA 01022–1525
F19628, RS ESC/PK, 104 Barksdale Street, Hanscom AFB, MA 01731–1806
F19650, SH ESC/PKO, Building 1520, 104 Barksdale Street, Hanscom AFB, MA 01731–1806
F21611, 6N 934 LSS/LGC, 760 Military Highway, Minneapolis-St. Paul ARS, Minneapolis, MN 55450–2000
F22600, RC 81 CONS/CC, 200 Fifth Street, Room 104, Keesler AFB, MS 39534–2102
F22608, 6Q 14 CONS/CC, 555 Seventh Street, Suite 113, Columbus AFB, MS 39701–1006
F23606, 6R 509 CONS/CC, 850 Arnold Avenue, Suite 2, Whiteman AFB, MO 65305–5054
F24604, 6T 341 CONS/LGC, 7015 Goddard Drive, Malmstrom AFB, MT 59402–6863
F25600, 6U 55 CONS/CC, 101 Washington Square, Offutt AFB, NE 68113–2107
F26600, S4 99 CONS/CC, 5865 Swabb Boulevard, Nellis AFB, NV 89191–7063
F28609, 6V 305 CONS/LGC, 3563 Lancaster Avenue, McGuire AFB, NJ 08641–1712

F28620, M1 65 CONS/CC, Unit 7775, Building T615, Lajes AB, APO AE 09720–7775
F28620, S8 65 CONS/OL-A, PO Box 837, Wrightstown, NJ 05862–0837
F29601, RW Det 8, AFRL/PK, 2251 Maxwell Avenue SE, Kirtland AFB, NM 87117–5773
F29605, 6W 27 CONS/CC, 100 North Torch Boulevard, Cannon AFB, NM 88103–5131
F29650, R3 377 LG/LGC, 2251 Maxwell Avenue SE, Kirtland AFB, NM 87117–5773
F29651, 6X 49 CONS/CC, 1210 Fortyniner Avenue, Holloman AFB, NM 88330–5010
F30602, RX AFRL/IFK, 26 Electronic Parkway, Rome, NY 13441–4514
F30617, 6Y 914 AW/LGC, 2720 Kirkbridge Drive, Niagara Falls IAP-ARS, NY 14304–5001
F31601, BU 43 CONS/CC, 1443 Reilly Road, Suite C, Pope AFB, NC 28308–2896
F31610, BW 4 CONS/CC, 1695 Wright Brothers Avenue, Seymour Johnson AFB, NC 27531–2459
F32604, BX 5 CONS/CC, BX 211 Missile Avenue, Minot AFB, ND 58705–5027
F32605, BY 319 CONS/CC, 575 6th Avenue, Grand Forks AFB, ND 58205–6436
F33600, RZ ASC/PKW, 1940 Allbrook Drive, Suite 3, Building 1, Wright Patterson AFB, OH 45433–5309
F33601, Q7 ASC/PKWO, 1940 Allbrook Drive, Suite 3, Building 1, Wright Patterson AFB, OH 45433–5309
F33615, SG Det 1, AFRL/PK, 2530 C Street, Wright Patterson AFB, OH 45433–7607
F33630, C1 910 AW/LGC, 3976 King Graves Road, Unit 25, Youngstown Air Reserve Station, Vienna, OH 44473–5925
F33657, SC ASC/PK, Building 14, Room 107, 1865 Fourth Street, Wright Patterson AFB, OH 45433–7120
F34600, C2 71 FTW/CVC, 246 Brown Parkway, Suite 228, Vance AFB, OK 73705–5037
F34601, SD OC-ALC/PK, 3001 Staff Drive, Suite 1AG76A, Tinker AFB, OK 73145–3015
F34608, TF 38 LS/LGC, 4008 Hilltop Road, Suite 103, Tinker AFB, OK 73145–2713
F34612, C3 97 CONS/CC, 205 South 6th Street, Building 318, Altus AFB, OK 73523–5147
F34650, Q9 OC-ALC/PKO, Building 3, Suite 1, 7858 Fifth Street, Tinker AFB, OK 73145–9106
F36629, C7 911 AW/LGC, 2375 Hercules Court, Pittsburgh IAP-ARS, Corapolis, PA 15108–4495
F36700, C8 913 LG/LGC, 1051 Fairchild Street, Willow Grove ARS, PA 19090–5203
F38601, C9 20 CONS/CC, 305 Blue Jay Street, Shaw AFB, SC 29152–5004
F38604, T3 USCENTAF, 524 Shaw Drive, Shaw AFB, SC 29152–5029
F38610, CR 437 CONS/LGC, 102 Long Street, Charleston AFB, SC 29404–4829
F39601, CT 28 CONS/LGC, 1000 Ellsworth Street, Suite 1200, Ellsworth AFB, SD 57706–4910
F40600, Q4 AEDC/PK, 100 Kindel Drive, Suite A335, Arnold AFB, TN 37389–1335
F40650, D1 AEDC/PKP, 100 Kindel Drive, Suite 1332, Arnold AFB, TN 37389–1332
F41608, SA SA–ALC/PK, 485 Quentin Roosevelt Road, Suite 12, Kelly AFB, TX 78241–6419
F41612, D4 82 CONS/CC, 136 K Avenue, Suite 2, Sheppard AFB, TX 76311–2739
F41614, E2 17 CONS/CC, 210 Scherz Boulevard, Goodfellow AFB, TX 76908–4705
F41622, QY HSC/PKO, Building 625, 8005 9th Street, Brooks AFB, TX 78235–5353
F41624, TG HSC/PK, Building 626, 8005 9th Street, Brooks AFB, TX 78235–5353
F41636, ZV 37 CONS/CC, 1655 Selfridge Avenue, Lackland AFB, TX 78236–5253
F41650, YA SA-ALC/PKO, Building 1598, 1288 Growden Road, Kelly AFB, TX 78251–5318
F41652, E5 7 CONS/CC, 381 3rd Street, Dyess AFB, TX 79607–1581
F41685, E6 47 CONS/CC, 171 Alabama Avenue, Laughlin AFB, TX 78840–5102
F41689, SK AETC CONS/CC, 550 D Street, Suite 07, Randolph AFB, TX 78150–4434
F41691, Y0 12 CONS/CC, 395 B Street West, Suite 02, Randolph AFB, TX 78150–4525
F42600, QP OO–ALC/PK, Building 1289 SE, 6038 Aspen Avenue, Hill AFB, UT 84056–5805
F42610, QP OO–ALC/LMK, Building 1289 SE, 6038 Aspen Avenue, Hill AFB, UT 84056–5821
F42620, QP OO–ALC/LFK, Building 1233, 6072 Fir Avenue, Hill AFB, UT 84056–5820
F42630, QP OO–ALC/LIK, Building 1215, 6050 Gum Lane, Hill AFB, UT 84056–5825
F42650, R2 OO–ALC/PKO, Building 1289 SE, 6038 Aspen Avenue, Hill AFB, UT 84056–5805
F44600, F3 1 CONS/CC, 74 Nealy Avenue, Suite 100, Langley AFB, VA 23665–2088
F44650, Q1 ACC CONS, 130 Douglas Street, Suite 210, Langley AFB, VA 23665–2791
F45603, F5 62 CONS/LGC, 100 Main Street, Suite 1049, McChord AFB, WA 98438–1109
F45613, F8 92 CONS/LGC, 110 West Ent Street, Suite 200, Fairchild AFB, WA 99011–9403
F47606, G7 440 AW/LGC, 300 East College Avenue, Gen. Mitchell IAP, Milwaukee, WI 53207–6299
F48608, G9 90 CONS/LGC, 7505 Marne Loop, F.E. Warren AFB, WY 82005–2860
F49620, SE AFOSR/PK, 801 North Randolph Street, Room 732, Arlington, VA 22203–1977
F49642, J1 11 CONS/LGC, 500 Duncan Avenue, Room 250,
Bolling AFB, DC 20332–0305
F61101, T1 Det 1, 21 CONS/CC, Copenhagen AB, APO AE 09716–5000
F61211, N9 31 FW/LGC, Unit 6102, Box 140, Aviano AB APO AE 09601–2140
F61354, W8 425 ABS/LGC, Unit 6870, Box 85, Izmir AB APO AE 09821–7085
F61358, W9 39 CONS/LGC, Unit 1045, Box 280, Incirlik AB APO AE 09824–0285
F61503, UC 469 ABG/LGC, Unit 7420, Box 115, Rhein Main AB APO AE 09050–0115
F61517, UF 52 CON FLT/LGC, Unit 3910, Building 2001, Spangdahlem AB APO AE 09137–3910
F61521, UH, UJ USAFE CONS/LGC, Unit 3115, Ramstein AB APO AE 09094–3115
F61730, UQ 423 ABS/LGC, PSC 47, Unit 5720, RAF Alconbury APO AE 09470–5720
F61775, UV 48 CONS/LGC, Unit 5070, Box 270, RAF Feltwell APO AE 09461–0270
F61815, UW 496 ABS/LGC, Unit 6585, Moron AB APO AE 09643–6585
F62032, 4D USMTM, Unit 61300, Box 2, Saudi Arabia, APO AE 09803–1300
F62321, RA 18 CONS/LGC, Unit 5199, Kadena AB APO AP 96368–5199
F62509, QZ 35 CONS, Unit 5201, Misawa AB APO AP 96319–5201
F62562, SW 374 CONS/LGC, Unit 5228, Yokota AB APO AP 96328–5228
F64133, S9 36 CONS/CC, Unit 14040, Anderson AFB APO AP 96543–4040
F64605, TN 15 CONS/LGC, 90 G Street, Hickam AFB, HI 96853–5230
F65501, WF 3 CONS/CC, 6920 12th Street, Suite 242, Elmendorf AFB, AK 99506–2570
F65503, WH 354 CONS/LGC, 3112 Broadway Avenue, Suite 3, Eielson AFB, AK 99702–1850
F66501, R7 24 CONS/CC, Unit 0550, Howard AFB APO AA 34001–5000
FA0021 HQ AFSOC/PKMZ, 100 Bartley Street, Hurlburt Field, FL 32544–5273
FA2550 50 CONS, 66 Falcon Parkway, Suite 49, Schreiver AFB, CO 80912–6649
FA4416, 5J 89 CONS/LGC, 1419 Menoher Drive, Andrews AFB, MD 20762–6500
FA4452, RL AMCCONF/LGCF, 102 East Martin Street, Room 216, Scott IL 62225–5015
FA6648, 5U 482 LSS/LGC, 29050 Coral Sea Boulevard, Box 50, Homestead ARS, FL 33039–1299
FA6675, D5 301 LSS/LGC, 1710 Burke Street, Suite 100, NAS Fort Worth, TX 76127–6200
FA8623 ASC/ENVK, Building 8, Room 201, 1801 10th Street, Wright Patterson AFB, OH 45433–7626
FA8770 MSG/PK, 4375 Childlaw Road, Room C022, Wright Patterson AFB, OH 45433–5006

Part 6—Defense Logistics Agency Activity Address Numbers

SA7003, 1P Defense Automated Printing Service, 700 Robbins Avenue, Building 4 D, Philadelphia, PA 19111–5093
SA7007, 1P Defense Automated Printing Service, 5450 Carlisle Pike, PO Box 2020, Mechanicsburg, PA 17055–0788
SA7008, 1P Defense Automated Printing Service, 2825 D Avenue, Charleston, SC 29408–1819
SA7012, 1P Defense Automated Printing Service, 80 Post Lane, Camp LeJeune, NC 28547–2527
SA7014, 1P Defense Automated Printing Service, 47 Chandler Street, Newport, RI 02841–1707
SA7019, 1P Defense Automated Printing Service, Building 655, Fort Eustis, VA 23604–5093
SA7021, 1P Defense Automated Printing Service, 1401 South Fern Street, Arlington, VA 22201–1401
SA7023, 1P Defense Automated Printing Service, 2530 Paul Jones, Building 2A, Great Lakes, IL 60088–5700
SA7026, 1P Defense Automated Printing Service, 4165 Communications Boulevard, Building 281, Suite 2, Dayton, OH 45433–5602
SA7031, 1P Defense Automated Printing Service, 1641 Morris Street, Naval Station Norfolk, VA 23511–2898

SA7033, 1P Defense Automated Printing Service, 4400 Dauphine Street, Unit 601 3–B, New Orleans, LA 70146–6300
SA7039, 1P Defense Automated Printing Service, 151 Ellyson Avenue, Naval Air Station Pensacola, FL 32508–5121
SA7042, 1P Defense Automated Printing Service, McFarland Street, Building 721, Jacksonville, FL 32212–0003
SA7049, 1P Defense Automated Printing Service, 568 Spacelift Avenue, Building 318, Patrick AFB, FL 33040–5000
SA7051, 1P Defense Automated Printing Service, PSC 1005, Box 28, Building 1842, Guantanamo Bay, Cuba, FPO AE 09593–0128
SA7053, 1P Defense Automated Printing Service, 901 South Drive, Building 700 East, Scott AFB, IL 62225–5106
SA7054, 1P Defense Automated Printing Service, PO Box 20013, Building 110, 4300 Goodfellow Boulevard, St. Louis, MO 63120–1798
SA7055, 1P Defense Automated Printing Service, 601 East 12th Street, Kansas City, MO 64106–2896
SA7057, 1P Defense Automated Printing Service, 4300 Hoover Street, San Diego, CA 92136–5595
SA7058, 1P Defense Automated Printing Service, 250 South Butler Avenue, Gunter Annex, Maxwell AFB, AL 36114–3104
SA7064, 1P Defense Automated Printing Service, Building 550 3989, Box 126, Pearl Harbor, HI 96860–3440
SA7065, 1P Defense Automated Printing Service, 1100 Hunley Road, Silverdale, WA 98315–5740
SA7069, 1P Defense Automated Printing Service, 255 Cochran Street, Robins AFB, GA 31098–1623
SA7079, 1P Defense Automated Printing Service, PSC 455, Box 200, Naval Supply Station, Guam, FPO AP 96540–1200
SA7080, 1P Defense Automated Printing Service, PSC 557, Box 1475, Okinawa, Japan, FPO AP 96379–1475
SA7081, 1P Defense Automated Printing Service, PSC 473, Box 26, Yokosuka, Japan, FPO AP 96349–1108
SP0100, TW Defense Supply Center Philadelphia, Directorate of Clothing & Textiles, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0103, W7 Defense Supply Center Philadelphia, Installation Support, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0200, TX Defense Supply Center Philadelphia, Directorate of Medical Materiel, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0300, UE Defense Supply Center Philadelphia, Directorate of Subsistence, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0302, W6 Defense Supply Center Philadelphia, Pacific, ATTN: DSCP–Pacific, 2155 Mariner Square Loop, Alameda, CA 94501–1022
SP0303, U6 Defense Supply Center Philadelphia, Europe, ATTN: DSCP–Europe, APO AE 09052–5000
SP0400, TY, XK, Z1, Z3, Z6 Defense Supply Center Richmond, Business Operations, 8000 Jefferson Davis Highway, Richmond, VA 23297–5770
SP0410, XH Defense Supply Center Richmond, Base Spt Div, Directorate of Procurement, 8000 Jefferson Davis Highway, Richmond, VA 23297–5312
SP0411, TY Defense Supply Center Richmond, Proc Br (ESOC), Customer Asst Ctr, 8000 Jefferson Davis Highway, Richmond, VA 23297–5871
SP0413, TY Defense Supply Center Richmond, Spec Purchase Br, Prod Ctr Spt Div, 8000 Jefferson Davis Highway, Richmond, VA 23297–5864
SP0414, TY Defense Supply Center Richmond, SASPS Phase I Br, Prod Ctr Spt Div, 8000 Jefferson Davis Highway, Richmond, VA 23297–5864
SP0430, TY Defense Supply Center Richmond, Procurement Branch, Product Center 5, 8000 Jefferson Davis Highway, Richmond, VA 23297–5813
SP0440, TY Defense Supply Center Richmond, Procurement Branch, Product Center 7, 8000 Jefferson Davis Highway, Richmond, VA 23297–5834
SP0441, TY Defense Supply Center Richmond, Procurement Branch, Product Center 6, 8000 Jefferson Davis Highway, Richmond, VA 23297–5822
SP0450, TY Defense Supply Center Richmond, Procurement Branch, Product Center 4, 8000 Jefferson Davis Highway, Richmond, VA 23297–5800
SP0451, TY Defense Supply Center Richmond, Procurement Branch, Product Center 2, 8000 Jefferson Davis Highway, Richmond, VA 23297–5772
SP0460, TY Defense Supply Center Richmond, Procurement Branch, Product Center 1, 8000 Jefferson Davis Highway, Richmond, VA 23297–5772
SP0461, TY Defense Supply Center Richmond, Special Purchase Branch (SPUR), 8000 Jefferson Davis Highway, Richmond, VA 23297–5864
SP0470 Defense Supply Center Richmond, Procurement Branch, Product Center 10, 8000 Jefferson Davis Highway, Richmond, VA 23297–5352
SP0475 Defense Supply Center Richmond, Procurement Branch, Product Center 11, 8000 Jefferson Davis Highway, Richmond, VA 23297–5361
SP0480, TY Defense Supply Center Richmond, Procurement Branch, Product Center 3, 8000 Jefferson Davis Highway, Richmond, VA 23297–5876
SP0490, TY Defense Supply Center Richmond, Procurement Branch, Product Center 1, 8000 Jefferson Davis Highway, Richmond, VA 23297–5846
SP0495 Defense Supply Center Richmond, Directorate of Business Operations, ATTN: ECAT, 8000 Jefferson Davis Highway, Richmond, VA 23297–5770
SP0499 Defense Supply Center Richmond-FCIM, 8000 Jefferson Davis Highway, Richmond, VA 23297–5770
SP0500, TZ, WU Defense Supply Center Philadelphia, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0520 Defense Supply Center Philadelphia, Product Verification Testing Acquisition, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0540 Defense Supply Center Philadelphia, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0560 Defense Supply Center Philadelphia, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0599 Defense Supply Center Philadelphia-FCIM, 700 Robbins Avenue, Philadelphia, PA 19111–5096
SP0600, UA Defense Energy Support Center, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22304–6160
SP0700, UB, UZ, U3 Defense Supply Center Columbus, PO Box 3990, Columbus, OH 43216–3990
SP0701 Defense Supply Center Columbus, ATTN: DSCC–OT, Building 20, Fourth Floor, Columbus, OH 43216–5000
SP0710, YL Defense Supply Center Columbus, Base Contracting, PO Box 16704, Columbus, OH 43216–5010
SP0720, YM Defense Supply Center Columbus, Lumber Solicitations/Awards, PO Box 16704, Columbus, OH 43216–5010
SP0730, WZ Defense Supply Center Columbus, Military Interdepartmental PR MIPR Division, PO Box 3990, Columbus, OH 43216–5000
SP0740, XJ Defense Supply Center Columbus, Aerospace Solicitations/Awards, PO Box 3990, Columbus, OH 43216–5000
SP0749 Defense Supply Center Columbus, Aerospace/Public Manufacturing, PO Box 3990, Columbus, OH 43216–3990
SP0750, UB Defense Supply Center Columbus, Land Solicitations/Awards, PO Box 16704, Columbus, OH 43216–5010
SP0759 Defense Supply Center Columbus, Land Public Manufacturing, PO Box 16704, Columbus, OH 43216–5010
SP0760, UB Defense Supply Center Columbus, Maritime Solicitations/Awards, PO Box 16704, Columbus, OH 43216–5010
SP0769 Defense Supply Center Columbus, Maritime Public Manufacturing, PO Box 16704, Columbus, OH 43216–5010
SP0770, UB Defense Supply Center Columbus, Commodities Solicitations/Awards, PO Box 16704, Columbus, OH 43216–5010
SP0779 Defense Supply Center Columbus, Commodities Public Manufacturing, PO Box 16704, Columbus, OH 43216–5010
SP0780 Defense Supply Center Columbus, Government Furnished Property Account, ATTN: DSCC–PAPB GFP, Building 20 A2N, 3990 East Broad Street, Columbus, OH 43216–5000
SP0799 Defense Supply Center Columbus-FCIM, PO Box 3990, Columbus, OH 43216–5000
SP0833, VS Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 3339, Fort Belvoir, VA 22060–6223
SP0900, UD Defense Supply Center Columbus, Electronics, PO Box 16704, Columbus, OH 43216–5010
SP0905 Defense Supply Center Columbus, PO Box 16704, Columbus, OH 43216–5010
SP0910, U7 Defense Supply Center Columbus, Base Contracting, PO Box 16704, Columbus, OH 43216–5010
SP0920, W4 Defense Supply Center Columbus, Electro Mechanical, PO Box 16704, Columbus, OH 43216–5010
SP0930 Defense Supply Center Columbus, Switches, PO Box 16704, Columbus, OH 43216–5000

