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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–075–3]

Mexican Fruit Fly Regulations; Removal of Regulated Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Mexican fruit fly regulations by removing the regulated portion of San Bernardino and Riverside Counties, CA, from the list of regulated areas. We have determined that the Mexican fruit fly has been eradicated from this area and that restrictions on the interstate movement of regulated articles from this area are no longer necessary to prevent the spread of the Mexican fruit fly into noninfested areas of the United States. This action relieves unnecessary restrictions on the interstate movement of regulated articles from the previously regulated area.

DATES: The interim rule was effective April 12, 2000. We invite you to comment on this docket. We will consider all comments that we receive by June 19, 2000.

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

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

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

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

SUPPLEMENTARY INFORMATION:

Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is a destructive pest of citrus and other types of fruit. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas. The Mexican fruit fly regulations, contained in 7 CFR 301.64 through 301.64–10 (referred to below as the regulations), quarantine infested States, designate regulated areas, and restrict the interstate movement of specified fruits and other regulated articles from regulated areas in order to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. Quarantined States are listed in § 301.64(a), and regulated areas are listed in § 301.64–3(c).

In an interim rule effective September 22, 1999, and published in the **Federal Register** on September 28, 1999 (64 FR 52211–52212, Docket No. 99–075–1), we amended the Mexican fruit fly regulations by designating an area in San Bernardino and Riverside Counties, CA, as a regulated area. In a second interim rule effective December 14, 1999, and published in the **Federal Register** on December 21, 1999 (64 FR 71267–71270, Docket No. 99–075–2), we amended the Mexican fruit fly regulations by adding a portion of San Diego and Riverside Counties, CA, to the list of areas regulated because of the Mexican fruit fly.

Based on insect trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the Mexican fruit fly has been eradicated from the regulated area of San Bernardino and Riverside Counties, CA. The last finding of Mexican fruit fly thought to be associated with the infestation in this area was made on August 27, 1999. Since then no evidence of Mexican fruit fly infestations has been found in this area. Therefore, we are removing this area from the list of areas in § 301.64–3(c) that are regulated because of the Mexican fruit fly.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the public. The area in California affected by this document was regulated due to the possibility that the Mexican fruit fly could spread to noninfested areas of the United States. Since this situation no longer exists, the continued regulated status of this area would impose unnecessary restrictions.

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

Executive Order 12866 and Regulatory Flexibility Act

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

This rule removes restrictions on the interstate movement of regulated articles from a portion of San Bernardino and Riverside Counties, CA, that has been regulated because of the Mexican fruit fly. Within this regulated area, there are 106 small entities that may be affected by this rule. These

include 2 distributors, 62 fruit sellers, 19 growers, 1 landfill, 18 nurseries, 1 packer, 1 processor, and 2 swap meets. These 106 entities comprise less than 1 percent of the total number of similar enterprises operating in the State of California.

These small entities sell regulated articles primarily for local intrastate, not interstate, movement, and the distribution of these articles was not affected by the regulatory provisions we are removing. Many of these entities also handle other items in addition to the previously regulated articles. The effect on those few entities that do move regulated articles interstate was minimized by the availability of various treatments that, in most cases, allowed these small entities to move regulated articles interstate with very little additional cost. Therefore, the effect, if any, of this rule on these entities appears to be minimal.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

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

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

PART 301—DOMESTIC QUARANTINE NOTICES

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

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

§ 301.64–3 [Amended]

2. In § 301.64–3, paragraph (c) is amended by removing the entry and the description of the regulated area for ''San Bernardino and Riverside Counties'', CA.

Done in Washington, DC, this 12th day of April 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–9669 Filed 4–17–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 52

[Docket No. 98–123–6]

RIN 0579–AB10

Pseudorabies in Swine; Payment of Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations regarding the payment of indemnity for herds of swine depopulated because of pseudorabies to provide that the Animal and Plant Health Inspection Service will pay owners of the swine an indemnity equal to the difference between the net salvage received and the fair market value of the swine destroyed. We are also providing for the payment of indemnity for individual breeding sows destroyed because they are infected with pseudorabies. We have determined that this action will allow for the payment of indemnity from accelerated pseudorabies eradication program funds for a greater number of swine disposed of because they are infected with pseudorabies. This action is necessary to further pseudorabies eradication efforts and to protect swine not infected with pseudorabies from the disease.

DATES: Interim rule effective April 12, 2000. Consideration will be given only to comments received on or before June 19, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 98–123–6, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–123–6.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Taft, Senior Staff Veterinarian, Swine Diseases, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–7708.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service's (APHIS's) regulations in 9 CFR part 85 govern the interstate movement of swine and other livestock (cattle, sheep, and goats) in order to help prevent the spread of pseudorabies.

Pseudorabies is a contagious, infectious, and communicable disease of livestock, primarily swine. The disease, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is caused by a herpes virus, and is known to cause reproductive problems, including abortion and stillborn death, and death in neonatal pigs, and occasional death losses in breeding and finishing hogs. Prior to 1998, the cost of pseudorabies to pork producers alone in the United States was over $30 million annually. Of this amount, more than half, $17 million, represented the cost of vaccination, and another $11 million was attributable to pig deaths. The remainder was spent on testing.

A Federal eradication program for pseudorabies was implemented in the United States in 1989. The program is cooperative in nature and involves Federal, State, and industry participation. In an interim rule published in the **Federal Register** on January 15, 1999, and effective as of

January 12, 1999 (64 FR 2545–2550, Docket No. 98–123–2), APHIS promulgated regulations to establish an accelerated pseudorabies eradication program that provided, among other things, for the payment of indemnity by the United States Department of Agriculture (Department) for the voluntary depopulation of herds of swine known to be infected with pseudorabies.