SP0935 Defense Supply Center Columbus, Connectors, PO Box 16704, Columbus, OH 43216–5000
SP0960 Defense Supply Center Columbus, Active Devices, PO Box 16704, Columbus, OH 43216–5000
SP0970 Defense Supply Center Columbus, PO Box 16704, Columbus, OH 43216–5000
SP0999 Defense Supply Center Columbus-FCIM, PO Box 16704, Columbus, OH 43216–5000
SP3100, WX Defense Distribution Center East, Directorate of Distribution Procurement, 2001 Mission Drive, New Cumberland, PA 17070–5001
SP3200, TV Defense Distribution Center West, Directorate of Distribution Procurement, Building S–4, Lathrop, CA 95330–5000
SP4400, X1 Defense Reutilization Marketing Service, 74 Washington Avenue North, Battle Creek, MI 49017–3092
SP4410, X1 Defense Reutilization Marketing Service, Special Contracts Divison ATTN: DRMS–PO 74 Washington Avenue North, Battle Creek, MI 49017–3092
SP4420, XI Defense Reutilization Marketing Service, ATTN: DRMS–PMG, APO AE 09096–5000
SP4700, YK, X8 DLA Administrative Support Center, Office of Contracting 8725 John J. Kingman Road, Suite 0119, Fort Belvoir, VA 22060–6221
SP4800 Defense Logistics Agency, Office of Small And Disadvantaged Business Utilization, 8725 John J. Kingman Road, Suite 1127, Fort Belvoir, VA 22060–6221
SP4900 Defense Logistics Support Command, Procurement Systems, Standard Procurement System Program, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221
SP5200 Defense Logistics Support Command, Electronic Commerce Mall Operations, ATTN: DLSC–PRS, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221
SAS01A UY DCMC Pacific-Australia, Unit 11009, APO AP 96551–1000
SBL00A MJ DCMC Northern Europe-Belgium, PSC 82, Box 002, APO AE 09724–5000
SCN01A WV DCMC Americas, 275 Bank Street, Suite 200, Ottawa, Canada K2P 2L6
SGR18A DCMC Southern Europe, Box 775, ATTN: DCMDI–GGA, APO AE 09096–5000
SJP10A Y9 DCMC Pacific-Japan, PSC 477, Box 39, FPO AP 96306–2739
SKR08A R1 DCMC Pacific-Korea (Kimhae), Unit 2000, APO AE 96214–5000
SML04A XC DCMC Pacific—Kuala Lumpur, American Embassy, APO AP 96535–5000
SPR01A QF DCMC Americas—Puerto Rico, Box DLA NSGA 7, FPO AA 34053–0006
SSA20A DCMC Southern Europe—Spain, PSC 61, Box 3000, APO AE 09642–5000
SSN05A DCMC Pacific—Singapore, PSC 470, Box 2700, FPO AP 96534–2100
SSR01A YE DCMC Southern Europe—Israel, American Embassy Unit 7228, APO AE 09830–7228
SSU01A U4 DCMC Saudi Arabia—Air, DCMCI Unit 61305, APO AE 09803–1305
SSU03A US DCMC Saudi Arabia—Land, DCMCI Unit 61301, APO AE 09803–1301
STA21A DCMC Southern Europe—Italy (Brindisi), PSC 817, Box 61, FPO AE 09622–0061
STA23 DCMC Southern Europe—Italy, Unit 31401, Box 71, APO AE 09630–0071
STR02A, TQ DCMC Southern Europe—Turkey, Unit 9050, APO AE 09822–9050
SUK12A, VN DCMC Northern Europe, PSC 821, Box 55, APO AE 09421–0055
SUK14A DCMC Northern Europe—UK Bristol, Unit 4825, APO AE 09456–4825
SUK15A DCMC Northern Europe—UK Rochester, PSC 30, Box 100, APO AE 09447–0100
SZA01A DCMC Pacific—New Zealand, PSC 467, Box 298, FPO AP 96531–2000
S0101A DCMC Birmingham, 1910 Third Avenue North, Room 201, Birmingham, AL 35203–2376
S0102A, WA DCMC Pemco Aeroplex Birmingham, PO Box 12447, Birmingham, AL 35202–2447
S0302A, WY DCMC Phoenix, Two Renaissance Square, 40 North Central Avenue, Suite 400, Phoenix, AZ 85004–4424
S0305A, SR DCMC Raytheon Tucson, PO Box 11337, Building 801, M/5 D–4, Tucson, AZ 85734–1337
S0506A, WL DCMD West, 222 North Sepulveda Boulevard, El Segundo, CA 90245–4320
S0507A, XR DCMC San Francisco, 1265 Borregas Avenue, Sunnyvale, CA 94089
S0512A, YC DCMC Van Nuys, 6230 Van Nuys Boulevard, Van Nuys, CA 91401–2713
S0513A, UG DCMC Santa Ana, 34 Civic Center Plaza, PO Box C–12700, Santa Ana, CA 92712–2700
S0514A, VH DCMC San Diego, 7675 Dagget Street, Suite 200, San Diego, CA 92111–2241
S0520A, VR DCMC San Francisco—ULDP San Jose, M/SX65, PO Box 367, San Jose, CA 95103–0367
S0530A, X9 DCMC Boeing Huntington Beach, 5301 Bolsa Avenue, Huntington Beach, CA 92647–2099
S0539A, QT DCMC Hughes, Los Angeles, Kilroy Airport Building Center, 2250 East Imperial Highway, Suite 11000, El Segundo, CA 90245–4320
S0542A, RY DCMC Boeing Canoga Park, PO Box 7922, 6633 Canoga Avenue, Canoga Park, CA 91303–7922
S0543A, QX DCMC Lockheed Martin Missiles & Space, PO Box 3504, Sunnyvale, CA 94088–3504
S0544A, TC DCMC Boeing Long Beach, 2401 East Wardlow, Mail Code, 54–79, Long Beach, CA 90807–4481
S0546A, QR DCMC Northrop Grumman Hawthorne, 2301 West 120th Street, Mail Code H3–2, Hawthorne, CA 90251–5032
S0602A, VK DCMC Denver, Orchard Place 2, Suite 200, 5975 Greenwood Plaza Boulevard, Englewood, CO 80111–4715
S0605A, RE DCMC Lockheed Martin Astronautics, PO Box 179, Denver, CO 80201–0179
S0701A, WB DCMC Hartford, 130 Darlin Street, East Hartford, CT 06108–3234
S0702A, UP DCMC Hartford-Stratford, 550 Main Street, Stratford, CT 06497–7574
S0703A, XT DCMC Hartford-Hamilton Standard, 1 Hamilton Road, Windsor Locks, CT 06096–0463
S0707A LF DCMC Sikorsky, 6900 Main Street, Stratford, CT 06497–9131
S0708A, T5 DCMC Pratt & Whitney, East Hartford, 400 Main Street, Mail Stop 104–08, East Hartford, CT 06108–0969
S1002A, WW DCMC Orlando, 3555 Maguire Boulevard, Orlando, FL 32803–3726
S1005A, XL DCMC Lockheed Martin, Orlando, 5600 Sand Lake Road, MP49, Orlando, FL 32819–8907
S1009A, V1 DCMC Orlando-Harris, 1425 Troutman Boulevard NE, Palm Bay, FL 32905–4102
S1011A, T2 DCMC Pratt & Whitney West Palm Beach, 17900 Beeline Highway, West Palm Beach, FL 33410–9600
S1103A, Y1 DCMC Atlanta, 805 Walker Street, Marietta, GA 30060–2789
S1104A DCMC Atlanta-Rockwell, PO Box 1356, Duluth, GA 30136–1357
S1109A, Z4 DCMC Clearwater, Gadsen Building, Suite 200, 9549 Koger Boulevard, St. Petersburg, FL 33702–2455
S1110A, Z5 DCMC Northrop Grumman, St. Augustine, 5000 U.S. Highway 1 North, St. Augustine, FL 32085–3447
S1111A, RK DCMC Lockheed Martin Marietta, 86 South Cobb Drive, Building B–2, Marietta, GA 30063–0260
S1211A, U8 DCMC Aircraft Program Management Office, 805 Walker Street, Marietta, GA 30060–2789
S1221A, X5 DCMC Northrop Grumman Melbourne 2000 West NASA Boulevard, PO Box 9650, Melbourne, FL 32902–9650
S1403A, YP DCMC Chicago, PO Box 66911, Chicago, IL 60666–0911
S1501A, WG DCMC Indianapolis, 8899 East 56th Street, Indianapolis, IN 46249–5701
S1505A, X2 DCMC Indianapolis-Raytheon, Communication Systems Division, 1010 Production, Mail Stop 03–07, Fort Wayne, IN 46808–4106
S1510A, Z9 DCMC Pacific-Honolulu, Box 64110, Camp H.M. Smith, Honolulu, HI 96861–4110
S1701A, YD DCMC Wichita, 271 West Third Street North, Suite 6000, Wichita, KS 67202–1212
S2101A DCMC Baltimore, 200 Towsontown Boulevard West, Towson, MD 21204–5299
S2103A, S2 DCMC Northrop Grumman Baltimore, PO Box 1693, Mail Stop 1285, Baltimore, MD 21203–1693
S2202A, UT DCMC East, 495 Summer Street, Boston, MA 02210–2184
S2203A, XX DCMC Boston—GTE, Government Systems Corp. 77 A Street, Needham, MA 02194–9123
S2205A, XF DCMC Raytheon, 2 Wayside Avenue, Burlington, MA 01803–0901
S2206A, Y3 DCMC Boston, 495 Summer Street, Boston, MA 02210–2138
S2207A, 7Q DCMC GE Lynn, 1000 Western Avenue, Lynn, MA 01910–0445
S2208A, NJ DCMC General Dynamics Defense Systems, 100 Plastics Avenue, Pittsfield, MA 01201–3677
S2209A, SQ DCMC Boston-Textron Systems Corporation, 201 Lowell Street, Wilmington, MA 01887–2941

S2303A, VW DCMC Detroit-Grand Rapids, Riverview Center Building, 678 Front Avenue NW, Grand Rapids, MI 49504–5352
S2305A, Y7 DCMC Detroit, U.S. Army Tank-Automotive Command, ATTN: DCMDE–GJD, Warren, MI 48397–5000
S2401A, WQ DCMC Twin Cities, 3001 Metro Drive, Bloomington, MN 55425–1573
S2404A, UR DCMC Baltimore, ATTN: Chesapeake 200 Towsontown, Boulevard West, Towson, MD 21204–5299
S2605A, XS DCMC St. Louis, 1222 Spruce Street, St. Louis, MO 63103–2812
S2606A, JZ DCMC Boeing St. Louis, PO Box 516, St. Louis, MO, 63166–0516
S3001A, YS DCMC Lockheed Martin Sanders, PO Box 0868, NHQ–539 Nashua, NH 03061–0868
S3101A, WT DCMC Springfield, Building 1, ARDEC, Picatinny, NJ 07806–5000
S3102A, UU DCMC Springfield-Allied Signal, Route 46, Mail Stop, 1–37, Teterboro, NJ 07608–1173
S3109A, WC DCMC Springfield-GEC/Kearfott/MIDSCO, PO Box 975, 164 Totowa Road, Wayne, NJ 07474–0975
S3110A, X7 DCMC Lockheed Martin, Delaware Valley, Mail Stop AE 2–W 1 Federal Street, Camden, NJ 08102–1013
S3305A, DCMC Syracuse-Buffalo, T.J. Dulski Federal Building, Room 1103, 111 West Huron Street, Buffalo, NY 14202–2392
S3306A, XU DCMC Syracuse, 615 Erie Boulevard West, Syracuse, NY 13402–2408
S3309A, VX DCMC Long Island, 605 Stewart Avenue, Garden City, NY 11530–4761
S3310A DCMC New York, Fort Wadsworth Building 120, 207 New York Avenue, Staten Island, NY 10305–5013
S3315A, YR DCMC Lockheed Martin, Federal Systems, Owego, 1801 State Route 17C, Owego, NY 13827–3998
S3316A, KK DCMC Northrop Grumman Bethpage, Mail Stop D23–025, South Oyster Bay Road, Bethpage, NY 11714–3593
S3319A DCMC Boston-Manchester, 2 Wall Street, Manchester, NH 03101–1621
S3619A, SB DCMC GE Aircraft Engines, Evendale, Mail Drop N–1, Cincinnati, OH 45215–6303
S3603, VB DCMC Cleveland, Admiral Kidd Building, 555 East 88th Street, Bratenahl, OH 44108–1068
S3605A, VL DCMC Dayton, Area C, Building 30, 1725 Van Patton Drive, Wright-Patterson AFB, OH 45433–5302
S3616A, X6 DCMC Cleveland—Lockheed Martin, Tactical Defense Systems, Akron, 1210 Massillon Road, Akron, OH 44315–0001
S3618A, YF DCMC Detroit—General Dynamics Lima, 1155 Buckeye Road, Lima, OH 45804–1898
S3620A, VA Defense Contract Management District International, 8725 John J. Kingman Road, Suite 3321, Fort Belvoir, VA 22060–6221
S3911A, X3 DCMC Pittsburgh, Federal Building, Room 1612, 1000 Liberty Avenue, Pittsburgh, PA 15222–4190
S3912A, XM DCMC Philadelphia-Reading, 201 Penn Street, Suite 201, Reading, PA 19601–4054
S3915A, XD DCMC Philadelphia, South 20th Street, Philadelphia, PA 19101–7699
S3916A, TU DCMC Boeing Philadelphia, PO Box 16859, Philadelphia, PA 19142–0859
S4201A, XY DCMC Philadelphia-United Defense Limited Partnership, PO Box 15512, York, PA 17405–1512
S4402A, Z7 DCMC Dallas, 1200 Main Street, Dallas, TX 75202–4399
S4404A, XN DCMC San Antonio, 615 East Houston, PO Box 1040, San Antonio, TX 78294–1040
S4407A, WN DCMC Raytheon E-Systems, Inc., PO Box 6379, Greenville, TX 75403–6379
S4408A, XZ DCMC Raytheon TI Systems, PO Box 660246, Mail Stop 256, Dallas, TX 75266–0246
S4418A, W1 DCMC Bell Helicopter Textron, PO Box 1605, Fort Worth, TX 76101–1605
S4419A, SL DCMC Lockheed Martin Tactical Aircraft Systems, PO Box 371, Fort Worth, TX 76101–0371
S4420A, WP DCMC Dallas-Lockheed Martin Vought Systems, PO Box 650003, Mail Stop PT, Dallas, TX 75265–0003
S4503A, R6 DCMC Thiokol, PO Box 524, Mail Stop Z–10, Brigham City, UT 84302–0524
S4601A DCMC General Dynamics Armament/Ord Systems, 128 Lakeside Avenue, Burlington, VT 05401–4985
S4801A, XW DCMC Seattle, Corporate Campus East III, 3009 112th Avenue NE, Suite 200, Bellevue, WA 98004–8019
S4804A, SP DCMC Boeing, Seattle, PO Box 3707, Seattle, WA 98124–2207
S4807A, WM DCMC Stewart and Stevenson, Inc., PO Box 457, Sealy, TX 77474–0457

Part 7—Defense Information Systems Agency Activity Address Numbers

DCA100, VC DITCO–NCR, ATTN: DTN 701 South Courthouse Road, Arlington, VA 22204–2109—(ZD10)
DCA200, VP Defense Information Technology Contracting Organization, Contracting Directorate, ATTN: DTS 2300 East Drive, Scott AFB, IL 62225–5406—(ZD11)
DCA300, 1F DITCO-Pacific, ATTN: DTP 1080 Vincennes Avenue, Suite 100, Pearl Harbor, HI 96860–4535—(ZD13)
DCA400, WK DITCO-Europe, ATTN: DTE, Unit 4235, Box 375, APO AE 09136–5375—(ZD14)
DCA500, KH DITCO-Alaska, ATTN: DTA 10441 Kuter Avenue, Suite 209, Elmendorf AFB, AK 99506–2615—(ZD15)

Part 8—National Imagery and Mapping Agency Activity Address Numbers

NMA100, BQ National Imagery and Mapping Agency, Support of Network and Enterprise Systems, ATTN: PCN/D–88, 4600 Sangamore Road, Bethesda, MD 20816–5003—(ZM10)
NMA201, Y2 National Imagery and Mapping Agency, Support of USIGS, ATTN: PCU/D–88, 4600 Sangamore Road, Bethesda, MD 20816–5003—(ZM21)
NMA202, Z2 National Imagery and Mapping Agency, Support of Systems Engineering, ATTN: PCE/D–88, 4600 Sangamore Road, Bethesda, MD 20816–5003—(ZM22)
NMA301, V2 National Imagery and Mapping Agency, Contracts in Support of Operations (East), ATTN: PCO–E/D–5, 4600 Sangamore Road, Bethesda, MD 20816–5003—(ZM31)
NMA302, YQ National Imagery and Mapping Agency, Contracts in Support of Operations (West), ATTN: PCO–W/L–13, 3200 South Second Street, St. Louis, MO 63118–3399—(ZM32)
NMA401, 8Y National Imagery and Mapping Agency, Contracts in Support of Corp Affairs (East), ATTN: PCC–E/D–6, 4600 Sangamore Road, Bethesda, MD 20816–5003—(ZM41)
NMA402, YZ National Imagery and Mapping Agency, Contracts in Support of Corp Affairs (West), ATTN: PCC–W/L–13, 3200 South Second Street, St. Louis, MO 63118–3399—(ZM42)

Part 9—Defense Threat Reduction Agency Activity Address Numbers

DTRA01, 8Z Defense Threat Reduction Agency/AM, 45045 Aviation Drive, Dulles, VA 20166–7517—(ZT01)
DTRA02, 0N Defense Threat Reduction Agency, Albuquerque Office, ATTN: Acquisitions Division (AOA), 1680 Texas Street SE, Kirtland AFB, NM 87115–5669—(ZT02)

Part 10—Miscellaneous Defense Activities Activity Address Numbers

MDA112, E0 T–ASA, Sacramento Contracting Office, 3116 Peacekeeper Way, McClellan AFB, CA 95652–1068—(ZP12)
MDA113, VE T–ASA, March Contracting Office, 1363 Z Street, Building 2730, March AFB, CA 92518–2717—(ZP13)
MDA210, SF Defense Finance and Accounting Service, Headquarters, 1931 Jefferson Davis Highway, Arlington, VA 22240–5291—(ZF21)
MDA220, BC Defense Finance and Accounting Service, Integrated Contracting Office, 1931 Jefferson Davis Highway, Arlington, VA 22240–5291—(ZF22)
MDA230, SU Defense Finance and Accounting Service, Cleveland Center, 1240 East 9th Street, Cleveland, OH 44199–2055—(ZF23)
MDA240, 9R Defense Finance and Accounting Service, Columbus Center, 4280 East 5th Avenue, Columbus, OH 43219–1879—(ZF24)
MDA250, SV Defense Finance and Accounting Service, Denver Center, 6760 East Irvington Place, Denver, CO 80279–8000—(ZF25)
MDA260, ST Defense Finance and Accounting Service, Contract Support Office-Indianapolis, 8899 East 56th Street, Building 1, Indianapolis, IN 46249–0240—(ZF26)
MDA280, SY Defense Finance and Accounting Service, Kansas City Center, 1500 East 95th Street, Kansas City, MO 64131—(ZF28)
MDA410, DR DoD Education Activity, ATTN: Procurement Division, 4040 North Fairfax Drive, 4th Floor, Arlington, VA 22203–1635—(ZK10)