Indemnity Paid by the Department

In our January 15, 1999, interim rule, we explained that we considered it appropriate to accelerate the pseudorabies eradication program through whole-herd buyouts because of a combination of three factors: (1) The danger that some owners might eliminate eradication efforts, such as vaccination of swine, due to depressed market conditions; (2) the relatively small number of herds infected with pseudorabies; and (3) the fact that markedly depressed prices for swine would lessen the cost to the Federal Government of whole-herd buyouts.

We explained that a surplus of live swine, due in part to reduced export markets, had slaughter facilities operating at maximum capability. Consequently, swine producers were being forced to continue feeding swine that could not go to slaughter. Swine that were being slaughtered were being sold at prices below the costs of feeding and transportation.

Under the regulations governing the accelerated eradication program, we began paying owners fair market value for herds of swine depopulated because of pseudorabies. In addition to paying 100 percent of the fair market value of the animals, we have been paying for trucking to disposal, for euthanasia and disposal, and for cleaning and disinfection of conveyances used for transporting the swine to disposal. To date, we have disposed of the herds depopulated under the accelerated eradication program by rendering. Although pseudorabies does not affect humans, we chose rendering as the method for disposal at the outset of the program because, as noted, a surplus of live swine was causing slaughtering establishments to operate at maximum capability.

Since January 1999, a reduction in swine inventories has contributed to an increase in the market value of swine. Additionally, this has created a situation where slaughtering establishments are generally not operating at maximum capability. Although the price per pound APHIS is paying for swine destroyed under the eradication program has increased over the past year, we consider it necessary to the eradication of pseudorabies to continue the accelerated eradication program. However, because slaughtering establishments can now handle swine to be destroyed under the accelerated eradication program, we consider it prudent to revise the method by which owners of swine will receive fair market value for their animals under the accelerated eradication program.

Instead of the Department paying each owner 100 percent of the fair market value of all swine disposed of under the accelerated eradication program, we will pay indemnity for the difference between whatever payment for net salvage an owner receives for herds of swine disposed of through slaughter and the fair market value of those animals. Net salvage is the amount derived from the sale of an animal after deducting freight, trucking, yardage, commission, slaughtering charges, and similar costs to the owner. This change will increase the number of pseudorabies-infected herds that can be depopulated using available program funds. Under either formula, a swine owner receives the fair market value of the swine.

To ensure that the swine for which indemnity is paid do not pose a pseudorabies risk to any swine not moving to slaughter, and to ensure that APHIS receives documentation that the swine have been destroyed, we are requiring that the swine be sent under permit directly to a recognized slaughtering establishment, where State or Federal meat inspection is available. We are requiring that the swine be moved to the recognized slaughtering establishment in a conveyance closed with an official seal that is applied and removed by an APHIS employee, a State representative, an accredited veterinarian, or an individual authorized for this purpose by an APHIS employee.

We are adding definitions in § 52.1 of this interim rule for the terms *accredited veterinarian, official seal, permit,* and *recognized slaughtering establishment.*

We define *accredited veterinarian* to mean a veterinarian approved by the Administrator in accordance with the provisions of 9 CFR part 161 to perform functions specified in 9 CFR, chapter I, subchapters B, C, and D. This definition is consistent with that set forth elsewhere in 9 CFR chapter I.

We define *official seal* to mean a serially numbered metal or plastic strip, consisting of a self-locking device on one end and a slot on the other end, that forms a loop when the ends are engaged and that cannot be reused if opened, or a serially numbered, self-locking button that can be used for this purpose.

We define *permit* to mean an official document for movement of swine that is issued by an APHIS employee, State representative, or accredited veterinarian and that lists the disease status and individual identification of the animal, where consigned, cleaning and disinfection requirements, and proof of slaughter certification by a recognized slaughtering establishment. It is standard practice for the State or Federal inspector at the recognized slaughtering establishment to submit a signed copy of the permit to the APHIS veterinarian in charge when the animal is destroyed.

We define *recognized slaughtering establishment* to mean a slaughtering establishment operating under the Federal Meat Inspection Act (21 U.S.C. 601–695) or a State meat inspection act. (A list of recognized slaughtering establishments can be obtained by contacting the person listed in this Supplementary Information under **FOR FURTHER INFORMATION CONTACT.**)

As under the program to date, the fair market value will be primarily based on a per pound compensation. The per pound compensation will continue to be based on weighted average base market prices from the previous week (as released in ''USDA–AMS Livestock Market News'' and as determined by calculating the average of the Wednesday through Friday prices). An additional producer cost offset will also continue to be paid according to whether the animal is a breeder pig, a baby pig, a market hog less than 200 pounds, or a market hog greater than 200 pounds.

Although we expect that the great majority of swine disposed of under the accelerated eradication program will be disposed of through sale to slaughter, we recognize that this may not be reasonable or possible for some swine. For instance, some swine may be too small to provide a profitable yield to the slaughtering facility or may not be of sufficient size to be handled by slaughtering machinery that is set for larger animals. Additionally, recognized slaughtering establishments may not accept swine that have some visible health problem, such as an abscess. Such swine are usually readily identifiable by owners and APHIS employees or State representatives without actually being sent to a recognized slaughtering establishment. In this interim rule, we are providing that we will continue to pay 100 percent of the fair market value for swine that are identified for destruction under the accelerated eradication program, even if they are not accepted by a recognized slaughtering establishment. We may

also pay 100 percent of the fair market value for swine that the owner and an authorized APHIS employee or State representative agree will not be accepted by a recognized slaughtering establishment.

Appraisal of Swine

Prior to this interim rule, § 52.3 of the regulations provided that swine to be destroyed under the accelerated eradication program were to be appraised by an APHIS employee and a representative of the State jointly, or, if the State authorities approved, by an APHIS employee alone. The regulations did not specifically provide for appraisal by a State representative alone because the States were willing to allow APHIS to assume a lead role in carrying out the depopulation and indemnity process. Recently, however, States have indicated to APHIS a willingness to assume an increased role in the appraisal of swine. Increasing State involvement would reduce the demands on APHIS resources and, in some cases, promote more rapid completion of the appraisal process. Therefore, we are amending § 52.3 to provide that swine to be destroyed under the accelerated eradication program may be appraised by a State representative alone.

Groups of Swine Eligible for Indemnity

Section 52.2 of the regulations provides that the Administrator is authorized to agree, on the part of the Department, to pay 100 percent of the expenses of purchase, destruction, and disposition of herds of swine that are destroyed because the herds are known to be infected with pseudorabies.

In § 52.1 of the regulations, a herd is defined as a group of swine maintained on common ground for any purpose, or two or more groups of swine under common ownership or supervision, that are geographically separated but have an interchange or movement of animals without regard to whether the animals are infected with or exposed to pseudorabies.

The definition of herd includes two or more groups of swine under common ownership because it is standard practice in the swine industry for a production facility to maintain groups of swine in different units in different buildings, pens, etc. The swine from the different units may or may not come into contact with each other. If there is an interchange or movement of animals between groups without regard to whether the animals are infected with or exposed to pseudorabies, then, for disease and indemnity purposes, the groups must be considered as one herd.

For the most part under the accelerated eradication program, it has been clear to APHIS and owners of swine whether different groups of swine should be considered as one herd for disease purposes. However, in certain cases, questions have arisen as to whether there was a risk of disease transmission between groups of swine under common ownership. To help address this situation, we are providing in the definition of *herd* that any risk of disease transmission between two groups of swine will be determined by the official pseudorabies epidemiologist. (*Official pseudorabies epidemiologist* is defined in the regulations as a State or Federally employed veterinarian designated by the veterinarian in charge and the State animal health official to investigate and diagnose pseudorabies in livestock.) The factors the official pseudorabies epidemiologist will use in making this determination include the physical layout of the premises and the management practices of the facility, including whether groups of swine are kept in separate areas with no interchange of potential contaminants. Additionally, the epidemiologist will examine the pseudorabies testing and vaccination history of the animals on the premises to assess where the occurrence of pseudorabies is focused and the likelihood of its transmission to separated groups of swine.

Breeding Sows

We are also including in this interim rule a provision to allow owners of breeding sows that are identified as being infected with pseudorabies to receive indemnity if those sows are sent directly to slaughter, even if the rest of the herd they are part of is not depopulated. Although depopulation of an entire herd is the quickest and surest method of ensuring that pseudorabies is eradicated, some swine owners with infected herds have chosen not to depopulate the entire herd due to the loss of production during the time necessary to replace the herd. In such cases, the alternative method of ridding a herd of pseudorabies is to remove from the herd individual sows that test positive for pseudorabies. Prior to the implementation of indemnity payments for herd depopulation under the accelerated pseudorabies eradication program, ''test and removal'' of individual sows was the primary method used to further the pseudorabies eradication program, although owners of individual swine disposed of because of pseudorabies were not eligible to receive indemnity from APHIS for those animals.

Because a number of swine owners have chosen not to depopulate their infected herds under the accelerated eradication program, we believe it is necessary for the continued progress of the pseudorabies eradication program to provide owners of infected herds with an incentive to rid their herds of those animals most likely to perpetuate pseudorabies within a herd. The swine that constitute the greatest risk are the breeding sows in a herd. As their name denotes, the primary purpose of breeding sows is to produce litters, whereas the purpose of other swine in the herd is generally to be moved to slaughter. Because breeding sows remain in a herd over a period of years, a sow that is infected with pseudorabies can come into contact with, and possibly infect, a number of swine in the herd over the course of its lifetime.

Therefore, to encourage the prompt removal of infected breeding sows from a herd, we are providing in § 52.2(a) of this interim rule that APHIS will pay indemnity to owners of breeding sows known to be infected with pseudorabies that are sent under permit directly to a recognized slaughtering establishment. The payment of indemnity will be carried out by the same method as that described above for whole herd depopulations—*i.e.,* APHIS will pay the owner of the swine the difference between the amount of the net salvage value the owner receives when the animal is slaughtered and the fair market value of the animal. The option of receiving indemnity for less than whole-herd depopulation will not apply to any swine other than breeding sows known to be infected with pseudorabies.

In order to make clear the criteria APHIS will use in determining whether an individual breeding sow is infected with pseudorabies, we are adding to § 52.1 a definition of *known infected breeding sow.* Under this definition, which is the same as the definition of *known infected herd,* except that it applies to individual breeding sows rather than to entire herds, breeding sows known to be infected are those that have been determined to be infected with pseudorabies based on an official pseudorabies test or an approved differential pseudorabies test, or based on a diagnosis by an official pseudorabies epidemiologist.

Presentation of Claims

Prior to this interim rule, the provisions governing the presentation to APHIS of claims for indemnity for swine destroyed because of pseudorabies were set forth in §§ 52.5 and 52.6. Because herds of swine destroyed under the accelerated

pseudorabies program prior to this interim rule were purchased in their entirety by APHIS for shipment to rendering, there was no need for the owner to report any salvage value for the swine. Under this interim rule, however, owners may receive indemnity for swine that are not purchased by APHIS but that are sent directly to slaughter. Therefore, it is necessary that the owner of the swine submit to APHIS, along with a claim for indemnity, documentation of the amount of net salvage proceeds received for the swine at slaughter. This documentation, along with the certification of destruction that APHIS will receive from the recognized slaughtering establishment when the animals are destroyed, will provide APHIS with the information needed to process payment of indemnity. We are adding the requirement for submission of a net salvage proceeds report at § 52.5 of this interim rule (discussed below).

For those swine eligible for indemnity that are purchased by APHIS rather than sent to a slaughtering establishment, the procedures for indemnity claims will be the same as those in place prior to this interim rule. (Those procedures, which were contained in §§ 52.5 and 52.6 prior to this interim rule, are consolidated in § 52.4 of this interim rule.)