MDA412, 9Y DoD Education Activity, European Procurement Office, Unit 29649, Box 6000, APO AE 09096–9649—(ZK12)
MDA414, Y4 DoD Education Activity, Education Supplies Procurement Office, 101 Buford Road, Richmond, VA 23235–5292—(ZK14)
MDA416, YT DoD Education Activity, Pacific Procurement Office, PSC 557, Box 1894, FPO AP 96379–1894—(ZK16)
MDA418, E1 DoD Education Activity, Education Supplies Procurement Office, 101 Buford Road, Richmond, VA 23235–5292—(ZK18)
MDA904 Maryland Procurement Office, ATTN: N363, 9800 Savage Road, Fort George G. Meade, MD 20755–6000—(ZD04)
MDA905, B4 Uniformed Services University of the Health Sciences, ATTN: Directorate of Contracting, 4301 Jones Bridge Road, Bethesda, MD 20814–4799—(ZD05)
MDA906, U5 TRICARE Management Activity, Contract Management Directorate, 16401 East Centretech Parkway, Aurora, CO 80011–9043—(ZD06)
MDA907 Purchasing and Contracting Office, Menwith Hill Station, APO AE 09210—(ZD07)
MDA908, 2X Virginia Contracting Activity, ATTN: DAP, PO Box 46563, Washington, DC 20050–6563—(ZD50)
MDA928 Armed Forces Radiobiology Research Institute, ATTN: Directorate of Contracting, USUHS, 4301 Jones Bridge Road, Bethesda, MD 20814–4799—(ZD28)
MDA946 Washington Headquarters Services, Real Estate and Facilities Directorate, ATTN: REFCO, The Pentagon-Butler Building, 1155 Defense Pentagon, Washington, DC 20301–1155—(ZD46)
MDA947, DP Pentagon Renovation Office, 100 Boundary Channel Drive, Arlington, VA 22202–3712—(ZD47)
MDA972, WS DARPA, Contracts Management Directorate, 3701 North Fairfax Drive, Arlington, VA 22203—(ZD72)

Part 11—Defense Microelectronics Activity Address Number

DMEA90, 2P Defense Microelectronics Activity, ATTN: Contracting Office, 4234–54th Street, Building 620, McClellan Air Force Base, CA 95652–1521—(ZD90)

Part 12—Ballistic Missile Defense Organization Activity Address Numbers

HQ0006, SS Ballistic Missile Defense Organization, Contracts Directorate, ATTN: CT 1725 Jefferson Davis Highway, Suite 809, Arlington, VA 22202–4131—(ZD60)
H95001, VV Joint National Test Facility, Program Operations Acquisition, 730 Irwin Avenue, Schriever Air Force Base, CO 80912–7300—(ZD61)

Part 13—Defense Commissary Agency Activity Address Numbers

DECA01, ZG Defense Commissary Agency, Marketing Business Unit, ATTN: DeCA/MB, 5258 Oaklawn Boulevard, Hopewell, VA 23860–7336—(ZD81)
DECA02, ZT Defense Commissary Agency, Contract Management Business Unit, ATTN: DeCA/RAS, 5258 Oaklawn Boulevard, Hopewell, VA 23860–7336—(ZD82)
DECA03, 0H Defense Commissary Agency, Eastern Region/Northern Area Office, ATTN: DeCA/EA–N–AEA, 2257 Huber Road, Fort George G. Meade, MD 20755–5520—(ZD83)
DECA04, BE Defense Commissary Agency, Contract Management Business Unit, ATTN: DeCA/RAE, 1300 E Avenue, Building P–11200, Fort Lee, VA 23801–1800—(ZD84)
DECA05, 0L Defense Commissary Agency, Eastern Region/Southern Area Office, ATTN: DeCA/EA–S–AEA, 60 West Maxwell Boulevard, Maxwell AFB, AL 36112–6307—(ZD85)
DECA06, 0J Defense Commissary Agency, Midwest Region, ATTN: DeCA/MW–RDA, 300 AFCOMS Way, Building 3030, Kelly AFB, TX 78241–6132—(ZD86)
DECA07, 0Z Defense Commissary Agency, Western/Pacific Region, ATTN: DeCA/WP–RDA, 3401 Acacia Street, Building 950, McClellan AFB, CA 95692–1154—(ZD87)
DECA08, 0K Defense Commissary Agency, Contract Management Business Unit, ATTN: DeCA/RAV, 1300 E Avenue, Building P–11200, Fort Lee, VA 23801–1800—(ZD88)
DECA09, 0U Defense Commissary Agency, Contract Management Business Unit, ATTN: DeCA/EU–RDA, Unit 3060, APO AE 09094—(ZD89)

Part 14—United States Special Operations Command Activity Address Numbers

USZA20, 1R AFSOC Specialized Contracting Office, 100 Bartley Street, Suite 208–W, Hurlburt Field, FL 32544–5273—(ZA20)
USZA21 SOPAC Contracting Office, Special Operations Command Pacific, Building 31–A, Box 64046, Thompson Road, Camp H.M. Smith, HI 96861–4046—(ZA21)
USZA22, 2U USSOCOM Headquarters, Directorate of Procurement, ATTN: SOAL–KB, 7701 Tampa Point Boulevard, MacDill AFB, FL 33621–5323—(ZA22)
USZA23 Integrated Aviation Systems 21 Workgroup, ATTN: AATD, Building 401, Fort Eustis, VA 23604–5577—(ZA23)
USZA24 USSOCOM, 24th STS, ATTN: MS–Z, Building 3–1947, Room 105, Pope AFB, NC 28308–5000—(ZA24)
USZA25, B6 USSOCOM, RD&A Contracting Office, ATTN: USASOC–RDA, 4118 Susquehanna Avenue, Room 109, Aberdeen Proving Ground, MD 21005–5001—(ZA25)
USZA26, 1Z USSOCOM, Procurement Management Office, ATTN: SOAL–KMR, 7701 Tampa Point Boulevard, MacDill AFB, FL 33621–5323—(ZA26)
USZA90 USSOCOM, JSOC, PO Box 70329, Fort Bragg, NC 28307–5000—(ZA90)
USZA91 USSOCOM, SOTF, ATTN: Contracting, PO Box 70660, Fort Bragg, NC 28307–5000—(ZA91)
USZA92, 1F USSOCOM, USASOC, ATTN: AOCO, Building E–2929, Fort Bragg, NC 28307–5200—(ZA92)
USZA93 Special Boat Squadron One, 3400 Tarawa Road, San Diego, CA 92155–5176—(ZA93)
USZA94, ZL Naval Special Warfare Group One, 3632 Guadalcanal Road, San Diego, CA 92155–5583—(ZA94)
USZA95, 1A USSOCOM, TAKO, Contracting Division, ATTN: AMSAT–D–TK, Building 401, Lee Boulevard, Office 209, Fort Eustis, VA 23604–5577—(ZA95)
USZA96, 1P Special Boat Squadron Two, ATTN: NAB Little Creek, 2220 Schofield Road, Suite 100, Norfolk, VA 23521–2845—(ZA96)
USZA97, B8 Naval Special Warfare Group Two, 3854 Helicopter Road, Norfolk, VA 23521–2944—(ZA97)
USZA98 Naval Special Warfare Center, 2446 Trident Way, San Diego, CA 92155–5494—(ZA98)
USZA99, B9 Naval Special Warfare Development Group, 1636 Regulus Avenue, Building 313, Virginia Beach, VA 23461–2299—(ZA99)

[FR Doc. 00–6164 Filed 3–15–00; 8:45 am]
BILLING CODE 5000–04–P

DEPARTMENT OF DEFENSE

48 CFR Parts 202, 204, 207, 208, 222, and 252, and Appendices B, E, and F to Chapter 2

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Deaprtment of Defense (DoD).
ACTION: Final rule.

SUMMARY: The Acting Director of Defense Procurement is making technical amendments to the Defense Federal Acquisition Regulation Supplement to update activity names, addresses, and telephone numbers; delete obsolete text; update paragraph numbering and cross-references; and update certain commodity assignments under the DoD Coordinated Acquisition Program.

EFFECTIVE DATE: March 16, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, PDUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; telefax (703) 602–0350.

List of Subjects in 48 CFR Parts 202, 204, 207, 208, 222, and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 202, 204, 207, 208, 222, and 252 and Appendices B, E, and F to Chapter 2 are amended as follows:

1. The authority citation for 48 CFR Parts 202, 204, 207, 208, 222, and 252, and Appendices B, E, and F to

subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 202—DEFINITIONS OF WORDS AND TERMS

202.101 [Amended]

2. Section 202.101 is amended in the definition of ''*Contracting activity*'', under the heading ''NAVY'', by removing the entry ''Directorate of Procurement Policy, Office of the Assistant Secretary of the Navy (Research, Development, and Acquisition)''.

PART 204—ADMINISTRATIVE MATTERS

3. Section 204.7002 is amended by revising paragraph (a)(2) to read as follows:

204.7002 Procedures.

(a) * * *

(2) Do not use the letter ''I'' or ''O''.

* * * * *

4. Section 204.7003 is amended by revising paragraph (a)(1)(i)(J) and adding paragraph (a)(1)(i)(M) to read as follows:

204.7003 Basic PII number.

(a) * * *

(1) * * *

(i) * * *

(J) Ballistic Missile Defense Organization—HQ0006 and H95001.

* * * * *

(M) Defense Microelectronics Activity—DMEA.

* * * * *

5. Section 204.7303 is amended in paragraph (a)(2) by revising the last sentence to read as follows:

204.7303 Procedures.

(a) * * *

(2) * * * The contracting officer may verify registration using the DUNS number or, if applicable, the DUNS+4 number, by calling toll-free: 1–888–227–2423, commercial: (616) 961–5757, or DSN: 932–5757; via the Internet at http://www.ccr2000.com; or as otherwise provided by agency procedures.

* * * * *

PART 207—ACQUISITION PLANNING

207.105 [Amended]

6. Section 207.105 is amended by redesignating paragraph (b)(18) as paragraph (b)(19).

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

208.7301 [Amended]

7. Section 208.7301 is amended in the first definition by removing *''Defense Industrial Supply Center (DISC)''* and adding in its place ''*Defense Supply Center, Philadelphia (DSCP)*''.

208.7305 [Amended]

8. Section 208.7305 is amended in paragraph (a)(1) by removing ''DISC'' and adding in its place ''DSCP''.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

222.604–2 [Amended]

9. Section 222.604–2 is amended by redesignating paragraph (c) as paragraph (b).

222.608 and 222.608–4 [Removed]

10. Sections 222.608 and 222.608–4 are removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.204–7004 [Amended]

11. Section 252.204–7004 is amended by revising the clause date to read ''(MAR 2000)''; and in paragraph (d) by removing ''http://ccr.edi.disa.mil'' and adding in its place ''http://www.ccr2000.com''.

252.227–7030 [Amended]

12. Section 252.227–7030 is amended by revising the clause date to read ''(MAR 2000)''; and in paragraph (a) in the first sentence by removing ''252.227–7013(k)'' and adding in its place ''252.227–7013(e)(2) or 252.227–7018(e)(2)''

Appendix B—Coordinated Acquisition Assignments

13. Appendix B to Chapter 2 is amended by revising Part 5 to read as follows:

Appendix B—Coordinated Acquisition Assignments

* * * * *

PART 5—DEFENSE THREAT REDUCTION AGENCY ASSIGNMENTS

Federal supply class code	Commodity
1105	Nuclear Bombs.
1110	Nuclear Projectiles.
1115	Nuclear Warheads and Warhead Sections.
1120	Nuclear Depth Charges.
1125	Nuclear Demolition Charges.
1127	Nuclear Rockets.
1130	Conversion Kits, Nuclear Ordnance.
1135	Fuzing and Firing Devices, Nuclear Ordnance.
1140	Nuclear Components.
1145	Explosive and Pyrotechnic Components, Nuclear Ordnance.
1190	Specialized Test and Handling Equipment, Nuclear Ordnance.
1195	Miscellaneous Nuclear Ordnance.

In addition to the above, assignments to the Defense Threat Reduction Agency (DTRA) include all items for which DTRA provides logistics management or has integrated management responsibilities in accordance with the DTRA Charter.

E–202 [Amended]

14. Appendix E to Chapter 2 is amended in Part 2, Section E–202, paragraph (c), in the second sentence, by removing ''Defense Logistics Service Center'' and adding in its place ''Defense Logistics Information Service''.

15. Appendix E to Chapter 2 is amended in Part 2, Section E–204.2, as follows:

a. By revising paragraph (a) introductory text;

b. In paragraph (b) introductory text by removing ''shall'' and adding in its place ''will'';

c. In paragraphs (b)(1) and (b)(2) by removing ''DLSC'' and adding in its place ''DLIS''. The revised text reads as follows:

Appendix E—DOD Spare Parts Breakout Program

* * * * *

E–204.2 Responsibilities.

(a) The Defense Logistics Information Service (DLIS) will—

* * * * *

16. Appendix F to Chapter 2 is amended in Part 7, Section F–702, by designating the table following the text as Table 3, and by revising newly designated Table 3 to read as follows:

Appendix F—Material Inspection and Receiving Report

* * * * *

F–702 Corrected DD Form 250–1.

* * * * *

TABLE 3

Type of shipment	Recipient of DD Form 250–1	Number of copies			
		Loading (Prepared by shipper or Government representative)		Discharge (Prepared by receiving activity)	
		Tanker	Barge	Tanker	Barge
All (On overseas shipments, provide for a minimum of 4 consignees. Place 1 copy, attached to ullage report, in each of 4 envelopes. Mark the envelopes, ''Consignee—First Destination,'' ''Consignee—Second Destination,'' etc. Deliver via the vessel).	Each Consignee (by mail CONUS only).	2	1	As Required.	As Required
	With Shipment	1	1	As Required.	As Required
	Master of Vessel	1	1	1	1
	Tanker or Barge Agent	2	2	2	2
	Contractor	As Required.	As Required.	As Required.	As Required
	Cognizant Inspection Office	1	1	1	1
	Government Representative responsible for quality at each destination.	1	1	1	1
	Government Representative at Cargo Loading Point.	1	1	1*	1*
On all USNS tankers and all MSC chartered tankers and MSC chartered barges.	Military Sealift Command, Code N322, Washington, DC 20396–5100.	2	2	2	2
See the contract or shipping order for finance documentation and any supplemental requirements for Government-owned product shipments and receipts.	Payment Office: If this is DFAS–CO, send copies to: Defense Energy Support Center, ATTN: DESC–FII, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221 (do not send copies to DFAS–CO).	2	2	2	2
For shipments and receipts of DESC financed cargoes for which DFAS–CO is not the paying office.	Defense Energy Support Center, ATTN: DESC–FII, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221.	1	1	1	1
For shipments on all USNS tankers, MSC chartered tankers and barges, and FOB destination tankers with copy of ullage report.	Defense Energy Support Center, ATTN: DESC–BID, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221.	1	1	1**	1
On Army ILP shipments	U.S. Army International Logistics Center, New Cumberland Army Depot, New Cumberland, PA 17070–5001.	2	2	2	2
NAVY—On all shipments to Navy Operated Terminals	Defense Energy Support Center, ATTN: DESC–FII, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221.	2	1	2	1
On all shipments to AF Bases	Directorate of Energy Management, SA ALC(SFT), Kelly AFB, TX 78241–5000.	1	1	1	1
On all CONUS loadings	DESC Region(s) cognizant of shipping point.	1	1	1	1
On all shipments to CONUS Destinations	DESC Region(s) cognizant of shipping and receiving point.****.	1	1	0	0
For all discharges of cargoes originating at Defense Energy Support Points and discharging at activities not Defense Energy Support Points.	Defense Energy Support Center, ATTN: DESC–BID, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221.			1***	1***

*With copy of ullage report.
**Dry tank certificate to accompany DD Form 250–1 and ullage report.
***Copies of the DD Form 250–1, forwarded by bases, will include the following in Block 11: Shipped to: Supplementary Address, if applicable; Signed Code; and Fund Code.

**** See Table 4.

[FR Doc. 00–6168 Filed 3–15–00; 8:45 am]
BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 208

[DFARS Case 2000–D005]

Defense Federal Acquisition Regulation Supplement; Federal Prison Industries Waiver Threshold

AGENCY: Department of Defense (DoD).
ACTION: Final rule.

SUMMARY: The Acting Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to increase, from $25 to $250, the threshold at which DoD must request clearance from Federal Prison Industries (FPI) before purchasing FPI Schedule items from sources other than FPI, when delivery is required within 10 days.

EFFECTIVE DATE: March 16, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–4245; telefax (703) 602–0350. Please cite DFARS Case 2000–D005.

SUPPLEMENTARY INFORMATION:

A. Background

Subpart 8.6 of the Federal Acquisition Regulation (FAR) requires Federal agencies to obtain clearance from FPI before purchasing FPI Schedule items from sources other than FPI. FAR 8.606(e) provides an exception to the clearance requirement for orders of Schedule items totaling $25 or less that require delivery within 10 days. On January 24, 2000, FPI granted DoD further exception to the clearance requirement for orders totaling $250 or less that require delivery within 10 days. This final rule amends the DFARS to reflect the $250 threshold for DoD.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2000–D005.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 208

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 208 is amended as follows:

1. The authority citation for 48 CFR Part 208 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Subpart 208.6 is added to read as follows:

Subpart 208.6—Acquisition from Federal Prison Industries, Inc.

Sec.
208.606 Exceptions.

208.606 Exceptions.

(e) DoD activities do not need an FPI clearance for orders of listed items totaling $250 or less than require delivery within 10 days.

[FR Doc. 00–6166 Filed 3–15–00; 8:45 am]
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DEPARTMENT OF DEFENSE

48 CFR Parts 212, 244, 247, and 252

[DFARS Case 98–D014]

Defense Federal Acquisition Regulation Supplement; Cargo Preference—Subcontracts for Commercial Items

AGENCY: Department of Defense (DoD).
ACTION: Final rule.

SUMMARY: The Acting Director of Defense Procurement has issued a final rule amending Defense Federal Acquisition Regulation Supplement (DFARS) policy regarding the applicability of statutory requirements for use of U.S. vessels in the transportation of supplies by sea. The rule clarifies requirements for use of U.S. vessels under subcontractors for the acquisition of commercial items.

EFFECTIVE DATE: March 16, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; telefax (703) 602–0350. Please cite DFARS Case 98–D014.

SUPPLEMENTARY INFORMATION:

A. Background

10 U.S.C. 2631 provides a preference for the use of U.S. vessels for ocean transportation of supplies purchased under DoD contracts. DFARS Parts 212 and 247 waive the requirements of 10 U.S.C. 2631 for subcontracts for the acquisition of commercial items. This rule amends DFARS Parts 212 and 247 and corresponding clauses to limit the types of subcontracts to which the waiver of 10 U.S.C. 2631 is applicable. The rule is intended to ensure compliance with 10 U.S.C. 2631 for ocean cargoes clearly destined for DoD use, while avoiding disruption of commercial delivery systems.

DoD published a proposed rule at 64 FR 33238 on June 22, 1999. Nine sources submitted comments in response to the proposed rule. DoD considered all comments in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because most entities that provide ocean transportation of freight are not small business concerns.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 212, 244, 247, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 212, 244, 247, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 212, 244, 247, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

2. Section 212.504 is amended by revising paragraph (a)(xxii) to read as follows:

212.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

(a) * * *

(xxii) 10 U.S.C. 2631, Transportation of Supplies by Sea (except as provided in the clause at 252.247–7023, Transportation of Supplies by Sea).