Report of Net Salvage Proceeds

In § 52.5 of this interim rule, we are setting forth procedures by which an owner must report to APHIS net salvage proceeds received when swine infected with pseudorabies are sent to slaughter under the accelerated eradication program. We are providing that a report of the amount received for net salvage must be made on a salvage form that shows the gross receipts, expenses, if any, and net proceeds. An original or copy of the salvage form must be furnished by the owner to the veterinarian in charge.

We are defining ''net salvage'' in § 52.1 to mean the amount received for swine destroyed because of pseudorabies, after deducting freight, trucking, yardage, commission, slaughtering charges, and similar costs to the owner.

Nonsubstantive Changes

In this interim rule, we are also making some nonsubstantive changes to part 52 by redesignating § 52.4 as § 52.7, redesignating § 52.7 as § 52.6, and combining the provisions of §§ 52.5 and 52.6 into one section, new § 52.4. Additionally, we are amending the definition of *known infected herd* to remove some redundant language.

Benefits of This Interim Rule

By revising the method by which owners receive fair market value for swine disposed of under the accelerated eradication program, we will significantly extend the use of APHIS' accelerated pseudorabies eradication program funds. This will help ensure that pseudorabies is eradicated from the United States by the end of 2000.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. The nature of the emergency is the immediate need to extend the funds available to APHIS for the accelerated pseudorabies eradication program before these funds are exhausted. This action is necessary to effect the eradication of pseudorabies in the United States by the end of 2000.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 533 to make the rule effective less than 30 days after publication. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register.** After the comment period closes, we will publish another document in the **Federal Register.** It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

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

An analysis of the economic effects of this rule on small entities, as required by the Regulatory Flexibility Act, follows.

Potential Economic Effects

Pseudorabies is a herpes virus disease, primarily affecting swine, that is known to cause reproductive problems, including abortion, stillborn death, and death in neonatal pigs, and occasional death losses in breeding and finishing hogs. The disease is recognized to cause considerable economic losses.

A Federal eradication program for pseudorabies was implemented in the United States in 1989. The program is cooperative in nature and involves Federal, State, and industry participation. The Federal Government coordinates the national program, the State Governments promulgate and enforce intrastate regulations, and producers have contributed by testing their herds and purchasing vaccines.

In January 1999, we published regulations to establish an accelerated pseudorabies eradication program that provided, among other things, for the payment of indemnity by the Department for the voluntary depopulation of herds of swine known to be infected with pseudorabies.

Under the regulations governing the accelerated eradication program, we have been paying owners fair market value for herds of swine depopulated because of pseudorabies. In addition to paying 100 percent of the fair market value of the animals, we have been paying for trucking to disposal, for euthanasia and disposal, and for cleaning and disinfection of conveyances used for transporting the swine to disposal. To date, the herds that have been depopulated under the accelerated eradication program have been disposed of by rendering.

In this interim rule, we are providing that, instead of the Department paying each owner 100 percent of the fair market value of all swine destroyed under the accelerated eradication program, the Department will also pay indemnity for the difference between whatever net salvage value is received for herds of swine disposed of through slaughter and the fair market value of those animals. Additionally, we are providing that indemnity may be paid for breeding sows that are disposed of because they are known to be infected with pseudorabies, even if the remainder of the herd the sow is part of is not depopulated. We will continue to pay full purchase price for those swine that are not accepted at recognized slaughtering establishments.

The total amount paid to each owner whose herd is depopulated because of pseudorabies will be the same under this interim rule as under the regulations prior to this interim rule. The difference will be in how much the Department pays of that amount and how much is paid by other sources. The provision we are adding to the regulations to allow for the payment of indemnity for individual breeding sows disposed of because they are known to be infected with pseudorabies is expected to provide indemnity to owners who would not otherwise have received indemnity under the accelerated eradication program.

As explained below, we expect the number of infected herds sold to

slaughter to be a very small portion of swine slaughter sales overall. In turn, the number of individual breeding sows sold to slaughter will comprise a small fraction of the number of pseudorabies-infected swine sent to slaughter.

For the purposes of our analysis, we used information from accelerated eradication program activities for the first 4 months of fiscal year (FY) 2000 (October 1, 1999 to January 28, 2000) because we expect the participation in the accelerated eradication program that occurred during that period to be representative of participation during the 4 months following publication of this interim rule. Longer term projections, as the accelerated eradication program approaches its eradication goal and the number of participating herds decreases, would be more problematic.

From October 1, 1999, through January 28, 2000, a total of 146,300 swine from 112 herds were depopulated through the accelerated eradication program. Although this results in a nationwide average herd size of 1,306 swine, average herd sizes varied widely by State, from 39 swine (the average for the three herds depopulated in Florida) to 2,688 swine (the average for the 10 herds depopulated in Indiana).

In comparison to the 146,300 swine destroyed under the accelerated eradication program during the first 4 months of FY 2000, the total number of swine slaughtered nationwide during the same period averaged approximately 8,910,700 swine per month (slaughter numbers for January were projected based on the average of the first 3 months), yielding a 4-month total of 35,642,800. Therefore, the number of swine slaughtered under the accelerated eradication program represented about 0.4 percent of the total number of swine slaughtered. Assuming similar national and accelerated eradication program totals during the coming 4 months, any effect on slaughter prices due to infected animals going to slaughter will be slight, as explained below.

We estimated the effect on slaughter prices by considering the price flexibility for slaughter swine. The flexibility coefficient for a commodity is the percentage change in price associated with a 1 percent change in quantity, other factors being held constant. Assuming a flexibility coefficient for swine of about -0.8 to -0.9[1], a 0.4 percent increase in the quantity of slaughter swine would result in a 0.32 to 0.36 percent decrease in price. Thus, entry of swine from the accelerated eradication program into the slaughter market could result in slaughter prices falling from, for example, 40 cents per pound to 39.86 or 39.87 cents per pound, assuming all other market determinants remained constant.