* * * * *

PART 244—SUBCONTRACTING POLICIES AND PROCEDURES

3. Section 244.403 is revised to read as follows:

244.403 Contract clause.

Use the clause at 252.244–7000, Subcontracts for Commercial Items and Commercial Components (DoD contracts), in solicitations and contracts for supplies or services other than commercial items, that contain any of the following clauses: 252.225–7014 Preference for Domestic Specialty Metals, Alternate I, 252.247–7023 Transportation of Supplies by Sea, and 252.247–7024 Notification of Transportation of Supplies by Sea.

PART 247—TRANSPORTATION

247.572–1 [Amended]

4. Section 247.572–1 is amended in paragraph (a) by removing the last sentence.

5. Section 247.573 is amended by revising paragraph (b) to read as follows:

247.573 Solicitation provision and contract clauses.

* * * * *

(b)(1) Use the clause at 252.247–7023, Transportation of Supplies by Sea, in all solicitations and resultant contracts, except—

(i) Those for direct purchase of ocean transportation services; or

(ii) Those with an anticipated value at or below the simplified acquisition threshold.

(2) Use the clause with its Alternate I in other than construction contracts, if any of the supplies to be transported are commercial items that are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations.

(3) Use the clause with its Alternate II in other than construction contracts, if any of the supplies to be transported are commercial items that are commissary or exchange cargoes transported outside of the Defense Transportation System in accordance with 10 U.S.C. 2643.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. Section 252.212–7001 is amended as follows:

a. By revising the clause date;

b. By removing paragraph (a);

c. By redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively;

d. In newly designated paragraph (a) by adding in numerical order the entry ''_____252.247–7023 Transportation of Supplies by Sea (_____Alternate I) (_____Alternate II) (10 U.S.C. 2631).''; and

e. By revising newly designated paragraph (b) to read as follows:

252.212–7001 Contract terms and conditions required to implement statutes or Executive Orders applicable to Defense Acquisitions of Commercial Items.

* * * * *

Contract Terms and Conditions Required to Implement statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items (Mar 2000)

* * * * *

(b) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items clause of this contract (Federal Acquisition Regulation 52.212–5), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

252.225–7014 Preference for Domestic Specialty Metals, Alternate I (10 U.S.C. 2241 note).

252.247–7023 Transportation of Supplies by Sea (10 U.S.C. 2631).

252.247–7024 Notification of Transportation of Supplies by Sea (10 U.S.C. 2631).

(End of clause)

7. Section 252.244–7000 is revised to read as follows:

252.244–7000 Subcontracts for commercial items and commercial components (DoD contracts).

As prescribed in 244.403, use the following clause:

Subcontracts for Commercial Items and Commercial Components (DOD Contracts) (Mar 2000)

In addition to the clauses listed in paragraph (c) of the Subcontracts for Commercial Items and Commercial Components clause of this contract (Federal Acquisition Regulation 52.244–6), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

252.225–7014 Preference for Domestic Specialty Metals, Alternate I (10 U.S.C. 2241 note).

252.247–7023 Transportation of Supplies by Sea (10 U.S.C. 2631).

252.247–7024 Notification of Transportation of Supplies by Sea (10 U.S.C. 2631).

(End of clause)

8. Section 252.247–7023 is amended as follows:

a. By revising the introductory text and clause date;

b. In paragraph (a)(5) by removing the last sentence;

c. By redesignating paragraphs (b) through (g) as paragraphs (c) through (h), respectively;

d. By adding a new paragraph (b);

e. In newly designated paragraph (c) by removing the first sentence of the introductory text;

f. By revising newly designated paragraph (h); and

g. By adding Alternates I and II. The revised and added text reads as follows:

252.247–7023 Transportation of supplies by sea.

As prescribed in 247.573(b)(1), use the following clause:

Transportation of Supplies by Sea (Mar. 2000)

* * * * *

(b)(1) The Contractor shall use U.S.-flag vessels when transporting any supplies by sea under this contract.

(2) A subcontractor transporting supplies by sea under this contract shall use U.S.-flag vessels if—

(i) This contract is a construction contract; or

(ii) The supplies being transported are—

(A) Noncommercial items; or

(B) Commercial items that—

(1) The Contractor is reselling or distributing to the Government without adding value (generally, the Contractor does not add value to items that it contracts for f.o.b. destination shipment);

(2) Are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations; or

(3) Are commissary or exchange cargoes transported outside of the Defense Transportation System in accordance with 10 U.S.C. 2643.

* * * * *

(h) The Contractor shall include this clause, including this paragraph (h), in all subcontractors under this contract that—

(1) Exceed the simplified acquisition threshold in Part 2 of the Federal Acquisition Regulation; and

(2) Are for a type of supplies described in paragraph (b)(3) of this clause.

(End of clause)

Alternate I (MAR 2000).

As prescribed in 247.573(b)(2), substitute the following paragraph (b) for paragraph (b) of the basic clause:

(b)(1) The Contractor shall use U.S.-flag vessels when transporting any supplies by sea under this contract.

(2) A subcontractor transporting supplies by sea under this contract shall use U.S.-flag vessels if the supplies being transported are—

(i) Noncommercial items; or

(ii) Commercial items that—

(A) The Contractor is reselling or distributing to the Government without adding value (generally, the Contractor does not add value to items that it subcontracts for f.o.b. destination shipment);

(B) Are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations (Note: This contract requires shipment of commercial items in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations); or

(C) Are commissary or exchange cargoes transported outside of the Defense Transportation System in accordance with 10 U.S.C. 2643.

Alternate II (MAR 2000).

As prescribed in 247.573(b)(3), substitute the following paragraph (b) for paragraph (b) of the basic clause:

(b)(1) The Contractor shall use U.S.-flag vessels when transporting any supplies by sea under this contract.

(2) A subcontractor transporting supplies by sea under this contract shall use U.S.-flag vessels if the supplies being transported are—

(i) Noncommercial items; or

(ii) Commercial items that—

(A) The Contractor is reselling or distributing to the Government without adding value (generally, the Contractor does not add value to items that it subcontracts for f.o.b. destination shipment),

(B) Are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations; or

(C) Are commissary or exchange cargoes transported outside of the Defense Transportation System in accordance with 10 U.S.C. 2643 (Note: This contract requires transportation of commissary or exchange cargoes outside of the Defense Transportation System in accordance with 10 U.S.C. 2643).

9. Section 252.247–7024 is amended by revising the clause date and paragraph (b) to read as follows:

252.247–7024 Notification of Transportation of Supplies by Sea.

* * * * *

Notification of Transportation of Supplies by Sea (Mar 2000)

* * * * *

(b) The Contractor shall include this clause; including this paragraph (b), revised as necessary to reflect the relationship of the contracting parties—

(1) In all subcontracts under this contract, if this contract is a construction contract; or

(2) If this contract is not a construction contract, in all subcontracts under this contract that are for—

(i) Noncommercial items; or

(ii) Commercial items that—

(A) The Contractor is reselling or distributing to the Government without adding value (generally, the Contractor does not add value to items that it subcontracts for f.o.b. destination shipment);

(B) Are shipped in direct support of U.S. military contingency operations, exercises, or forces deployed in humanitarian or peacekeeping operations; or

(C) Are commissary or exchange cargoes transported outside of the Defense Transportation System in accordance with 10 U.S.C. 2643.

(End of clause)

[FR Doc. 00–6165 Filed 3–15–00; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 222 and 252

[DFARS Case 99–D308]

Defense Federal Acquisition Regulation Supplement; Construction and Service Contracts in Noncontiguous States

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Acting Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8071 of the Fiscal Year 2000 Defense Appropriations Act. Section 8071 provides that DoD contracts for construction or services performed in a noncontiguous State, that has an unemployment rate in excess or the national average, must include a clause requiring the contractor to employ individuals who are residents of that State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills.

DATES: Effective date: March 16, 2000.

Comment date: Comments on the interim rule should be submitted in writing to the address shown on or before May 15, 2000, to be considered in the formation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350.

E-mail comments submitted via the Internet should be addressed to: dfars@acq.osd.mil

Please cite DFARS Case 99–D308 in all correspondence related to this rule. E-mail comments should cite DFARS Case 99–D308 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0288.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule revisions DFARS Subpart 222.70 and the clause at 252.222–7000 to implement Section 8071 of the Fiscal Year 2000 Defense Appropriations Act (Public Law 106–79). Section 8071 provides that DoD contracts for construction or services performed in a State (as defined in 10 U.S.C. 381(d)), that is not contiguous with another State and has an unemployment rate in excess of the national average, must include a clause requiring the contractor to employ, for the purpose of performing that portion of the contract in the noncontiguous State, individuals who are residents of that State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. A similar DFARS requirement already exists for the noncontiguous States of Alaska and Hawaii. DoD knows of no economic impact on small entities that has resulted from the implementation of

this requirement in those States. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 99–D308.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 8071 of the Fiscal Year 2000 Defense Appropriations Act (Public Law 106–79). Section 8071 provides that each DoD contract awarded during the current fiscal year, for construction or services performed in a noncontiguous State that has an unemployment rate in excess of the national average, must include a clause requiring the contractor to employee individuals who are residents of that State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. Section 8071 became effective on October 25, 1999. DoD will consider comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 222 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 222 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 222 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Subpart 222.70 is revised to read as follows:

Subpart 222.70—Restrictions on the Employment of Personnel for Work on Construction and Service Contracts in Noncontiguous States

Sec.

222.7000 Scope of subpart.
222.7001 Definition.
222.7002 General.
222.7003 Waivers.
222.7004 Contract clause.

222.7000 Scope of subpart.

(a) This subpart implements Section 8071 of the Fiscal Year 2000 Defense Appropriations Act, Public Law 106–79, and similar sections in subsequent Defense Appropriations Acts.

(b) This subpart applies only—

(1) To construction and service contracts to be performed in whole or in part within a noncontiguous State; and

(2) When the unemployment rate in the noncontiguous State is in excess of the national average rate of unemployment as determined by the Secretary of Labor.

222.7001 Definition.

''Noncontiguous State,'' as used in this subpart, means Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and any minor outlying island of the United States.

222.7002 General.

A contractor awarded a contract subject to this subpart must employ, for the purpose of performing that portion of the contract work within the noncontiguous State, individuals who are residents of that noncontiguous State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills to perform this contract.

222.7003 Waivers.

The Secretary of Defense may waive the requirements of 222.7002 on a case-by-case basis in the interest of national security.

222.7004 Contract clause.

Use the clause at 252.222–7000, Restrictions on Employment of Personnel, in all solicitations and contracts subject to this subpart. Insert the name of the appropriate noncontiguous State in paragraph (a) of the clause.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.222–7000 is revised to read as follows:

252.222.7000 Restrictions on Employment of Personnel.

As prescribed in 222.7004, use the following clause: RESTRICTIONS ON EMPLOYMENT OF PERSONNEL (MAR 2000)

(a) The Contractor shall employ, for the purpose of performing that portion of the contract work in _____, individuals who are residents thereof and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills to perform the contract.

(b) The Contractor shall insert the substance of this clause, including this paragraph (b), in each subcontract awarded under this contract. (End of clause)

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Federal Register

Thursday,
March, 16, 2000

Part IV

Department of Agriculture
Department of Energy
National Aeronautics and Space Administration
Department of Commerce
Department of State
Agency for International Development
Department of Justice
Department of Labor
Department of Defense
Department of Education
National Archives and Records Administration
Environmental Protection Agency
Department of the Interior
Department of Health and Human Services
Department of Transportation

Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; Final Rule

DEPARTMENT OF AGRICULTURE

7 CFR Part 3019

DEPARTMENT OF ENERGY

10 CFR Part 600

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

DEPARTMENT OF COMMERCE

15 CFR Part 14

DEPARTMENT OF STATE

22 CFR Part 145

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 226

DEPARTMENT OF JUSTICE

28 CFR Part 70

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29 CFR Part 95

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40 CFR Part 30

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45 CFR Part 74

DEPARTMENT OF TRANSPORTATION

49 CFR Part 19

Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

AGENCIES: Department of Agriculture, Department of Energy, National Aeronautics and Space Administration, Department of Commerce, Department of State, Agency for International Development, Department of Justice, Department of Labor, Department of Defense, Department of Education, National Archives and Records Administration, Environmental Protection Agency, Department of the Interior, Department of Health and Human Services, Department of Transportation.

ACTION: Interim final rule with request for comments.

SUMMARY: This document presents an interim final revision to the agencies' codification of Office of Management and Budget (OMB) Circular A–110, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.'' OMB issued a final revision to Circular A–110 on September 30, 1999, as required by Public Law 105–277. It was published in the **Federal Register** on October 8, 1999. The agencies' interim final rules will provide uniform administrative requirements for all grants and cooperative agreements to institutions of higher education, hospitals, and other non-profit organizations.

DATES: This interim final rule is effective April 17, 2000. Comments must be received on or before May 15, 2000.

ADDRESSES: Comments on the interim final rule should be addressed to: Charles Gale, Director, Office of Grants Management, Department of Health and Human Services, Room 517–D, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, DC 20201. A copy of each communication submitted will be available for public inspection and copying during regular business hours (9:00 a.m.–5:30 p.m. eastern standard time) at the above address. The full text of Circular A–110, the text of the September 30th notice of final revision, and a chart showing where each agency has codified the Circular into regulation may be obtained by accessing OMB's home page (http://www.whitehouse.gov/omb), under the heading ''Grants Management.''

FOR FURTHER INFORMATION CONTACT: For general issues regarding this interim final rule, please contact Charles Gale, Director, Office of Grants Management, Department of Health and Human Services at (202) 690–6377. For agency-specific issues, please contact the individual noted in that agency's adoption below.

SUPPLEMENTARY INFORMATION:

Background

Congress included a two-sentence provision in OMB's appropriation for fiscal year 1999, contained in Public Law 105–277, directing OMB to amend Section .36 of Circular A–110 ''to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act.'' The provision also provides for a reasonable fee to cover the costs incurred in responding to a request. Circular A–110 applies to grants and cooperative agreements to institutions of higher education, hospitals, and non-profit institutions, from all Federal agencies.

In directing OMB to revise Circular A–110, Congress entrusted OMB with the authority to resolve statutory ambiguities, the obligation to address implementation issues the statute did not address, and the discretion to balance the need for public access to research data with protections of the research process. In developing the revision, OMB sought to implement the statutory language fairly, in the context of its legislative history. This required a balanced approach that (1) furthered the interest of the public in obtaining the information needed to validate Federally-funded research findings, (2) ensured that research can continue to be conducted in accordance with the traditional scientific process, and (3) implemented a public access process that will be workable in practice.

OMB finalized the revision on September 30, 1999 (64 FR 54926, October 8, 1999). Before this, OMB published a Notice of Proposed Revision on February 4, 1999 (64 FR 5684), and a request for comments on clarifying changes to the proposed revision on August 11, 1999 (64 FR 43786). OMB received over 9,000 comments on the proposed revision and over 3,000 comments on the clarifying changes.

This interim final rule amends the agencies' codifications of Circular A–110 so they reflect OMB's recent action.

Under the provisions of section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)), any Department of Housing and Urban Development (HUD) proposed or interim final rule that is issued for

public comment is subject to prepublication Congressional review for a period of 15 days. Therefore, HUD is not joining in today's publication but is adopting the common amendments in a separate rulemaking.

Impact Analysis

Executive Order 12866

This is a significant regulatory action under Section 3(f)(4) of Executive Order 12866, ''Regulatory Planning and Review.''

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that, for each rule with a ''significant economic impact on a substantial number of small entities,'' an analysis must be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities.

The participating agencies certify that this interim final rule will not have a significant impact on a substantial number of small entities. This rule concerns the information that Federally-funded researchers must provide in response to Freedom of Information Act requests.

Unfunded Mandates Act of 1995

The Unfunded Mandates Act of 1995 (Public Law 104–4) requires agencies to prepare several analytic statements before proposing any rule that may result in annual expenditures of $100 million by State, local, Indian Tribal governments or the private sector. Since this interim final rule will not result in expenditures of this magnitude, the participating agencies certify that such statements are not necessary.

Paperwork Reduction Act

The participating agencies certify that this interim final rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (5 U.S.C. 553) agencies generally offer interested parties the opportunity to comment on proposed regulations before they become effective. However, in this case OMB previously provided the public an opportunity to comment on the revision of Circular A–110, and this regulatory action codifies that revision. Accordingly, while the participating agencies are requesting public comment on this regulatory action, they find that soliciting further public comment with respect to adopting the revised circular, prior to the adoption becoming effective, is unnecessary and contrary to public interest under 5 U.S.C. 553(b)(B). The regulatory action is therefore being issued as an interim final rule.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 13132: Federalism

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the participating agencies have determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Text of the Interim Final Rule

The text of the interim final rule appears below:

PART/SUBPART—[AMENDED]

1. Section .36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) to read as follows:

§ .36 Intangible property.

* * * * *

(c) The Federal Government has the right to:

(1) Obtain, reproduce, publish or otherwise use the data first produced under an award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(d) (1) In addition, in response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under an award that were used by the Federal Government in developing an agency action that has the force and effect of law, the Federal awarding agency shall request, and the recipient shall provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the agency, the recipient, and applicable subrecipients. This fee is in addition to any fees the agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

(2) The following definitions apply for purposes of this paragraph (d):

(i) *Research data* is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This ''recorded'' material excludes physical objects (e.g., laboratory samples). *Research data* also do not include:

(A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and

(B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

(ii) *Published* is defined as either when:

(A) Research findings are published in a peer-reviewed scientific or technical journal; or

(B) A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

(iii) *Used by the Federal Government in developing an agency action that has the force and effect of law* is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

* * * * *

Adoption of Interim Final Rule

The adoption of the interim final rule by the participating agencies, as modified by agency-specific text is set forth below:

DEPARTMENT OF AGRICULTURE

7 CFR Part 3019

FOR FURTHER INFORMATION CONTACT: Gerald Miske, Fiscal Policy Division, Office of the Chief Financial Officer, 202–720–1553.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Agriculture (USDA) is publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section—.36 regarding the availability of data produced under an award through the Freedom of Information Act into USDA's grants administration regulation at 7 CFR Part 3019. Consistent with this Circular, this rule applies to USDA awards made to institutions of higher education, hospitals, and other non-profit organizations. It also applies to subrecipients performing work under awards if such subrecipients are institutions of higher education, hospitals, and other non-profit organizations.

List of Subjects in 7 CFR Part 3019

Accounting, Colleges and universities, Grant programs—agriculture, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 20, 2000.

Sally Thompson,

Chief Financial Officer.

Dated: January 21, 2000.

Dan Glickman,

Secretary of Agriculture.

For reasons stated in the preamble, the Department of Agriculture amends 7 CFR part 3019 as follows:

PART 3019—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

1. The authority citation for part 3019 continues to read as follows:

Authority: 5 U.S.C. 301.

§ 3019.36 [Amended]

2. Section 3019.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

DEPARTMENT OF ENERGY

10 CFR Part 600

FOR FURTHER INFORMATION CONTACT: Trudy Wood, Office of Procurement and Assistance Policy (MA–51), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C.20585, telephone 202–586–5625.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) is publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section .36 regarding the availability of data produced under an award through the Freedom of Information Act into DOE's assistance regulations at 10 CFR Part 600. Consistent with this Circular and 10 CFR Part 600, this rule applies to DOE awards made to institutions of higher education, hospitals, other non-profit organizations and commercial organizations. The OMB notices in the **Federal Register** soliciting comments on this subject did not address the potential applicability of the revisions to OMB Circular A–110 to commercial organizations. Since the application of OMB Circular A–110 to commercial organizations is optional, 10 CFR 600.136(d) will not apply to commercial organizations.

List of Subjects in 10 CFR Part 600

Accounting, Colleges and universities, Grants programs, Hospitals, Intergovernmental relations, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 21, 2000.

Edward R. Simpson,

Acting Director, Office of Procurement and Assistance Management.

For the reasons stated in the preamble, the Department of Energy amends 10 CFR part 600 as follows:

PART 600—FINANCIAL ASSISTANCE RULES

1. The authority citation for part 600 continues to read as follows:

Authority: 42 U.S.C. 7254, 7256, 13525; 31 U.S.C. 6301–6308, unless otherwise noted.

Subpart B—Uniform Administrative Requirements for Grants and Cooperative Agreements With Institutions of Higher Education, Hospitals, Other Non-Profit Organizations and Commercial Organizations

§ 600.136 [Amended]

2. Section 600.136 (.36) is amended as follows:

a. Paragraph (b) is removed.

b. Paragraph (a)(2) is redesignated as new paragraph (b) and revised.

c. Paragraph (a)(3) is redesignated as paragraph (c) and revised as set forth at the end of the common preamble.

d. Newly redesignated paragraph (c) is further amended by removing the phrase ''The Federal Government'' in the introductory text and adding ''DOE'' in its place.

e. Paragraph (a)(4) is redesignated as paragraph (e) and the first sentence is revised.

f. Paragraph (a) is revised.

g. Paragraph (d) is added as set forth in the common preamble.

h. New paragraph (d) is further amended by removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears and adding ''DOE'' in its place and by adding paragraph (d)(3).

The revisions and addition read as follows:

§ 600.136 Intangible property.

(a) Recipients that are institutions of higher education, hospitals, and other non-profit organizations may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. DOE reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish or otherwise use the work for Federal purposes and to authorize others to do so.

(b) In addition to this section, recipients must follow the requirements set forth at 10 CFR 600.27.

* * * * *

(d) * * *

(3) This paragraph (d) applies only to recipients that are institutions of higher education, hospitals, and other non-profit organizations.

(e) For recipients that are institutions of higher education, hospitals, and other non-profit organizations, title to intangible property and debt instruments acquired under an award or subaward vests upon acquisition in the recipient. * * *

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

FOR FURTHER INFORMATION CONTACT: Diane Thompson, Manager, Sponsored Research Business Activity, Code HC, NASA Headquarters, Washington, DC, (202) 358–0514, e-mail: diane.thompson@hq.nasa.gov.

ADDITIONAL SUPPLEMENTARY INFORMATION: The National Aeronautics and Space Administration (NASA) is publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section—.36 regarding the availability of data produced under an award through the Freedom of Information Act into NASA's grants

administration regulation at 14 CFR Part 1260. Consistent with this Circular, this rule applies to NASA awards made to institutions of higher education, hospitals and other non-profit organizations.

List of Subjects in 14 CFR 1260

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Recordkeeping and reporting requirements.

Anne Guenther,

Acting Associate Administrator for Procurement.

For the reasons stated in the preamble, the National Aeronautics and Space Administration amends 14 CFR Part 1260 as follows:

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

1. The authority citation for part 1260 is revised to read as follows:

Authority: 42 U.S.C. 2473(c)(1); Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301 *et seq.*); and OMB Circular A–110 (64 FR 54926, October 8, 1999).

Subpart B—Uniform Administrative Requirements for Grants and Cooperative Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

§ 1260.136 [Amended]

2. Section 1260.136 (—.36) is amended as follows:

a. Paragraph (c) is revised as set forth at the end of the common preamble.

b. Paragraphs (d) and (e) are redesignated as paragraphs (e) and (f).

c. Paragraph (d) is added as set forth at the end of the common preamble.

d. New paragraph (d) is further amended by removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears and adding ''NASA'' in its place.

DEPARTMENT OF COMMERCE

15 CFR Part 14

FOR FURTHER INFORMATION CONTACT: Susan L. Sutherland, Director, Office of Executive Assistance Management, Telephone Number 202–482–4115.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Commerce (DoC) is publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section .36 regarding the availability of data produced under an award through the Freedom of Information Act into DoC's grants administration regulation at 15 CFR Part 14. Consistent with this Circular, this rule applies to DoC awards made to institutions of higher education, hospitals, other non-profit, and commercial organizations. It also applies to such entities if they are recipients of subawards from States, and local and Indian Tribal governments administering programs under DoC awards.

List of Subjects in 15 CFR Part 14

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Susan L. Sutherland,

Director, Office of Executive Assistance Management.

For the reasons stated in the preamble, the Department of Commerce amends 15 CFR part 14 as follows:

PART 14—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NON-PROFIT, AND COMMERCIAL ORGANIZATIONS

1. The authority citation for part 14 is revised to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A–110 (64 FR 54926, October 8, 1999).

§ 14.36 [Amended]

2. Section 14.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

3. Section 14.36 is further amended by removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears and adding ''DoC'' in its place.

DEPARTMENT OF STATE

22 CFR Part 145

FOR FURTHER INFORMATION CONTACT: Georgia Hubert, Director, Federal Assistance Program, Office of the Procurement Executive, U.S. Department of State, Washington, DC 20520, (703) 812–2526.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of State (DOS) is publishing this interim final rule to incorporate the provisions of OMB Circular A–110, Section —.36, regarding the availability through the Freedom of Information Act of data produced under an award, into the DOS grants uniform administrative requirements at 22 CFR Part 145. Consistent with this Circular, this rule applies to DOS awards made to institutions of higher education, hospitals and other non-profit organizations. It also applies to such entities if they are recipients of subawards from States, local and Indian Tribal governments administering programs under DOS awards. The OMB notices in the **Federal Register** soliciting comments on this subject did not address the potential applicability of the revisions to OMB Circular A–110 to commercial organizations. Since the application of OMB Circular A–110 to commercial organizations is optional, 22 CFR section 145.36(d)(1) will not apply to commercial organizations.

List of Subjects in 22 CFR Part 145

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 13, 2000.

Lloyd W. Pratsch,

Procurement Executive.

For the reasons stated in the preamble, the Department of State amends 22 CFR part 145 as follows:

PART 145—GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

1. The authority citation for part 145 is revised to read as follows:

Authority: 22 U.S.C. 2658.1; OMB Circular A–110 (64 FR 54926, October 8, 1999).

2. Section 145.1 is amended by revising the first sentence to read as follows:

§ 145.1 Purpose.

This regulation establishes uniform administrative requirements for Department of State grants and cooperative agreements awarded to institutions of higher-education, hospitals, other nonprofit organizations, and commercial organizations, except that § 145.36(d)(1) shall not apply to commercial organizations. * * *

§ 145.36 [Amended]

3. Section 145.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

4. Section 145.36 is further amended by adding paragraph (d)(3) to read as follows:

§ 145.36 Intangible property.

* * * * *

(d) * * *

(3) The requirements set forth in paragraph (d)(1) of this section do not apply to commercial organizations.

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AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 226

FOR FURTHER INFORMATION CONTACT: M/OP/P, Diana Esposito, Procurement Analyst, U.S. Agency for International Development, Room 7.08–105, M/OP/P, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20523–7801, Telephone (202) 712–4163, FAX (202) 216–3395.

List of Subjects in 22 CFR Part 226

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Agency for International Development amends 22 CFR part 226 as follows:

PART 226—ADMINISTRATION OF ASSISTANCE AWARDS TO U.S. NON-GOVERNMENTAL ORGANIZATIONS

1. The authority citation for part 226 continues to read as follows:

Authority: Sec. 621, Pub. L. 87–195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

§ 226.36 [Amended]

2. Section 226.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

Dated: January 27, 2000.

Rodney W. Johnson,

Director, Office of Procurement.

DEPARTMENT OF JUSTICE

28 CFR Part 70

[A.G. Order No. 2289–2000]

FOR FURTHER INFORMATION CONTACT: Cynthia J. Schwimer, Comptroller & Chief Financial Officer, Office of Justice Programs, U. S. Department of Justice, (202) 307–0623.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Justice (Department) is publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section—.36 regarding the availability of data produced under an award through the Freedom of Information Act into the Department's grants administration regulation at 28 CFR Part 70. Consistent with this Circular, this rule applies to awards made by the Department to institutions of higher education, hospitals and other non-profit organizations. It also applies to such entities if they are recipients of subawards from States, and local and Indian Tribal governments administering programs under Departmental awards.

List of Subjects in 28 CFR Part 70

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: February 24, 2000.

Janet Reno,

Attorney General.

For the reasons stated in the preamble, the Department of Justice amends 28 CFR part 70 as follows:

PART 70—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS (INCLUDING SUBAWARDS) WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND OTHER NON-PROFIT ORGANIZATIONS

1. The authority citation for part 70 is revised to read as follows:

Authority: 5 U.S.C. 301; the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.* (as amended); Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601, *et seq.* (as amended); Victims of Crime Act of 1984, 42 U.S.C. 10601, *et seq.* (as amended); 18 U.S.C. 4042, 4351–4353; OMB Circular A–110 (64 FR 54926, October 8, 1999).

§ 70.36 [Amended]

2. Section 70.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

3. Section 70. 36 is further amended by removing the phrase ''Federal Government'' in paragraph (c) introductory text and adding ''Department'' in its place.

4. Section 70.36 is further amended by removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears and adding ''Departmental awarding agency'' in its place.

DEPARTMENT OF LABOR

29 CFR Part 95

FOR FURTHER INFORMATION CONTACT: Comments specific to the Department of Labor may be directed to Phyllis R. McMeekin, Office of the Acquisition Advocate, 202–219–9174, [fax 202–219–9440]. Mailing address: U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–5425, Washington, DC 20210.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Labor (DOL) is publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section .36 regarding the availability through the Freedom of Information Act of data produced under an award into DOL's grants administration regulation at 29 CFR Part 95. Consistent with this Circular, this rule applies to DOL awards made to institutions of higher education, hospitals and other non-profit organizations. It also applies to such entities if they are recipients of subawards as indicated in Subpart 95.5. The OMB notices in the **Federal Register** soliciting comments on this subject did not address the potential applicability of the revisions to OMB Circular A–110 to commercial organizations. Since the application of OMB Circular A–110 to commercial organizations is optional, 29 CFR § 95.36(d)(1) will not apply to commercial organizations.

List of Subjects in 29 CFR Part 95

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 27, 2000.

Alexis M. Herman,

Secretary of Labor.

For the reasons stated in the preamble, the Department of Labor amends 29 CFR part 95 as follows:

PART 95—GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS, AND WITH COMMERCIAL ORGANIZATIONS, FOREIGN GOVERNMENTS, ORGANIZATIONS UNDER THE JURISDICTION OF FOREIGN GOVERNMENTS, AND INTERNATIONAL ORGANIZATIONS

1. The authority citation for part 95 is revised to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A–110 (64 FR 54926, October 8, 1999); Secretary of Labor's Order 4–76.

§ 95.36 [Amended]

2. Section 95.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

3. Section 95.36 is further amended by removing the phrase ''The Federal Government'' in paragraph (c) introductory text, and adding ''DOL'' in its place.

4. Section 95.36 is further amended by removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears, and adding ''DOL'' in its place.

DEPARTMENT OF DEFENSE

32 CFR Parts 22 and 32

FOR FURTHER INFORMATION CONTACT: Mark Herbst, Office of the Deputy Under Secretary of Defense (Science and Technology), 3080 Defense Pentagon, Washington, D.C. 20301–3080.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Defense (DoD) adopts two interim final amendments to the DoD Grant and Agreement Regulations (DoDGARs). These amendments apply to awards made on or after the effective date of this regulatory change.

The principal amendment is to section 32.36 of Part 32 of the DoDGARs, which is the DoD's implementation of OMB Circular A–110. In adopting this amendment, the Office of the Secretary of Defense, the Military Departments and the Defense Agencies will maintain uniform policies on access to data produced under awards to universities and nonprofit organizations that are consistent with the policies of other Executive Departments and Agencies.

The other amendment is to Appendix C of Part 22 of the DoDGARs, to conform that appendix to the revised section 32.36 of Part 32. The change is to delete language advising DoD grants officers that an issue to be addressed in award terms and conditions is whether to waive the Government's access rights to data produced under awards. With the revision to section 32.36 of part 32, that no longer is an option. Two other technical corrections are made to the appendix, to correct citations to sections of the DoDGARs.

List of Subjects

32 CFR Part 22

Accounting, Grant programs—education, Reporting and recordkeeping requirements.

32 CFR Part 32

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Department of Defense amends Subchapter B of Chapter I of Title 32 of the Code of Federal Regulations as follows:

PART 22—[AMENDED]

1. The authority citation for part 22 continues to read as follows:

Authority: 5 U.S.C. 301 and 10 U.S.C. 113.

2. Appendix C to Part 22 is revised to read as follows:

BILLING CODE 3410–KS, 6450–01, 7510–01, 3510–FA, 4710–05, 6116–01, 4410–18, 4510–23, 5001–10, 4000–01, 7515–01, 6560–50, 4310–RF, 4150–24, 4910–62–P

Appendix C to Part 22—Administrative Requirements and Issues to be Addressed in Award Terms and Conditions

REQUIREMENT, IN BRIEF	SOURCE OF REQUIREMENT, FOR EACH TYPE OF RECIPIENT (WHERE DETAILS MAY BE FOUND)			ISSUES TO BE ADDRESSED IN AWARD TERMS/CONDITIONS
	University or other nonprofit	Governmental entity	For-profit entity	
Standards for Financial Management Systems. Recipients' systems to comply with:	32 CFR 32.21	32 CFR 33.20	32 CFR 34.11	For university, nonprofit, or for-profit entity, specify if want: • Bonding and insurance [32 CFR 32.21(c) or 32 CFR 34.11(b)]. • Fidelity bond [32 CFR 32.21(d) or 32 CFR 34.11(c)].
Payment. Recipients request payments and handle advances and interest in compliance with:	32 CFR 32.22	32 CFR 33.21, 33.41(d) and (e)	32 CFR 34.12	Specify: • Payment method (e.g., advance, reimbursement, working capital advance). NOTE: if predetermined payment schedule is used, must specify means to ensure that recipients don't develop large cash balances well in advance of needs for such funds (e.g., recipient submits SF-269 or SF-270 forms at regular intervals, for grants officer to review recipients' cash on hand). • Name/address of office to which recipient sends payment requests. • How frequently recipient may submit payment requests. • Whether recipient requests payment by SF-270, SF-271, or other form, or by electronic means (e.g., electronic data interchange). • Name/address of office that will make payments, and whether the recipient is to receive payments by electronic funds transfer (see §22.605(c) and §22.810(b)(2)). • Name/address of office to which recipient is to remit any interest earned, if advance payment method is to be used. If interest is to be remitted using electronic commerce, information should be provided on required format and data elements.
Allowable costs. Allowability of costs to be in accordance with:	32 CFR 32.27 and 32.28	32 CFR 33.22 and 33.23	32 CFR 34.17	
Fee/profit. None allowed.			32 CFR 34.18	
Cost share or match. If cost share or match is required, allowability and valuation are governed by:	32 CFR 32.23	32 CFR 33.24	32 CFR 34.13	Specify if want to allow inclusion of certain types of items as cost share or allow them to be valued in certain ways [32 CFR 32.23(b), (c), and (g); 32 CFR 33.24(b)(4), (b)(5), and (e)(2); 32 CFR 34.13(a)(7), (b)(1), and (b)(4)(ii)].

REQUIREMENT, IN BRIEF	SOURCE OF REQUIREMENT, FOR EACH TYPE OF RECIPIENT (WHERE DETAILS MAY BE FOUND)			ISSUES TO BE ADDRESSED IN AWARD TERMS/CONDITIONS
	University or other nonprofit	Governmental entity	For-profit entity	
Program income. Recipients account for program income in accordance with:	32 CFR 32.24	32 CFR 33.25	32 CFR 34.14	Specify: • Method for disposition [32 CFR 32.24(b), (c), and (d); 32 CFR 33.25(g); 32 CFR 34.14(d), (e), and (f)]. • If want recipient to have obligation to Government for certain types of income or for income earned after end of project period [32 CFR 32.24(e) and (h), 32 CFR 33.25(a), (d), (e), and (h), 32 CFR 34.14(b)]. • If want to allow recipient to deduct costs of generating income [32 CFR 32.24(f), 32 CFR 33.25(c), 32 CFR 34.14(c)].
Revision of budget/program plans. Recipients request prior approval for plan changes, in accordance with:	32 CFR 32.25	32 CFR 33.30	32 CFR 34.15	Specify if wish to: • Waive some prior approvals that are optional, but are in effect unless specifically waived [32 CFR 33.30(b), (c)(1), (d)(3); 32 CFR 34.15(c)(2)]. • Require some prior approvals that are optional, but are only in effect if specifically stated [32 CFR 32.25(c)(5), (d), (e), (h); 32 CFR 34.15(c)(3)]. • Waive the requirement for prior approval [32 CFR 25.25(d)(3)] for recipient to initiate one-time, no-cost extension, as long as the DoD Component judges that the recipient's doing so would not cause the DoD Component to fail to comply with DoD funding policies (e.g., the incremental programming and budgeting policy for research funding) contained in Volume 2A of the DoD Financial Management Regulation (DoD 7000.14-R).
Audit. Recipients periodically to have independent, financial and compliance audit and report to DoD, subject to provisions of:	32 CFR 32.26	32 CFR 33.26	32 CFR 34.16	Require all but for-profit entities to submit copy of OMB Circular A-133 audit reports to IG, DoD. Require for-profit entities to submit audit reports to whichever office(s) the DoD Component wishes audit reports to be sent.
Procurement. Recipients' systems for acquiring goods and services under awards are to comply with:	32 CFR 32.40 through 32.49	32 CFR 33.36	32 CFR 34.30 through 34.31	Specify if want to require recipient to make certain preaward documents available for DoD Component's review [32 CFR 32.44(e); 32 CFR 33.36(g); 32 CFR 34.31(b)].

REQUIREMENT, IN BRIEF	SOURCE OF REQUIREMENT, FOR EACH TYPE OF RECIPIENT (WHERE DETAILS MAY BE FOUND)			ISSUES TO BE ADDRESSED IN AWARD TERMS/CONDITIONS
	University or other nonprofit	Governmental entity	For-profit entity	
Subawards. Recipients flow down requirements to subawards in accordance with:	32 CFR 32.5, 32 CFR 33.37, and 32 CFR 34.1(b)(2)			
Property. Recipients manage in accordance with:	32 CFR 32.30 through 32.37	32 CFR 33.31 through 33.34	32 CFR 34.20 through 34.25	Specify if want: • To allow for-profit entities to acquire real property under awards [32 CFR 34.21(a)]. • University or other nonprofit to have any further obligation to Government for exempt property [32 CFR 32.33(b)]. • To retain right to transfer title [32 CFR 32.34(h). 32 CFR 33.32(g)]. • To allow recipients to use equipment for certain purposes [32 CFR 32.34(d) and (e); 32 CFR 33.32(c)(4); 32 CFR 34.21(d)]. • To waive data rights [32 CFR 34.25(b)(2)]. • To require recipients to record liens [32 CFR 32.37]. For research awards to certain recipients, include patents clause required by 37 CFR 401 [32 CFR 32.36(b); 32 CFR 34.25(a)].
Reports. Requirements are specified in:	32 CFR 32.51 and 32.52	32 CFR 33.40 and 33.41	32 CFR 34.41	Specify: • When recipients are to submit periodic and final performance reports [32 CFR 32.51(b) and (c); 32 CFR 33.40(b), (c), and (f); 32 CFR 34.41]. • Frequency of financial status/cash transaction reports [32 CFR 32.52(a)(1)(iii) and (a)(2)(iv); 32 CFR 33.41(b)(3) and (c); 32 CFR 34.41], or if wish to waive them under certain conditions [32 CFR 32.52(a)(1)(i) and (a)(2)(v); 32 CFR 33.41(a)(6); 32 CFR 34.41]. • Whether want reports on cash or accrual basis [32 CFR 32.52(a)(1)(ii); 32 CFR 33.41(b)(2); 32 CFR 34.41].
Records. Retention and access requirements specified in:	32 CFR 32.53	32 CFR 33.42	32 CFR 34.42	

REQUIREMENT, IN BRIEF	SOURCE OF REQUIREMENT, FOR EACH TYPE OF RECIPIENT (WHERE DETAILS MAY BE FOUND)			ISSUES TO BE ADDRESSED IN AWARD TERMS/CONDITIONS
	University or other nonprofit	Governmental entity	For-profit entity	
Termination and enforcement. Award is subject to:	32 CFR 32.61 and 32.62	32 CFR 33.43 and 33.44	32 CFR 34.51 and 34.52	
Disputes, claims, and appeals. Procedures are specified in:	32 CFR 22.815			• Include term or condition that incorporates procedures, in accordance with 32 CFR 22.815(a).
After-the-award requirements. Closeout, subsequent adjustments, continuing responsibilities, and collection of amounts due are subject to requirements in:	32 CFR 32.71 through 32.73	32 CFR 33.50 through 33.52	32 CFR 34.61 through 34.63	

BILLING CODE 3410–KS, 6450–01, 7510–01, 3510–FA, 4710–05, 6116–01, 4410–18, 4510–23, 5001–10, 4000–01, 7515–01, 6560–50, 4310–RF, 4150–24, 4910–62

PART 32—[AMENDED]

3. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301 and 10 U.S.C. 113.