Savings to the Accelerated Pseudorabies Eradication Program

The major effect of this interim rule will be in reducing expenses to the accelerated pseudorabies eradication program. Program costs will be reduced by the amount that is paid at slaughter for swine destroyed under the program. Maximum potential savings can be estimated using accelerated eradication program data for the first 4 months of FY 2000. Indemnity payments, including producer cost offsets, during this period totaled $11,097,796. The producer cost offsets comprised $2,782,300 of that amount.

If accelerated eradication program participation during the coming 4 months is similar to what took place during the first 4 months of FY 2000, and assuming that the amount an owner receives at slaughter equals the fair market value of the animal minus the producer cost offset, the savings to the accelerated eradication program in indemnity payments would exceed $8 million ($11,097,796 − $2,782,300 = $8,315,496). Even after taking into account indemnity program-related expenses during the first 4 months of FY 2000 ($2,602,860) and enhanced surveillance expenses during that period ($97,024), total expenses to the program under the scenario described would be reduced to about 40 percent of what they would be without the slaughter sale option. Although, realistically, not all infected swine to be destroyed will be sold for slaughter, and the prices received at slaughter will usually not match the fair market value of the animals, savings to the accelerated eradication program are expected to be considerable.

Effects on Small Entities

This interim rule is not expected to have an effect on the total amount of compensation swine owners will receive for pseudorabies-infected swine. Additionally, it is not expected to have a significant effect on the price per pound paid for swine at slaughter.

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

Executive Order 12988

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

Paperwork Reduction Act

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this interim rule have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0579–0151 to the information collection and recordkeeping requirements.

We plan to request continuation of that approval for 3 years. Please send written comments on the 3-year approval request to the following addresses: (1) Docket No. 98–123–6, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. Please state that your comments refer to Docket No. 98–123–6 and send your comments within 60 days of publication of this rule.

This interim rule provides that APHIS will pay an indemnity for swine destroyed because of pseudorabies that is equal to the difference between the net salvage received and the fair market value of the swine destroyed. Under these provisions, owners seeking indemnity for swine destroyed will be required to obtain a movement permit and submit to APHIS a report of net salvage proceeds. Additionally, the swine must be moved to slaughter in a means of conveyance sealed with an official seal. We are soliciting comments from the public concerning our information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

[1] Flexibility coefficients based on William F. Hahn, ''An Annotated Bibliography of Recent Elasticity and Flexibility Estimates for Meat and Livestock,'' Economic Research Service, Commercial Agriculture Division, Staff Paper No. AGES–9611, July 1996.

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average .14257 hour per response.

Estimated number of respondents: 300.

Estimated number of responses per respondent: 23.33.

Estimated total annual number of responses: 7,000.

Estimated total annual burden on respondents: 998 hours.

Copies of this information collection can be obtained from: Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue, SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 52

Animal diseases, Pseudorabies, Swine, Indemnity payments, Transportation.

Accordingly, we are amending 9 CFR part 52 as follows:

PART 52—SWINE DESTROYED BECAUSE OF PSEUDORABIES

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

Authority: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 52.1 is amended by revising the definitions of ''herd'' and ''known infected herd'' and by adding definitions of ''accredited veterinarian'', ''known infected breeding sow'', ''net salvage'', ''official seal'', ''permit'', and ''recognized slaughtering establishment'', in alphabetical order, to read as follows:

§ 52.1 Definitions

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this chapter to perform functions specified in subchapters B, C, and D of this chapter.

* * * * *

Herd. Any group of swine maintained on common ground for any purpose, or two or more groups of swine under common ownership or supervision that are geographically separated but that are determined by an official pseudorabies epidemiologist to have an interchange or movement of animals that could cause the transmission of pseudorabies from one group to another.

* * * * *

Known infected breeding sow. Any breeding sow that has been determined to be infected with pseudorabies based on an official pseudorabies test or an approved differential pseudorabies test, or as diagnosed by an official pseudorabies epidemiologist as having pseudorabies.

Known infected herd. Any herd in which swine have been determined to be infected with pseudorabies based on an official pseudorabies test or an approved differential pseudorabies test, or based on a diagnosis by an official pseudorabies epidemiologist.

* * * * *

Net salvage. The amount received for swine destroyed because of pseudorabies, after deducting freight, trucking, yardage, commission, slaughtering charges, and similar costs to the owner.

* * * * *

Official seal. A serially numbered metal or plastic strip, consisting of a self-locking device on one end and a slot on the other end, that forms a loop when the ends are engaged and that cannot be reused if opened, or a serially numbered, self-locking button that can be used for this purpose.

Permit. An official document for movement of swine under this part that is issued by an APHIS employee, State representative, or accredited veterinarian and that lists the disease status and individual identification of the animal, where consigned, cleaning and disinfection requirements, and proof of slaughter certification by a recognized slaughtering establishment.

* * * * *

Recognized slaughtering establishment. A slaughtering establishment operating under the Federal Meat Inspection Act (21 U.S.C. 601–695) or a State meat inspection act.[4]

* * * * *

3. Section 52.2 is revised to read as follows:

§ 52.2 Payment of indemnity.

(a) Except as provided in paragraph (b) of this section, the Administrator is authorized to agree on the part of the Department to pay indemnity to the owner of herds of swine destroyed because the herds are known to be infected with pseudorabies, or individual breeding sows destroyed because they are known to be infected with pseudorabies. The amount of indemnity paid, together with the amount for net salvage the owner receives when the animals are slaughtered, shall not exceed the fair market value of the swine. Such swine must be sent directly to slaughter under permit in a conveyance closed with an official seal applied and removed by either an APHIS employee, a State representative, an accredited veterinarian, or an individual authorized for this purpose by an APHIS employee. The swine must be sent to a recognized slaughtering establishment.