§ 32.36 [Amended]

4. Section 32.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

5. Section 32.36 is further amended by removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears, and adding ''DoD Component that made the award'' in its place.

Dated: January 25, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEPARTMENT OF EDUCATION

34 CFR Part 74

FOR FURTHER INFORMATION CONTACT: Arthur Stewart. Telephone: (202) 708–9049. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service at 1–800–877–8339. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Education (ED) publishes this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section .36 regarding the availability of data produced under a grant award through the Freedom of Information Act into ED's grants administration regulations at 34 CFR Part 74. Consistent with the Circular, this rule applies to ED grant awards made to institutions of higher education, hospitals and other non-profit organizations. It also applies to those entities if they are recipients of subawards from States, and local and Indian Tribal governments administering programs under ED awards.

Invitation to Comment: In addition to any comments submitted to Charles Gale at the U.S. Department of Health and Human Services, we invite you to submit comments regarding ED's specific implementation of these interim final regulations to Arthur Stewart, Department of Education, room 3652, ROB–3, Seventh and D Streets, SW., Washington, DC 20202–4248.

During and after the comment period, you may inspect public comments submitted to ED about it's specific interim final regulations in room 3652, ROB–3, Seventh and D Streets, SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these interim final regulations. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

Assessment of Educational Impact: Based on our own review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Electronic Access to this Document: You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites: http://ocfo.ed.gov.fedreg.htm, and http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

The official version of this document is 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

List of Subjects in 34 CFR Part 74

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 24, 2000.

Richard W. Riley,

Secretary of Education.

For the reasons stated in the preamble, the Secretary of Education amends 34 CFR part 74 as follows:

PART 74—ADMINISTRATION OF GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

1. The authority citation for part 74 continues to read as follows:

Authority: 20 U.S.C. 1221e–3, 3474; OMB Circular A–110, unless otherwise noted.

§ 74.36 [Amended]

2. Section 74.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

3. Section 74.36 is further amended by removing the phrase ''the Federal awarding agency'' in paragraph (d)(1) each time it appears and adding ''ED'' in its place.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1210

FOR FURTHER INFORMATION CONTACT: Nancy Allard at 301–713–7360, extension 226 or by fax at 301–713–7270.

ADDITIONAL SUPPLEMENTARY INFORMATION: The National Historical Publications and Records Commission (NHPRC) is the grant-making component of the National Archives and Records Administration (NARA). The NHPRC makes grants to state and local archives, colleges and universities, libraries, historical societies, and other nonprofit organizations in the U.S. to help identify, preserve, and provide public access to records, photographs, and other materials that document American history. We are publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section .36 regarding the availability of data produced under an award through the Freedom of Information Act into our NHPRC grants administration regulation at 36 CFR Part 1210.

List of Subjects in 36 CFR Part 1210

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 11, 2000.

John W. Carlin,

Archivist of the United States.

For the reasons stated in the preamble, the National Archives and Records Administration amends 36 CFR part 1210 as follows:

PART 1210—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

1. The authority citation for part 1210 is revised to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A–110 (64 FR 54926, October 8, 1999).

§ 1210.36 [Amended]

2. Section 1210.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding new paragraph (d) as set forth at the end of the common preamble.

3. Section 1210.36 is further amended by removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears and adding ''NHPRC'' in its place.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 30

FOR FURTHER INFORMATION CONTACT: Alexandria Mincey, Grants Administration Division, Policy, Information and Training Branch, 1300 Pennsylvania Avenue, NW (3903R), Fifth Floor, Room 51288, Washington, DC 20004, (202) 564–5371.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) is publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section .36 regarding the availability of data produced under an award through the Freedom of Information Act into EPA's grants administration regulation at 40 CFR Part 30. Consistent with this Circular, this rule applies to EPA assistance awards made to institutions of higher education, hospitals and other non-profit organizations. It also applies to such entities if they are recipients of subawards from States, local and Indian Tribal governments under EPA awards.

The Agency will implement a process for determination, assessment, collection, and reimbursement of recipients' costs.

List of Subjects in 40 CFR Part 30

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 13, 2000.

Carol M. Browner,

Administrator of the Environmental Protection Agency.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR Part 30 as follows:

PART 30—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

1. The heading for part 30 is revised to read as set forth above.

2. The authority citation for part 30 is revised to read as follows:

Authority: 7 U.S.C. 135 *et seq.*; 15 U.S.C. 2601 *et seq.*; 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 241, 242b, 243, 246, 300f, 300j–1, 300j–2, 300j–3, 1857 *et seq.*, 6901 *et seq.*, 7401 *et seq.*, 9601 *et seq.*; OMB Circular A–110 (64 FR 54926, October 8, 1999).

§ 30.36 [Amended]

3. Section 30.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

4. Section 30.36 is further amended by removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears and adding ''EPA'' in its place.

DEPARTMENT OF THE INTERIOR

43 CFR Part 12

FOR FURTHER INFORMATION CONTACT: Debra E. Sonderman, (Director, Office of Acquisition and Property Management), (202) 208–6431.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of the Interior (DOI) has implemented OMB Circular A–110 at 43 CFR Part 12, Subpart F. There is also a provision at 43 CFR Part 12, Subpart A, Section 12.2(a) which confirms that grants and cooperative agreements which are awarded by DOI to institutions of higher education, hospitals and other non-profit organizations, are governed by Subpart F and OMB Circular A–110. The regulation at Subpart A documents that OMB Circular A-110 is a part of the regulation as well as any changes made to the Circular and subsequently published in the **Federal Register**. Therefore, awards made by DOI were considered covered on the effective date of the changes published in the revised Circular, November 8, 1999.

In order to amend DOI's codification of the Circular at 43 CFR Part 12, Subpart F, DOI is participating in this joint publication so that the recent revisions made by OMB can be reflected. With the publication of this interim final rule, we are incorporating the provisions of OMB Circular A–110, Section .36 regarding the availability of data produced under an award through the Freedom of Information Act into the implementing regulation at 43 CFR Part 12, Subpart F.

Compliance With Laws, Executive Orders, and Department Policy: In addition to the certifications stated in the general preamble, DOI is including the following statements:

In accordance with Executive Order 12630, the rule does not have significant takings implications. A takings implication assessment is not required. No takings of personal property will occur as a result of this rule.

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

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 on trust resources. This regulation concerns the information that federally-funded researchers must provide in response to Freedom of Information Act requests related to grants and cooperative agreements awarded to institutions of higher education, hospitals, and other non-profit organizations.

List of Subjects in 43 CFR Part 12

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 13, 2000.

John Berry,

Assistant Secretary-Policy, Management and Budget.

For the reasons set forth in the preamble, the Department of the Interior amends 43 CFR part 12 as follows:

PART 12—ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

1. The authority for part 12 is revised to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 6101 note, 7501; 41 U.S.C. 252a, 701 *et seq;* Pub. L. 104–256, 110 Stat. 1396; sec. 501, Pub. L. 105–62, 111 Stat. 1338; sec. 503, Pub. L. 105–62, 111 Stat. 1339; sec. 303, Pub. L. 105–83, 111 Stat. 1589; sec. 307, Pub. L. 105–83, 111 Stat. 1590; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12674, 3 CFR, 1989 Comp., p. 215; E.O. 12689, 3 CFR, 1989 Comp., p. 235; E.O. 12731, 3 CFR, 1990 Comp., p. 306; E.O. 13043, 62 FR 19217; 3 CFR 1997 Comp., p. 195; OMB Circular A–102; OMB Circular A–110; and OMB Circular A–133.

Subpart F—Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

§ 12.936 [Amended]

2. Section 12.936 (.36) is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 74

FOR FURTHER INFORMATION CONTACT: Charles Gale, Director, Office of Grants Management, 202–690–6377; for the hearing impaired only: TDD 202–690–6415.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is publishing this interim final rule to incorporate the provisions of OMB Circular A–110, Section —.36, regarding the availability through the Freedom of Information Act of data produced under an award, into the HHS grants administration regulation at 45 CFR Part 74. Consistent with this Circular, this rule applies to HHS awards made to institutions of higher education, hospitals and other non-profit organizations. It also applies to such entities if they are recipients of subawards from States, and local and Indian Tribal governments administering programs under HHS awards. We recognize that OMB's notices for public comment regarding this subject did not address the potential applicability to commercial organizations. Since the applicability of OMB Circular A–110 to commercial organizations is optional and 45 CFR Part 74 includes other special provisions for commercial organizations (Subpart E), we have decided to be consistent with other Federal agencies which have decided not to apply the new provision to commercial organizations.

List of Subjects in 45 CFR Part 74

Accounting, Colleges and universities, Grant programs, Hospitals, Indians, Intergovernmental relations, Nonprofit organizations, Reporting and recordkeeping requirements.

Dated: January 14, 2000.

Donna E. Shalala,

Secretary.

For the reasons stated in the preamble, the Department of Health and Human Services amends 45 CFR part 74 as follows:

PART 74—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR AWARDS AND SUBAWARDS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NONPROFIT ORGANIZATIONS, AND COMMERCIAL ORGANIZATIONS; AND CERTAIN GRANTS AND AGREEMENTS WITH STATES, LOCAL GOVERNMENTS AND INDIAN TRIBAL GOVERNMENTS

1. The authority citation for part 74 is revised to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A–110 (64 FR 54926, October 8, 1999).

2. Section 74.1(a)(1) is revised to read as follows:

§ 74.1 Purpose and applicability.

(a) * * *

(1) Department of Health and Human Services' (HHS) grants and agreements awarded to institutions of higher education, hospitals, other nonprofit organizations and only to commercial organizations in instances other than those involving procedures to make data available under the Freedom of Information Act provision set forth in § 74.36(d)(1).

* * * * *

§ 74.36 [Amended]

3. Section 74.36 is amended:

a. By revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

b. By removing the phrase ''Federal awarding agency'' in paragraph (d)(1) each time it appears and adding ''HHS Awarding Agency'' in its place.

c. By adding paragraph (d)(3) to read as follows:

§ 74.36 Intangible property.

* * * * *

(d) * * *

(3) The requirements set forth in paragraph (d)(1) of this section do not apply to commercial organizations.

* * * * *

4. Section 74.83 is added to subpart E to read as follows:

§ 74.83 Effect on intangible property.

Data sharing (FOIA) requirements as set forth in § 74.36(d)(1) do not apply to commercial organizations.

DEPARTMENT OF TRANSPORTATION

49 CFR Part 19

FOR FURTHER INFORMATION CONTACT: Robert G. Taylor, U.S. Department of Transportation, Office of the Senior Procurement Executive, M–62, 400 Seventh Street, S.W., Room 7101, Washington, D.C. 20590, phone (202) 366–4289, fax (202–366–7510, e-mail robert.g.taylor@ost.dot.gov, for grant related questions. Robert I. Ross, U.S. Department of Transportation, Office of the General Counsel, C–10, 400 Seventh Street S.W., Room 10102, Washington, DC 20590, phone (202)366–9156, fax (202)366–9170, email bob.ross@ost.dot.gov, for FOIA related questions.

ADDITIONAL SUPPLEMENTAL INFORMATION: The Department of Transportation (DOT) is publishing this interim final rule in order to incorporate the provisions of OMB Circular A–110, Section .36 regarding the availability of data produced under an award through the Freedom of Information Act FOIA into DOT's grants administration regulation at 49 CFR Part 19. Additional information has been added to clarify internal DOT procedures for payments made in accordance with the OMB revisions to Section .36 of the Circular.

List of Subjects in 49 CFR Part 19

Accounting, Colleges and universities, Grant programs, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Rodney E. Slater,

Secretary of Transportation.

For the reasons stated in the preamble, the Department of Transportation amends 49 CFR part 19 as follows:

PART 19—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

1. The authority citation for part 19 continues to read as follows:

Authority: 49 U.S.C. 322(a).

§ 19.36 [Amended]

2. Section 19.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) as set forth at the end of the common preamble.

[FR Doc. 00–5674 Filed 3–15–00; 8:45 am]

BILLING CODE 3410–KS–P; 6450–01–P; 7510–01–P; 3510–FA–P; 4710–05–P; 6116–01–P; 4410–18–P; 4510–23–P; 5001–10–P; 4000–01–P; 7515–01–P; 6560–50–P; 4310–RF–P; 4150–24–P; 4910–62–P

Federal Register

Thursday,
March 16, 2000

Part V

Department of Housing and Urban Development

24 CFR Part 905
Allocation of Funds Under the Capital Fund; Capital Fund Formula; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 905

[Docket No. FR–4423–F–07]

RIN 2577–AB87

Allocation of Funds Under the Capital Fund; Capital Fund Formula; Final Rule

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: This final rule implements, as required by statute, a new formula system for allocation of funds to public housing agencies for their capital needs. This final rule follows publication of a proposed rule on September 14, 1999, which was developed through negotiated rulemaking, and takes into consideration, public comment received on the proposed rule.

DATES: *Effective Date:* April 17, 2000.

FOR FURTHER INFORMATION CONTACT: William Flood, Director, Office of Capital Improvements, Public and Indian Housing, Room 4134, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500; telephone (202) 708–1640 ext. 4185 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Section 519 of the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105–276, approved October 21, 1998) (referred to as the ''Public Housing Reform Act'') amends section 9 of the United States Housing Act of 1937 (the 1937 Act) to provide a ''Capital Fund,'' to be established by HUD for the purpose of making assistance available to public housing agencies (PHAs) to carry out capital and management activities. Amended section 9 requires HUD to develop a formula for determining the amount of assistance provided to PHAs from the Capital Fund for a Federal fiscal year, and the formula is to include a mechanism to reward performance. The statute also requires that the Capital Fund formula is to be developed through negotiated rulemaking procedures.

On September 14, 1999 (64 FR 49924), HUD published the proposed rule developed through negotiated rulemaking. The preamble to the proposed rule provided background information on the negotiated rulemaking process, the number and dates of meetings, the members of the negotiated rulemaking committee, and the issues considered by the committee during its negotiations. This preamble does not repeat that information.

The September 14, 1999 proposed rule provided a 30-day public comment period. HUD received 10 public comments on this rule. Section III of this preamble presents the issues raised by the public commenters and HUD's responses to these comments. Section II, which follows, highlights the significant changes that are being made by HUD at this final rule stage.

II. Significant Differences Between This Final Rule and the September 14, 1999 Proposed Rule

HUD has made the following changes to the proposed rule at this final rule stage.

In § 905.10(d) (Allocation for existing modernization needs under the CFF), HUD removed paragraphs (d)(1)(i) and (d)(1)(ii) which addressed the availability of statistically reliable data, and HUD's determination of existing modernization need based on that data. The estimates of existing modernization need will be determined as provided in the methods established by paragraph (d). With the removal of paragraph (d)(1) of the proposed rule, paragraph (d)(2) of the proposed rule (determination of existing modernization need for PHAs greater than or equal to 250 or more units in FFY 1999) is redesignated paragraph (d)(1) at the final rule stage.

In § 905.10(d)(1)(i)(C) of the rule (§ 905.10(d)(2)(i)(C) at the proposed rule stage) which addresses the proportion of units in a development in building completed in 1978 or earlier, HUD revised this paragraph at the final rule stage to provide that the proportion of units in such a development are those as of Federal Fiscal Year 1998.

In § 905.10(d)(1)(i)(D) of the rule (§ 905.10(d)(2)(i)(D) at the proposed rule stage), which addresses the cost of rehabilitating property in the PHA's area, HUD removed the reference to ''rolling three year average'' of the cost. The cost index is simply referred to as the cost index. This change is consistent with the formula agreed upon in negotiated rulemaking, which did not rely upon a rolling three-year average of costs as a basic formula factor. HUD also revised this paragraph to provide that the applicable period is as of Federal Fiscal Year 1999.

In § 905.10(d)(1)(ii)(A) (§ 905.10(d)(2)(ii)(A) at the proposed rule stage), HUD changed the Date of Full Availability (DOFA) for newly constructed units from 1999 (the DOFA at the proposed rule stage) to 1991 (the DOFA at this final rule stage). The change in dates continues the Comprehensive Grant formula provision (that sets the date at 1991) and was part of the formula considered by the negotiated rulemaking committee.

In § 905.10(d)(1)(ii)(B) (§ 905.10(d)(2)(ii)(A) at the proposed rule stage), HUD made the same change in DOFA for acquired developments. The applicable date is now 1991, not 1999. The change in dates continues the Comprehensive Grant formula provision (that sets the date at 1991) and was part of the formula considered by the negotiated rulemaking committee.

In § 905.10(d), HUD added a new paragraph (d)(2) to address the determination of existing modernization need for the New York City and Chicago Housing Authorities.

In § 905.10(d), paragraph (3) continues to address determination of existing modernization need for PHAs with fewer than 250 units in FFY 1999. In § 905.10(d)(3)(i)(C) and (d) and in § 905.10(d)(3)(ii)(A) and (B), HUD made the same changes to these paragraphs as it did to the similar paragraphs in paragraph (d)(1).

In § 905.10(e) (Allocation for accrual needs under the CFF), HUD removed paragraphs (1)(i) and (ii) which addressed determination of accrual need on the basis of availability of statistically reliable data, for the same reasons that it removed this language from paragraph (d)(1). Paragraph (e)(2) of the proposed rule, which addressed PHAs allocation of accrual needs for PHAs greater than or equal to 250 or more units, is redesignated as paragraph (1) at this final rule stage.

In § 905.10(e)(1)(i)(E) and § 905.10(e)(3)(i)(E) which address the cost index of rehabilitating property, HUD made the same revisions to these subsections that were made to this language in paragraph (d).

In § 905.10(e), HUD added a new paragraph (2) to address the allocation of accrual needs for the New York City and Chicago Housing Authorities.

In § 905.10(f) (Calculation of number of units), HUD added a new paragraph (2) that addresses replacement units. Paragraph (2) of the proposed rule that addressed conversion of units is redesignated paragraph (3) and revised by removing paragraphs (i) and (ii). Paragraph (i) provided that increases in the number of units resulting from conversion of existing units will be added to the overall unit count so long as the units are under ACC amendments

by the reporting date. Paragraph (ii) provided that for purposes of calculating the number of converted units, HUD shall regard the converted size unit as the appropriate unit count.

HUD retained paragraph (iii) but made revisions. The revised paragraph (iii) provides that for purposes of calculating the estimated need of converted units, HUD shall treat conversion in a development so that the total estimated need (total units times need per unit) of the development is unchanged by the conversion.