(b) If swine from herds that are destroyed because the herds are known to be infected with pseudorabies are not accepted at a recognized slaughtering establishment, or the owner and an APHIS employee or State representative agree they will not be accepted by a recognized slaughtering establishment, the Administrator is authorized to pay 100 percent of the expenses of the purchase, destruction, and disposition of such swine.

(Approved by the Office of Management and Budget under control number 0579–0151)

4. In § 52.3, paragraph (a) is revised to read as follows:

§ 52.3 Appraisal of swine.

(a) Herds of swine and individual breeding sows to be destroyed because they are known to be infected with pseudorabies will be appraised by an APHIS employee and a representative of the State jointly, a representative of the State alone, or, if the State authorities approve, by an APHIS employee alone.

* * * * *

5. Section 52.6 is removed, § 52.7 is redesignated as § 52.6, § 52.4 is redesignated as § 52.7, § 52.5 is redesignated as § 52.4 and revised, and a new § 52.5 is added, to read as follows:

§ 52.4 Presentation of claims.

(a) When swine have been destroyed under § 52.2(a), any claim for indemnity must be presented, along with the report of net salvage proceeds required under § 52.5, to the veterinarian in charge on a form furnished by APHIS.

(b) When swine have been destroyed under § 52.2(b), any claim for indemnity must be presented, through the inspector in charge, to APHIS on a form furnished by APHIS.

(c) For all claims for indemnity, the owner of the swine must certify on the

[4] A list of recognized slaughtering establishments is available upon request from the Animal and Plant Health Inspection Service, 4700 River Road Unit 37, Riverdale, Maryland 20737–1231.

claim form that the swine covered are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, the owner and each person holding a mortgage on the swine must sign, consenting to the payment of indemnity to the person specified on the form.

(Approved by the Office of Management and Budget under control number 0579–0137)

§ 52.5 Report of net salvage proceeds.

A report of the amount for net salvage derived from the sale of each animal for which a claim for indemnity is made under § 52.2(a) must be made on a salvage form that shows the gross receipts, expenses if any, and net proceeds. The original or a copy of the salvage form must be furnished by the owner to the veterinarian in charge.

(Approved by the Office of Management and Budget under control number 0579–0151)

Done in Washington, DC, this 12th day of April 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–9668 Filed 4–17–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 00–031–1]

Change in Disease Status of Japan Because of Rinderpest and Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations governing the importation of certain animals, meat, and other animal products by removing Japan from the list of regions declared free of rinderpest and foot-and-mouth disease. We are taking this action because the existence of foot-and-mouth disease has been confirmed there. The effect of this action is to prohibit or restrict the importation into the United States from Japan of any ruminant or swine, or any fresh, chilled, or frozen meat of any ruminant or swine. We are taking this action as an emergency measure to protect the livestock of the United States from foot-and-mouth disease.

DATES: This interim rule was effective March 8, 2000. We invite you to comment on this docket. We will consider all comments that we receive by June 19, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–031–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–031–1.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import & Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–3276.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 of the regulations lists regions of the world that are declared free of rinderpest or free of both rinderpest and foot-and-mouth disease (FMD). Rinderpest or FMD exists in all other regions of the world not listed. Section 94.11 of the regulations lists regions of the world that have been determined to be free of rinderpest and FMD, but are subject to certain restrictions because of their proximity to or trading relationships with FMD-affected regions.

Prior to the effective date of this interim rule, Japan was listed among those countries considered free of rinderpest and FMD. However, on March 8, 2000, a suspected outbreak of FMD was detected. And on March 27, 2000, Japan's Ministry of Agriculture notified us with confirmation of the FMD diagnosis. Therefore, to protect the livestock of the United States from FMD, we are amending the regulations in § 94.1 by removing Japan from the list of regions that have been declared free of rinderpest and FMD. We are also removing Japan from the list of countries in § 94.11 that are declared to be free of these diseases, but that are subject to certain restrictions because of their proximity to or trading relationships with FMD-affected regions. As a result of this action, the importation into the United States of any ruminant or swine or any fresh (chilled or frozen) meat of any ruminant or swine that left Japan on or after March 8, 2000, is prohibited or restricted.

Emergency Action

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

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

Executive Order 12866 and Regulatory Flexibility Act

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

This interim rule amends the regulations governing the importation of certain animals, meat, and other animal products by removing Japan from the list of regions declared free of rinderpest and FMD. We are taking this action because Japan's Ministry of Agriculture has reported an outbreak of FMD in that country. This action prohibits or restricts the importation into the United States of any ruminant or swine, or any fresh (chilled or frozen) meat of any ruminant or swine that left Japan on or

after March 8, 2000. This action is necessary to protect the livestock of the United States from FMD.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a final regulatory flexibility analysis.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has retroactive effect to March 8, 2000; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

PART 94 RINDERFEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306, 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.1 [Amended]

2. In § 94.1, paragraph (a)(2) is amended by removing the word ''Japan,''.

§ 94.11 [Amended]

3. In § 94.11, paragraph (a), the first sentence is amended by removing the word ''Japan,''.

Done in Washington, DC, this 12th day of April 2000 .

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–9667 Filed 4–17–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 00–033–1]

Change in Disease Status of the Republic of Korea Because of Rinderpest and Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations governing the importation of certain animals, meat, and other animal products by removing the Republic of Korea from the list of regions declared free of rinderpest and foot-and-mouth disease. We are taking this action because the existence of foot-and-mouth disease has been confirmed there. The effect of this action is to prohibit or restrict the importation into the United States from the Republic of Korea of any ruminant or swine, or any fresh (chilled or frozen) meat of any ruminant or swine. We are taking this action as an emergency measure to protect the livestock of the United States from foot-and-mouth disease.