In § 905.10(f)(4) (§ 905.10(f)(3) at the proposed rule stage) which addresses reduction of units, HUD removed reference to conversion. Reduction of units is now based only on demolition or disposition.

In § 905.10(h)(2), regarding retention of current formula shares for some Moving to Work communities whose agreements in that program provide for this, HUD has added the modifier ''approximately'' to ''the formula share''. This is done in recognition that the replacement housing factor would not duplicate the prior calculation, but instead would be calculated annually in the same manner as the replacement factor provided under this rule. (In addition, the prior formula's replacement housing factor was for five years.) This change must occur for purposes of efficient formula administration and should not make a significant financial difference. Under the overall formula system, the share of a PHA with an MTW grant agreement under the new formula system (including the replacement housing component) may be the PHA's share under the old formula system (including the replacement housing component) for comparable units, if the PHA's MTW agreement provided for that share.

In § 905.10(i) (Replacement housing factor), HUD revised paragraph (i) at this final rule stage to remove all reference to conversion. The replacement housing factor is only applicable to demolition and disposition.

In § 905.10(j) (Performance reward factor), HUD revised this paragraph to reflect the status of implementation of the Public Housing Assessment System (PHAS).

A new paragraph (k) was added to clarify the PHAs' authority to undertake collateralization, as provided under section 14(a) of the 1937 Act, and to address the statutorily eligible expenses in section 9(d)(1) of the U.S. Housing Act of 1937. This new paragraph is discussed in more detail in Section IV of this preamble.

In addition to these changes, HUD also made several editorial and organizational changes throughout the rule for purposes of clarity.

III. Discussion of Public Comments

This section presents HUD's responses to the significant issues raised by the individuals and entities who submitted comments on the September 14, 1999 proposed rule. The heading ''Comment'' states the comment made by a commenter or commenters and the heading ''HUD Response'' presents HUD's response to the issue or issues raised by the commenter or commenters.

General Comments

Comment. The data collected by the consultant study was flawed. The preamble to the September 14, 1999 proposed rule notes that ''[a]s part of its deliberation of formula models and formula components, the committee considered at length a study conducted on capital needs in public housing by a consulting firm'' (64 FR 49924). Two commenters were highly critical of the study. The concerns of the commenters included that the study did not look at true capital needs, but only at the cost of restoring items to their original condition, the study did not adequately take into account different housing types, the study only looked at observable conditions, and there were flaws in the methods by which site costs were estimated. Another commenter stated that the preamble did not properly reflect that the negotiated rulemaking committee spent considerable time debating the merits of the study and the committee, overall, was critical of the study.

HUD Response. HUD recognizes the limitations of the study used by the committee and the preamble to the proposed rule described these limitations. The study, however, was the best study available at the time, and HUD believes that the committee, cognizant of the limitations that the study presented, was able to address formula issues knowledgeably and appropriately. For example, as the preamble stated, given the limitations of the study, the committee decided to limit any reduction in funding in going from the old to the new formula to six percent of a PHA's Federal Fiscal Year 1999 formula share for comparable units.

Comment. The rule should reflect the concern of the committee to base a performance bonus solely on the PHA's PHAS score. One commenter stated that the proposed rule did not adequately convey the opposition of many committee members to a performance bonus based exclusively on a PHA's PHAS score.

HUD Response. The preamble to a negotiated rule need not (and in the majority of cases does not) relay every disagreement that committee members had during the deliberations of the rule. The minutes of the committee meetings accurately reflect all discussions, and are available for review by the public. The preamble should reflect any nonconsensus items, however. The committee reached consensus on all rule provisions, including the performance bonus.

Comment. HUD should use FY 2000 appropriation numbers to conduct a ''test run'' of the formula and make the results available to each PHA. Two commenters suggested that the final rule should provide a sample application of the formula using dollar figures. One of the commenters stated that PHAs cannot submit informed comments on the proposed rule without ''having at least estimates of what the formula would mean to them.'' The commenter further recommended that HUD extend the due date for the submission of public comments until such numbers are made available to the public.

HUD Response. Provision of a sample application of the formula and an extension of the public comment period are not necessary, in view of the prior work of the negotiated rulemaking committee. The sample formula amounts that HUD provided to the committee for PHA size and geographic categories and for some representative PHAs were sufficient to guide the committee's decisions have been available through committee members (including national public housing organizations). Additionally, to safeguard against any possible dramatic changes in going from the old formula to the new, the rule limits funding reductions to six percent of a PHA's Federal Fiscal Year 1999 formula share for comparable units.

Comment. The final rule should contain a definition section. One commenter suggested that the final rule contain a definitions section in order to clarify the meaning of several terms used throughout § 905.10. The commenter recommended that the final rule provide definitions for the following terms: existing modernization needs; relative needs; accrual needs; calibration of existing modernization need; rolling three-year average; cost index; calibration of accrual need; total estimated existing modernization need; total accrual need; and ''Moving to Work.''

HUD Response. Many of the terms are described within the formula itself or

are terms carried over from the previous formula and, as a result, are terms that are familiar to PHAs.

Comments on the Proposed Rule Provisions

Comment. What constitutes statistically reliable data? Two commenters expressed concern about the proposed rule language that provided for a determination of existing modernization need or accrual need based on the availability or unavailability of statistically reliable data. One commenter asked how PHAs would be assured that HUD is using statistically reliable data. The other commenter stated that HUD should accept that statistically reliable data generally are not available.

HUD Response. The data used for this formula are from the consultant study referenced above. Thus, as noted earlier in this preamble, language that implied that the data relied upon for the formula might change in the future has been removed at the final rule stage.

Comment. How will HUD determine the rolling three year average cost index for each area? One commenter questioned how this index would be determined.

HUD Response. HUD has removed any reference to a three-year rolling average of the cost index. The current practice is to make annual adjustments in the formula based on annual changes in the cost index, and HUD's expectation is to continue current practice.

Comment. Determination of non-metropolitan area. One commenter asked whether, in determining the extent to which units of a development were in a non-metropolitan area, HUD will make this determination based on each development and each scattered site home.

HUD Response. The determination will be based on the location of each development. If a scattered site development has units in both metro and non-metro areas (as determined in FFY 1996), then the majority of units will decide the metro or non-metro designation of the development.

Comment. The formula must provide for capital funding after the date of full availability (DOFA). Proposed § 905.10(d)(2)(ii)(A) provided that ''[d]evelopments acquired by a PHA with a DOFA date of October 1, 1999 or thereafter will be considered by HUD to have a zero existing modernization need.'' One commenter asked whether this date would be revised each year. The commenter stated that while it is understandable that a development with a DOFA in the current fiscal year would not need much, if any, modernization that year, the commenter thought it is unrealistic to say that this development will not require modernization in the future.

HUD Response. As noted earlier in this preamble, HUD has revised the rule to continue the current application of this provision, for which the date is October 1, 1991. The formula agreed upon in negotiated rulemaking has this basis. The agreed-upon formula is static except for changes in units and annual calibration of costs based on inflation in local areas. Thus, this provision will not change from year to year.

Comment. HUD should provide examples regarding the application of the accrual formula. One commenter stated that the accrual need formula is too complex. The commenter stated that it would be difficult, if not impossible, to determine from the formula description how this will effect an actual housing authority.

HUD Response. The accrual need formula should not be unfamiliar to PHAs. This formula is similar to the accrual need formula of the Comprehensive Grant Program.

Comment. Replacement housing factor is unclear. The proposed rule provides that the replacement housing factor ''will be added for an additional 5 years if the planning, leveraging, obligation and expenditure requirements are met.'' The proposed rule also provides that, as ''a prior condition of a PHA's receipt of additional funds for replacement housing * * * for the second 5-year period or any portion thereof, a PHA must obtain a firm commitment of substantial additional funds other than public housing funds for replacement housing, as determined by HUD.'' A few commenters stated that this language was vague, and that HUD should clarify this provision at the final rule stage. The commenters stated that HUD needs to explain what it means by ''firm commitment,'' ''planning,'' and ''leveraging'', among other terms used in this section.

HUD Response. This language was negotiated specifically in negotiated rulemaking, and HUD will not add to it in the regulation. HUD will provide the necessary guidance before the beginning of the second five-year term.

Comment. PHAs that receive HOPE VI or MROP funds should not be prevented from receiving funds under the replacement housing factor. One commenter requested that the Capital Fund formula not penalize PHAs that ''have taken the initiative to access additional HUD funding'' under programs such as the HOPE VI program or the Major Reconstruction of Obsolete Public Housing (MROP) program. The commenter recommended the removal of § 905.10(i)(5)(iv) from the final rule.

HUD Response. HUD and the committee determined it equitable to exclude under the replacement housing factor those units funded under HOPE VI, MROP, or other PIH development programs, because funding under these programs is sufficiently generous to outweigh formula funding under the Capital Fund. Thus, replacement factor funds will not be provided for public housing units fully funded from such sources. If the PHA obtains funding from HOPE VI, MROP, or other PIH development programs during the 10-year period for the replacement housing factor, future funding for the replacement housing factor covering the number of units funded under these other programs would cease. HUD also notes that, since replacement housing factor funds can be used only for replacement housing, such funding would cease if the PHA already had received funding from any source to replace all housing previously demolished or disposed of.

Comment. HUD should aggressively invoke its authority to recapture and reallocate funds; Replacement housing factor should only be made available to PHAs committing to provide replacement units. Two commenters urged HUD to strengthen the recapture and reallocation provisions of the proposed rule. The commenters stated that PHAs that do not use the money for its designated purpose should not benefit from the funds. The commenters suggested that the language in the rule that HUD ''may'' recapture and reallocate replacement housing funds should be changed to HUD ''shall'' recapture and reallocate replacement housing funds. The commenters also suggested that a PHA's failure to obligate replacement housing funds on a timely basis should not result merely in a reduction of funding to the PHA for the second 5-year period of application of the replacement housing factor, but in elimination of those funds.

Another commenter was concerned about perceived deficiencies in the proposed rule that would excuse PHAs receiving replacement factor funds from actually providing replacement housing. The commenter objected to the provision permitting a PHA to defer the obligation of replacement factor funds until the accumulation of adequate funds. The commenter stated that, since replacement factor funds will never cover all development costs, PHAs that do not diligently seek out additional resources will qualify for the 24-month

extensions provided in the rule. The commenter also expressed concern about proposed § 905.10(i)(2), which (according to the commenter) only requires ''PHAs seeking the second five years of funding * * * to demonstrate * * * that they have the funds to develop the replacement housing.'' The commenter stated that this provision would undermine the entire concept that a PHA that qualifies for the first five years of funding is one that seriously intends to replace demolished units.

HUD Response. The requirements imposed in this regulation for obligating and expending replacement housing funds are an addition to the requirements generally applicable to obligation and expenditure of capital funds, and are designed to provide additional assurance that replacement housing factor funds are obligated and expended in a timely fashion. HUD will enforce the requirements accordingly.

Comment. PHAs designated as standard and substandard performers under PHAS should not have funding reduced as a result of a performance bonus to high performing PHAs. One commenter objected to reducing formula funding for standard and substandard PHAs as a result of the performance bonus for high performing PHAs. The commenter stated that these PHAs desperately need Capital Funds for repairs and modernization in order to meet the ''stringent requirements'' of the PHAS.

HUD Response. HUD does not agree that the PHAS imposes overly stringent requirements on PHAs The requirements imposed on PHAs are those imposed by statute and public housing program regulations, and are requirements directed to ensuring that PHAs use federal funds to provide decent, safe and sanitary housing to public housing residents. The PHAS assesses, among other things, whether PHAs are meeting this requirement.

The negotiated rulemaking committee recognized that providing a bonus to high performing PHAs from the Capital Fund would necessarily mean a reduction in funding to PHAs that are not designated high performing. Nevertheless, the committee agreed that it was important and consistent with the requirements of the Public Housing Reform Act to reward high performing PHAs with a monetary incentive. Although there was criticism of the PHAS and objections were voiced and the issue debated, the committee reached consensus that the performance bonus would be based on the PHA's designation of high performer under the PHAS. That final rule was published, after an extensive additional consultation process with affected entities and their representatives, on January 11, 2000. In any event, PHAS is the performance evaluation system for PHAs, and thus it is proper to base the performance bonus on PHAS.

Comment. Performance bonus should not be based on PHAS scores. Four commenters strongly objected to the use of high performing designation under PHAS for purposes of determining the performance bonus. The commenters stated that the ''current state of the PHAS shows it to be inaccurate and inconsistent, and it is still questionable whether it really measures what it is intended to measure.'' The commenters stated that it is premature to implement PHAS at this time and, therefore, it is premature to implement a Capital Fund formula bonus based on PHAS.

HUD Response. HUD believes that much of the concern of the commenters about the PHAS was based on the PHAS advisory scores. The purpose of issuance of PHAS advisory scores during the transition period following publication of the PHAS final rule published on September 1, 1998 (63 FR 46596) was to test the PHAS, commence training on the PHAS, and solicit additional input from PHAs before the PHAS was scheduled to take effect on October 1, 1999. On October 21, 1999 HUD published a notice (64 FR 56676) that recognized the PHAS transition period needed to be extended for PHAs with fiscal years ending on September 30, 1999, or before December 31, 1999. In that notice, HUD advised that PHAs with fiscal years ending after December 31, 1999, would be the first PHAs to be issued PHAS scores. PHAs with fiscal years ending September 30, 1999 or December 31, 1999, will be issued PHAS advisory scores and be assessed (as HUD is required to do by statute) on the PHA's management operations under the criteria in 24 CFR part 902, subpart D of the PHAS regulation. The notice recognized that these PHAs needed additional time to prepare for the transition to PHAS.

In that notice, HUD also advised that it was continuing to work on the PHAS final rule and that HUD would issue a consensus-based final rule that would address the public comments and describe all changes to the PHAS regulation made as a result of the public comment and review process.

Comment. Timeframes for performance bonus should be extended due to deficiencies with the PHAS. Two commenters suggested that due to the perceived deficiencies with PHAS, the time frame for implementation of the performance bonus is unrealistic. The commenters suggested that the time frame be extended in order to permit the PHAS to be finalized.

HUD Response. As noted in Section II of the preamble and in the response to the preceding comment, HUD has revised the rule to provide that the performance bonus does not take effect until an entire year of the first PHAS scores have been issued.

Comment. Final rule should clarify relationship between performance bonus and Capital Fund cap. Section 905.10(h) of the proposed rule provides that ''no PHA's [Capital Fund formula] share for units funded under the [Capital Fund formula] can be less than 94% of its formula share had the [Fiscal Year] 1999 formula system been applied to these eligible units.'' Section 905.10(j) provides that ''no PHA will lose more than 5% of its base formula amount as a result of the redistribution of funding from non-high performers to high performers.'' One commenter asked whether this 5% ''hold harmless'' provision is inclusive or exclusive of the 94% cap provided in § 905.10(h). The commenter recommended that no PHA ''should receive a cut of more than 6 percent of its formula share for any reason, including bonuses to others.''

HUD Response. The final agreement of the negotiated rulemaking committee is that the performance bonus computation is separate from (or exclusive of) the funding formula computations. A PHA could lose up to six percent of its original formula amount for comparable units under the funding formula computations (again, exclusive of the performance bonus computation) and then lose up to an additional five percent under the performance bonus computations. Some PHAs that lose the full six percent under the formula computation might benefit from the performance bonus computation.

IV. Eligible Expenses

As HUD's Notice on Status of Implementation of the Public Housing Reform Act, published on December 22, 1999 (64 FR 71799), noted, upon the effective date of this final rule, PHAs may begin to undertake the eligible activities listed in section 9(d)(1) of the Act. Section 522(c)(2) of the Public Housing Reform Act states that despite the Act's repeal of section 14 of the United States Housing Act of 1937 (1937 Act), PHAs may continue to use the authority provided under section 14(q) of that Act before implementation of the formula. In addition to the eligible expenses under section 9(d)(1), section 14(q) includes authorization for drawdown of funds on a schedule commensurate with construction draws

for deposit into an interest-bearing account to serve as collateral or credit enhancement for bonds issued by a public agency, for the construction or rehabilitation of a development. New section 35 of the 1937 Act, added by the Public Housing Reform Act, provides somewhat broader authority of the same nature, to be used in accordance with regulations issued by HUD.

HUD soon will issue proposed rules on the nonformula aspects of the Capital Fund and on mixed finance, which will address these provisions. For example, in the preamble to the proposed rule published on September 14, 1999 (64 FR 49925, first column), HUD stated that measures to promote more effective resident participation will be categorized as eligible Capital Fund management improvement expenses under appropriate regulations and provided examples of such eligible expenses. These rules also will cover such topics as the timing of expenditure of funding.

To provide clarity and assure that there is no temporary lapse in PHAs' authority to undertake collateralization as they could do under section 14(q), however, HUD is adding a new paragraph (k) to this final rule that repeats the statutorily eligible expenses in section 9(d)(1) and adds a sentence identical to the collateralization authority in section 14(q)(1). This paragraph may be repealed, amended or moved once the referenced regulatory processes are completed.

V. Findings and Certifications

Environmental Impact

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4223), at the proposed rule stage. That Finding of No Significant Impact remains applicable and is available for public inspection between the hours of 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC.

Regulatory Planning and Review

The Office of Management and Budget has reviewed this rule under Executive Order 12866 (captioned ''Regulatory Planning and Review'') and determined that this rule is a ''significant regulatory action'' as defined in section 3(f) of the Order (although not an economically significant regulatory action under the Order). Any changes made to this rule as a result of that review are identified in the docket file, which is available for public inspection during regular business hours (7:30 a.m. to 5:30 p.m.) at the Office of the General Counsel, Rules Docket Clerk, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500.

Regulatory Flexibility Act

The Secretary has reviewed this rule before publication and by approving it certifies, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this rule would not have a significant economic impact on a substantial number of small entities. The rule would implement a new system for formula allocation of funds to PHAs for their capital needs. The new system is established to provide minimum impact on all PHAs, small and large. The new formula provides that no PHA can lose more than 6% of its formula share for comparable units in going from the old to the new formula. Accordingly, the formula will not have a significant economic impact on any PHA.

Federalism Impact

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on State and local governments and is not required by statute, or preempts State law, unless the relevant requirements of section 6 of the Executive Order are met. This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and on the private sector. This rule does not impose, within the meaning of the UMRA, any Federal mandates on any State, local, or tribal governments or on the private sector.

List of Subjects in 24 CFR Part 905

Grant programs—housing and community development, Modernization, Public housing, Reporting and recordkeeping requirements.

Catalog

The Catalog of Federal Domestic Assistance number for the program affected by this rule is 14.850.

For the reasons discussed in the preamble, part 905 is added to title 24 of the Code of Federal Regulations as follows:

PART 905— THE PUBLIC HOUSING CAPITAL FUND PROGRAM

Authority: 42 U.S.C. 1437g and 3535(d).

§ 905.10 Capital Fund formula (CFF).

(a) *General.* This section describes the formula for allocation of capital funds to PHAs. The formula is referred to as the Capital Fund formula (CFF).

(b) *Emergency reserve and use of amounts.* (1) In each Federal fiscal year after Federal Fiscal Year (FFY) 1999, from amounts approved in the appropriation act for funding under this part, HUD:

(i) Shall reserve an amount not to exceed that authorized by 42 U.S.C. 1437g(k) for—

(A) Use for assistance in connection with emergencies and other disasters, and

(B) Housing needs resulting from any settlement of litigation; and

(ii) May reserve such other amounts for other purposes authorized by 42 U.S.C. 1437g(k).

(2) Amounts set aside under paragraph (b) of this section may be used for assistance for any eligible use under the Capital Fund, Operating Fund, or tenant-based assistance in accordance with section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

(3) The use of any amounts as provided under paragraph (b) of this section relating to emergencies (other than disasters and housing needs resulting from settlement of litigation) shall be announced subsequently through **Federal Register** notice.

(c) *Formula allocation based on relative needs.* After determining the amounts to be reserved under paragraph (b) of this section, HUD shall allocate the amount remaining in accordance with the CFF. The CFF measures the existing modernization needs and accrual needs of PHAs.

(d) *Allocation for existing modernization needs under the CFF.* HUD shall allocate one-half of the available Capital Fund amount based on the relative existing modernization needs of PHAs, determined in accordance with this paragraph (d) of this section.

(1) *For PHAs greater than or equal to 250 or more units in FFY 1999, except*

the New York City and Chicago Housing Authorities, estimates of the existing modernization need will be based on the following:

(i) Objective measurable data concerning the following PHA, community and development characteristics applied to each development:

(A) The average number of bedrooms in the units in a development. (Equation co-efficient: 4604.7);

(B) The total number of units in a development as of FFY 1999. (Equation co-efficient: 10.17);

(C) The proportion of units, as of FFY 1998, in a development in buildings completed in 1978 or earlier. In the case of acquired developments, HUD will use the Date of Full Availability (DOFA) date unless the PHA provides HUD with the actual date of construction. When provided with the actual date of construction, HUD will use this date (or, for scattered sites, the average dates of construction of all the buildings), subject to a 50-year cap. (Equation co-efficient: 4965.4);

(D) The cost index of rehabilitating property in the area as of FFY 1999. (Equation co-efficient: –10608);

(E) The extent to which the units of a development were in a non-metropolitan area as defined by the Census Bureau during FFY 1996. (Equation co-efficient: 2703.9);

(F) The PHA is located in the southern census region, as defined by the Census Bureau. (Equation co-efficient: –269.4);

(G) The PHA is located in the western census region, as defined by the Census Bureau. (Equation co-efficient: –1709.5);

(H) The PHA is located in the midwest census region as defined by the Census Bureau. (Equation co-efficient: 246.2)

(ii) An equation constant of 13851.

(A) *Newly constructed units.* Units with a DOFA date of October 1, 1991, or thereafter, will be considered to have a zero existing modernization need.

(B) *Acquired developments.* Developments acquired by a PHA with a DOFA date of October 1, 1991, or thereafter, will be considered by HUD to have a zero existing modernization need.

(2) *For New York City and Chicago Housing Authorities, based on a large sample of direct inspections.* For purposes of this formula, prior to the cost calibration in paragraph (d)(4) of this section, the number used for the existing modernization need of family developments is $16,680 in New York, and $24,286 in Chicago, and the number for elderly developments is $14,622 in New York, and $16,912 in Chicago.

(i) *Newly constructed units.* Units with a DOFA date of October 1, 1991, or thereafter, will be considered to have a zero existing modernization need.

(ii) *Acquired developments.* Developments acquired by a PHA with a DOFA date of October 1, 1991, or thereafter, will be considered by HUD to have a zero existing modernization need.

(3) *For PHAs with fewer than 250 units in FFY 1999,* estimates of the existing modernization need will be based on the following:

(i) Objective measurable data concerning the following PHA, community and development characteristics applied to each development:

(A) The average number of bedrooms in the units in a development. (Equation co-efficient: 1427.1);

(B) The total number of units in a development as of FFY 1999. (Equation co-efficient: 24.3);

(C) The proportion of units, as of FFY 1998, in a development in buildings completed in 1978 or earlier. In the case of acquired developments, HUD will use the DOFA date unless the PHA provides HUD with the actual date of construction, in which case HUD will use the actual date of construction (or, for scattered sites, the average dates of construction of all the buildings), subject to a 50-year cap. (Equation co-efficient: −1389.7);

(D) The cost index of rehabilitating property in the area, as of FFY 1999. (Equation co-efficient: −20163);

(E) The extent to which the units of a development were in a non-metropolitan area as defined by the Census Bureau during FFY 1996. (Equation co-efficient: 6157.7);

(F) The PHA is located in the southern census region, as defined by the Census Bureau. (Equation co-efficient: 4379.2);

(G) The PHA is located in the western census region, as defined by the Census Bureau. (Equation co-efficient: 3747.7);

(H) The PHA is located in the midwest census region as defined by the Census Bureau. (Equation co-efficient: −2073.5)

(ii) An equation constant of 24762.

(A) *Newly constructed units.* Units with a DOFA date of October 1, 1991, or thereafter, will be considered to have a zero existing modernization need.

(B) *Acquired developments.* Developments acquired by a PHA with a DOFA date of October 1, 1991, or thereafter, will be considered by HUD to have a zero existing modernization need.

(4) *Calibration of existing modernization need for cost index of rehabilitating property in the area.* The estimated existing modernization need, as determined under paragraphs (d)(1), (d)(2) or (d)(3) of this section, shall be adjusted by the values of the cost index of rehabilitating property in the area.

(e) *Allocation for accrual needs under the CFF.* HUD shall allocate the other half of the remaining Capital Fund amount based on the relative accrual needs of PHAs, determined in accordance with paragraph (e) of this section.

(1) *For PHAs greater than or equal to 250 or more units, except the New York City and Chicago Housing Authorities,* estimates of the accrual need will be based on the following:

(i) Objective measurable data concerning the following PHA, community and development characteristics applied to each development:

(A) The average number of bedrooms in the units in a development. (Equation co-efficient: 324.0);

(B) The extent to which the buildings in a development average fewer than 5 units. (Equation co-efficient: 93.3);

(C) The age of a development as of FFY 1998, as determined by the DOFA date. In the case of acquired developments, HUD will use the DOFA date unless the PHA provides HUD with the actual date of construction, in which case HUD will use the actual date of construction (or, for scattered sites, the average dates of construction of all the buildings), subject to a 50-year cap. (Equation co-efficient: −7.8);

(D) Whether the development is a family development. (Equation co-efficient: 184.5);

(E) The cost index of rehabilitating property in the area, as of FFY 1999. (Equation co-efficient: −252.8);

(F) The extent to which the units of a development were in a non-metropolitan area as defined by the Census Bureau during FFY 1996. (Equation co-efficient: −121.3);

(G) PHA size of 6600 or more units in FFY 1999. (Equation co-efficient: −150.7);

(H) The PHA is located in the southern census region, as defined by the Census Bureau. (Equation co-efficient: 28.4);

(I) The PHA is located in the western census region, as defined by the Census Bureau. (Equation co-efficient: −116.9);

(J) The PHA is located in the midwest census region as defined by the Census Bureau. (Equation co-efficient: 60.7)

(ii) An equation constant of 1371.9,

(2) *For New York City and Chicago Housing Authorities, based on a large sample of direct inspections.* For purposes of this formula, prior to the

cost calibration in paragraph (e)(4) of this section the number used for the accrual need of family developments is $1,395 in New York, and $1,251 in Chicago, and the number for elderly developments is $734 in New York, and $864 in Chicago.

(3) *For PHAs with fewer than 250 units,* estimates of the accrual need will be based on the following:

(i) Objective measurable data concerning the following PHA, community and development characteristics applied to each development:

(A) The average number of bedrooms in the units in a development. (Equation co-efficient: 325.5);

(B) The extent to which the buildings in a development average fewer than 5 units. (Equation co-efficient: 179.8);

(C) The age of a development as of FFY 1998, as determined by the DOFA date. In the case of acquired developments, HUD will use the DOFA date unless the PHA provides HUD with the actual date of construction. When provided with the actual date of construction, HUD will use this date (or, for scattered sites, the average dates of construction of all the buildings), subject to a 50-year cap. (Equation co-efficient: −9.0);

(D) Whether the development is a family development. (Equation co-efficient: 59.3);

(E) The cost index of rehabilitating property in the area, as of FFY 1999. (Equation co-efficient: −1570.5);

(F) The extent to which the units of a development were in a non-metropolitan area as defined by the Census Bureau during FFY 1996. (Equation co-efficient: −122.9);

(G) The PHA is located in the southern census region, as defined by the Census Bureau. (Equation co-efficient: −564.0);

(H) The PHA is located in the western census region, as defined by the Census Bureau. (Equation co-efficient: −29.6);

(I) The PHA is located in the midwest census region as defined by the Census Bureau. (Equation co-efficient: −418.3)

(ii) An equation constant of 3193.6.

(4) *Calibration of accrual need for the cost index of rehabilitating property in the area.* The estimated accrual need, as determined under either paragraph (e)(2) or (e)(3) of this section, shall be adjusted by the values of the cost index of rehabilitation.

(f) *Calculation of number of units.* (1) *General.* For purposes of determining the number of a PHA's public housing units, and the relative modernization needs of PHAs:

(i) HUD shall count as one unit:

(A) Each public housing and section 23 bond-financed unit under the ACC, except that it shall count as one-fourth of a unit each existing unit under Turnkey III program. Units receiving operating subsidy only shall not be counted.

(B) Each existing unit under the Mutual Help program.

(ii) HUD shall add to the overall unit count units that are added to a PHA's inventory so long as the units are under ACC amendment and have reached DOFA by the date that HUD establishes for the Federal Fiscal Year in which the CFF is being run (hereafter called the ''reporting date''). Any such increase in units shall result in an adjustment upwards in the number of units under the CFF. New units reaching DOFA after the reporting date will be counted for CFF purposes as of the following Federal Fiscal Year.

(2) *Replacement units.* Replacement units newly constructed as of and after October 1, 1998 that replace units in a development funded in FFY 1999 by the Comprehensive Grant formula system or the Comprehensive Improvement Assistance Program (CIAP) formula system will be given a new ACC number as a separate development and will be treated as a newly constructed development.

(3) *Conversion of units.* The total estimated need (total units times need per unit) of the development is unchanged by conversion of unit sizes within buildings.

(4) *Reduction of units.* For developments losing units as a result of demolition and disposition, the number of units on which capital funding is based will be the number of units reported as eligible for capital funding as of the reporting date. Units are eligible for funding until they are removed due to demolition and disposition in accordance with a schedule approved by HUD.

(g) *Computation of formula shares under the CFF.* (1) *Total estimated existing modernization need.* The total estimated existing modernization need of a PHA under the CFF is the result of multiplying for each development the PHA's total number of formula units by its estimated existing modernization need per unit, as determined by paragraph (d) of this section, and calculating the sum of these estimated development needs.

(2) *Total accrual need.* The total accrual need of a PHA under the CFF is the result of multiplying for each development the PHA's total number of formula units by its estimated accrual need per unit, as determined by paragraph (e) of this section, and calculating the sum of these estimated accrual needs.

(3) *PHA's formula share of existing modernization need.* A PHA's formula share of existing modernization need under the CFF is the PHA's total estimated existing modernization need divided by the total existing modernization need of all PHAs.

(4) *PHA's formula share of accrual need.* A PHA's formula share of accrual need under the CFF is the PHA's total estimated accrual need divided by the total existing accrual need of all PHAs.

(5) *PHA's formula share of capital need.* A PHA's formula share of capital need under the CFF is the average of the PHA's share of existing modernization need and its share of accrual need (by which method each share is weighted 50%).

(h) *CFF capping.* (1) For units that are eligible for funding under the CFF (including replacement housing units discussed below) a PHA's CFF share will be its share of capital need, as determined under the CFF, subject to the condition that no PHA's CFF share for units funded under CFF can be less than 94% of its formula share had the FFY 1999 formula system been applied to these CFF eligible units. The FFY 1999 formula system is based upon the FFY 1999 Comprehensive Grant formula system for PHAs with 250 or more units in FFY 1999 and upon the FFY 1999 Comprehensive Improvement Assistance Program (CIAP) formula system for PHAs with fewer than 250 units in FFY 1999.

(2) For a Moving to Work PHA whose agreement provides that its capital formula share is to be calculated in accordance with the previously existing formula, the PHA's CFF share, during the term of the agreement, may be approximately the formula share that the PHA would have received had the FFY 1999 formula funding system been applied to the CFF eligible units.

(i) *Replacement housing factor to reflect formula need for developments with demolition and disposition occurring on or after October 1, 1998—* (1) *Replacement housing factor generally.* PHAs that have a reduction in units attributable to demolition and disposition of units during the period (reflected in data maintained by HUD) that lowers the formula unit count for the CFF calculations qualify for application of a replacement housing factor, subject to satisfaction of criteria stated in paragraph (i)(5) of this section.

(2) *When applied.* The replacement housing factor will be added, where applicable:

(i) For the first 5 years after the reduction in units described in paragraph (i)(1) of this section, and

(ii) For an additional 5 years if the planning, leveraging, obligation and expenditure requirements are met. As a prior condition of a PHA's receipt of additional funds for replacement housing provided for the second 5-year period or any portion thereof, a PHA must obtain a firm commitment of substantial additional funds other than public housing funds for replacement housing, as determined by HUD.

(3) *Computation of replacement housing factor.* The replacement housing factor consists of the difference between the CFF share without the CFF share reduction of units attributable to demolition and disposition, and the CFF share that resulted after the reduction of units attributable to demolition and disposition.

(4) *Replacement housing funding in FFY 1998 and 1999.* Units that received replacement housing funding in FFY 1998 will be treated as if they had received two years of replacement housing funding by FFY 2000. Units that received replacement housing funding in FFY 1999 will be treated as if they had received one year of replacement housing funding as of FFY 2000.

(5) *PHA eligibility for replacement housing factor.* A PHA is eligible for application of this factor only if the PHA satisfies the following criteria:

(i) The PHA requests the application of the replacement factor;

(ii) The PHA will use the funding in question only for replacement housing;

(iii) The PHA will use the restored funding that results from the use of the replacement factor to provide replacement housing in accordance with the PHA's five-year PHA plan, as approved by HUD under part 903 of this chapter;

(iv) The PHA has not received funding for public housing units that will replace the lost units under the public housing development, Major Reconstruction of Obsolete Public Housing, HOPE VI programs, or programs that otherwise provide for replacement with public housing units;

(v) The PHA, if designated troubled by HUD and not already under the direction of HUD or a court-appointed receiver, in accordance with part 902 of this chapter, uses an Alternative Management Entity as defined in part 902 of this chapter for development of replacement housing and complies with any applicable provisions of its Memorandum of Agreement executed with HUD under that part; and

(vi) The PHA undertakes any development of replacement housing in accordance with applicable HUD requirements and regulations.

(6) *Failure to provide replacement housing in a timely fashion.* (i) A PHA will be subject to the actions described in paragraph (i)(7)(ii) of this section if the PHA does not:

(A) Use the restored funding that results from the use of the replacement housing factor to provide replacement housing in a timely fashion, as provided in paragraph (i)(7)(i) of this section and in accordance with applicable HUD requirements and regulations; and

(B) Make reasonable progress on such use of the funding, in accordance with HUD requirements and regulations.

(ii) If a PHA fails to act as described in paragraph (i)(6)(i), HUD will require appropriate corrective action under these regulations; may recapture and reallocate the funds; or may take other appropriate action.

(7) *Requirement to obligate and expend replacement housing factor funds within specified period.* (i) In addition to the requirements otherwise applicable to obligation and expenditure of funds, PHAs are required to obligate assistance received as a result of the replacement housing factor within:

(A) 24 months from the date that funds become available to the PHA; or

(B) With specific HUD approval, 24 months from the date that the PHA accumulates adequate funds to undertake replacement housing.

(ii) To the extent the PHA has not obligated any funds provided as a result of the replacement housing factor within the times required by this paragraph, or expended such funds within a reasonable time, HUD shall reduce the amount of funds to be provided to the PHA as a result of the application of the second 5 years of the replacement housing factor.

(j) *Performance reward factor.* (1) PHAs that are designated high performers under the Public Housing Assessment System (PHAS) for their most recent fiscal year can receive a performance bonus that is:

(i) 3% above their base formula amount in the first five years these awards are given (for any year in this 5-year period in which the performance reward is earned); and

(ii) 5% above their base formula amount in future years (for any year in which the performance reward is earned).

(2) The performance bonus is subject only to the condition that no PHA will lose more than 5% of its base formula amount as a result of the redistribution of funding from non-high performers to high performers.

(3) The first performance awards will be given based upon PHAS scores for PHA fiscal years ending December 31, 2000, March 31, 2001, June 30, 2001, and September 30, 2001, with PHAs typically having received those PHAS scores within approximately 3 months after the end of those fiscal years.

(k) *Eligible expenses.* (1) Eligible expenses include the following:

(i) Development, financing, and modernization of public housing projects, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings (including accessibility improvements) and the development of mixed-finance projects;

(ii) Vacancy reduction;

(iii) Addressing deferred maintenance needs and the replacement of obsolete utility systems and dwelling equipment;

(iv) Planned code compliance;

(v) Management improvements;

(vi) Demolition and replacement;

(vii) Resident relocation;

(viii) Capital expenditures to facilitate programs to improve the empowerment and economic self-sufficiency of public housing residents and to improve resident participation;

(ix) Capital expenditures to improve the security and safety of residents; and

(x) Homeownership activities, including programs under section 32 of the 1937 Act (42 U.S.C. 1437z–4).

(2) Such assistance may involve the drawdown of funds on a schedule commensurate with construction draws for deposit into an interest earning escrow account to serve as collateral or credit enhancement for bonds issued by a public agency for the construction or rehabilitation of the development.

Dated: March 7, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

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- Child-resistant packaging requirements—
  - Household products containing low-viscosity hydrocarbons; comments due by 3-20-00; published 1-3-00

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- National Reconnaissance Office; comments due by 3-20-00; published 1-19-00

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- California; comments due by 3-20-00; published 2-17-00
- Illinois; comments due by 3-20-00; published 2-17-00
- Indiana; comments due by 3-24-00; published 2-23-00
- Missouri; comments due by 3-20-00; published 2-17-00
- North Carolina; comments due by 3-20-00; published 2-17-00
- Virginia; comments due by 3-20-00; published 2-17-00

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- Pesticide container and containment standards; comments due by 3-20-00; published 2-24-00
- Pesticides and ground water strategy; State management plan regulation; comments due by 3-24-00; published 2-23-00

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- Dioxin and dioxin-like compounds; numeric concentration limits; comments due by 3-23-00; published 3-2-00

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- Municipal solid waste landfill permit programs; adequacy determinations—
  - Tennessee; comments due by 3-24-00; published 2-23-00
  - Tennessee; comments due by 3-24-00; published 2-23-00
  - Tennessee; comments due by 3-24-00; published 2-23-00

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- Georgia and South Carolina; comments due by 3-23-00; published 2-16-00
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  - Transportation payment and audit; comments due by 3-23-00; published 2-22-00

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- Drug products discontinued from sale for reasons of safety or effectiveness; list; comments due by 3-20-00; published 1-4-00
- Over-the-counter drugs classification as generally recognized as safe and effective and not misbranded; additional criteria and procedures; comments due by 3-22-00; published 12-20-99

Medical devices:
- Premarket notification; substantially equivalent premarket notification; redacted version requirement; comments due by 3-22-00; published 12-21-99

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- Inpatient Disproportionate Share (DSH) Hospital adjustment calculation—
  - States with section 1115 expansion waivers; change in treatment of certain Medicaid patient days; comments due by 3-20-00; published 1-20-00
- Payment amount if customery charges are less than reasonable

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Litigation; public information; comments due by 3-21-00; published 1-21-00

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 3557/P.L. 106–175

To authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian. (Mar. 5, 2000; 114 Stat. 21)

H.R. 149/P.L. 106–176

Omnibus Parks Technical Corrections Act of 2000 (Mar. 10, 2000; 114 Stat. 23)

H.R. 764/P.L. 106–177

To reduce the incidence of child abuse and neglect, and for other purposes. (Mar. 10, 2000; 114 Stat. 35)

H.R. 1883/P.L. 106–178

Iran Nonproliferation Act of 2000 (Mar. 14, 2000; 114 Stat. 38)

S. 613/P.L. 106–179

Indian Tribal Economic Development and Contract Encouragement Act of 2000 (Mar. 14, 2000; 114 Stat. 46)

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