DATES: This interim rule was effective March 20, 2000. We invite you to comment on this docket. We will consider all comments that we receive by June 19, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–033–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–033–1.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import & Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–3276.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 of the regulations lists regions of the world that are declared free of rinderpest or free of both rinderpest and foot-and-mouth disease (FMD). Rinderpest or FMD exists in all other regions of the world not listed. Section 94.11 of the regulations lists regions of the world that have been determined to be free of rinderpest and FMD, but are subject to certain restrictions because of their proximity to or trading relationships with FMD-affected regions.

Prior to the effective date of this interim rule, the Republic of Korea was listed among those countries considered free of rinderpest and FMD. However, on March 20, 2000, a suspected outbreak of FMD was detected. And on March 28, 2000, the Republic of Korea's Ministry of Agriculture notified us with confirmation of the FMD diagnosis. Therefore, to protect the livestock of the United States from FMD, we are amending the regulations in § 94.1 by removing the Republic of Korea from the list of regions that have been declared free of rinderpest and FMD. We are also removing the Republic of Korea from the list of countries in § 94.11 that are declared to be free of these diseases, but that are subject to certain restrictions because of their proximity to or trading relationships with FMD-affected regions. As a result of this action, the importation into the United States of any ruminant or swine or any fresh (chilled or frozen) meat of

any ruminant or swine that left the Republic of Korea on or after March 20, 2000, is prohibited or restricted.

Emergency Action

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

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

Executive Order 12866 and Regulatory Flexibility Act

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

This interim rule amends the regulations governing the importation of certain animals, meat, and other animal products by removing the Republic of Korea from the list of regions declared free of rinderpest and FMD. We are taking this action because the Republic of Korea's Ministry of Agriculture has reported an outbreak of FMD in that country. This action prohibits or restricts the importation into the United States of any ruminant or swine, or any fresh (chilled or frozen) meat of any ruminant or swine that left the Republic of Korea on or after March 20, 2000. This action is necessary to protect the livestock of the United States from FMD.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a final regulatory flexibility analysis.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has retroactive effect to March 20, 2000; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERFEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306, 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.1 [Amended]

2. In § 94.1, paragraph (a)(2) is amended by removing the words ''Republic of Korea,''.

§ 94.11 [Amended]

3. In § 94.11, paragraph (a), the first sentence is amended by removing the words ''Republic of Korea,''.

Done in Washington, DC, this 12th day of April 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–9666 Filed 4–17–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–61–AD; Amendment 39–11687; AD 2000–08–01]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Tay 650–15 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Rolls-Royce plc Tay 650–15 series turbofan engines. This AD requires the establishment of cyclic life limits for stage 1 high pressure turbine (HPT) and stage 1 low pressure turbine (LPT) disks operating under new flight plan profiles. This amendment is prompted by reports that, on some engines, cracks in the stage 1 HPT and stage 1 LPT disks could initiate and propagate at a faster rate than forecast under the flight plan profiles originally published at the time the engine design was certified. The actions specified by this AD are intended to prevent crack initiation and propagation leading to turbine disk failure, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective date June 19, 2000.

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

ADDRESSES: The service information referenced in this AD may be obtained from Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, UK, telephone 011–44–1332–242424. This information may be examined at the Federal Aviation Administration (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: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Rolls-Royce plc (R–R) Tay 650–15 series turbofan engines

was published in the **Federal Register** on January 12, 2000 (65 FR 1831). That action proposed to establish life limits for stage 1 HPT and stage 1 LPT disks operated under the new flight plan profiles, C and D; require the removal from service of stage 1 HPT and stage 1 LPT disks prior to reaching new, lower cyclic life limits; and replace those disks with serviceable parts in accordance with R–R Service Bulletin TAY–72–1479, dated July 20, 1999.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Economic Analysis

There are approximately 242 engines of the affected design in the worldwide fleet. The FAA estimates that three engines installed on aircraft of U.S. registry will be affected by this AD, and that the prorated life reduction would cost $26,658 per engine. Based on these figures, the total cost impact of the proposed AD on US operators is estimated to be $79,974.

Regulatory Impact

This rule does not have federalism implications, as defined in Executive Order (EO) No. 13132, because it does 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

For the reasons discussed above, I certify that this action (1) Is not a ''significant regulatory action'' under EO No. 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–08–01 Rolls-Royce plc: Amendment 39–11687. Docket 99–NE–61–AD.

Applicability: Rolls-Royce plc (R–R) Tay 650–15 series turbofan engines, with stage 1 high pressure turbine (HPT) disks, part numbers (P/Ns) JR32013 and JR33838, and stage 1 low pressure turbine (LPT) disks, P/N JR32318A. These engines are installed on but not limited to Fokker F.28 Mark 0100 (F100) series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 crack initiation and propagation leading to turbine disk failure, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

Flight Plan Profile C

(a) Remove from service stage 1 HPT disks, P/Ns JR32013 and JR33838, and stage 1 LPT disks, P/N JR32318A, operated under flight plan profile C, as defined in the R–R Tay Engine Manual, 70–01–10, pages 1–10, prior to accumulating 18,000 cycles-since-new (CSN), and replace with serviceable parts.

Flight Plan Profile D

(b) Remove from service stage 1 HPT disks, P/Ns JR32013 and JR33838, and stage 1 LPT disks, P/N JR32318A, operated under flight plan profile D, as defined in the R–R Tay Engine Manual, 70–01–10, pages 1–10, prior to accumulating 14,250 CSN, and replace with serviceable parts.

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 (ECO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

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

Incorporation by Reference Material

(e) The actions of this AD shall be done in accordance with R–R Service Bulletin TAY–72–1479, dated July 20, 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 Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, UK, telephone 011–44–1332–242424 . 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.

Effective Date of This AD

(f) This amendment becomes effective on June 19, 2000.

Issued in Burlington, Massachusetts, on April 7, 2000.

David A. Downey,

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

[FR Doc. 00–9358 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–304–AD; Amendment 39–11682; AD 2000–07–26]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300 series airplanes, that requires a

one-time detailed visual inspection to detect corrosion on the outer surface of the fuselage skin panel; application of corrosion preventive protection; and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct corrosion of the fuselage skin panel, which could result in cracking and consequent reduced structural integrity of the airplane.

DATES: Effective May 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of May 23, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300 series airplanes was published in the **Federal Register** on January 3, 2000 (65 FR 91). That action proposed to require a one-time detailed visual inspection to detect corrosion on the outer surface of the fuselage skin panel; application of corrosion preventive protection; and corrective action, if necessary.

Comment Received

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

Request to Reference Latest Service Bulletin Revision

One commenter, the manufacturer, requests that the proposed AD be revised to refer to Airbus Service Bulletin A300–53–0328, Revision 01, including Appendix 01, dated March 15, 2000, for accomplishment of the inspection. The original issue of the service bulletin, dated March 5, 1999, was referenced in the proposed AD as the appropriate source of service information. The commenter notes that the original issue of the service bulletin references a 30-month interval rather than the correct 5-year interval for certain follow-on repetitive inspections that are covered by the Corrosion Prevention Control Program (CPCP). The commenter suggests that referencing Revision 01 of the service bulletin, in which the correct interval is specified, will avoid confusion on the part of operators.

The FAA concurs. The FAA has reviewed the procedures described in Airbus Service Bulletin A300–53–0328, Revision 01, including Appendix 01, dated March 15, 2000, and has determined that they are equivalent to those described in the original issue of the service bulletin, except for certain cleaning procedures. The final rule has been revised to refer to Revision 01 of the service bulletin as the appropriate source of service information. However, a ''NOTE'' has been included in the final rule to provide credit for previous accomplishment of the actions required by this AD in accordance with the original issue of the service bulletin.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 3 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 or 22 work hours per airplane, depending on the airplane configuration, to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $240 or $1,320 per airplane.

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

Regulatory Impact

The regulations adopted herein will not have 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.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–07–26 Airbus Industrie: Amendment 39–11682. Docket 99–NM–304–AD.

Applicability: Model A300 series airplanes, certificated in any category; except those on which Airbus Modification 04201 has been accomplished.

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 (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 detect and correct corrosion of the fuselage skin panel, which could result in cracking and consequent reduced structural integrity of the airplane, accomplish the following:

Inspection

(a) Perform a one-time detailed visual inspection of the outer surface of the fuselage skin panel between fuselage frames FR39 and FR40, and between stringers 27 and 33, for corrosion; in accordance with Airbus Service Bulletin A300–53–0328, Revision 01, including Appendix 01, both dated March 15, 2000. Perform the inspection at the applicable time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD. If any corrosion is found, prior to further flight, repair (*i.e.,* rework corroded areas, or repair or replace panels, as applicable) in accordance with the service bulletin, except as provided by paragraph (b) of this AD. Temporary repairs must be replaced with permanent repairs prior to accumulation of the life limits specified in the service bulletin.

(1) For airplanes for which the date of manufacture was less than 15 years before the effective date of this AD: Inspect within 18 months after the effective date of this AD.

(2) For airplanes for which the date of manufacture was at least 15 but less than 20 years before the effective date of this AD: Inspect within 12 months after the effective date of this AD.

(3) For airplanes for which the date of manufacture was 20 or more years before the effective date of this AD: Inspect within 6 months after the effective date of this AD.

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

(b) Where Airbus Service Bulletin A300–53–0328, Revision 01, dated March 15, 2000, specifies that Airbus may be contacted for a repair, prior to further flight, replace the skin panel with a new or serviceable skin panel in accordance with the service bulletin.

Note 3: Accomplishment of the actions required by this AD in accordance with Airbus Service Bulletin A300–53–0328, dated March 5, 1999, prior to the effective date of this AD, is acceptable for compliance with the requirements of this AD.

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Airbus Service Bulletin A300–53–0328, Revision 01, including Appendix 01, dated March 15, 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in French airworthiness directive 1999–209–281(B), dated May 19, 1999.

(f) This amendment becomes effective on May 23, 2000.

Issued in Renton, Washington, on April 6, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–9112 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–83–AD; Amendment 39–11683; AD 2000–07–27]

RIN 2120–AA64

Airworthiness Directives; Various Transport Category Airplanes Equipped With Certain Honeywell Air Data Inertial Reference Units

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to various transport category airplanes equipped with certain Honeywell air data inertial reference units (ADIRU). This action requires inspection of a failed ADIRU to determine its modification status, and replacement of an unmodified failed ADIRU with a serviceable ADIRU. This action also provides for optional terminating action for the requirements of the AD. This amendment is prompted by reports of dual critical failures of inertial reference units on ADIRU's during flight. The actions specified in this AD are intended to prevent loss of the main sources of attitude data, consequent high pilot workload, and a significant increase in the likelihood of pilot error.

DATES: Effective May 3, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 3, 2000.

Comments for inclusion in the Rules Docket must be received on or before June 19, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–83–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Honeywell, Publications, P.O. Box 21111, Mail Stop DV–10, Phoenix, Arizona 85036. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Chicago Aircraft Certification Office, 2350 East Devon Avenue, Room 323, Des Plaines, Illinois; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wess Rouse, Aerospace Engineer, Systems and Flight Test Branch, ACE–117C, FAA, Chicago Aircraft Certification Office, 2350 East Devon Avenue, Room 323, Des Plaines, Illinois 60018; telephone (847) 294–8113; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: The FAA has recently received three reports of dual inertial reference (IR) critical faults of the air data inertial reference system comprising two or more air data inertial reference units (ADIRU) on transport category airplanes during flight. Three days prior to one of the dual IR critical fault incidents, one of those ADIRU's

had an IR critical fault in flight. During the subsequent ground check, the failed ADIRU passed the built-in test and aligned, functioning normally.

The subject ADIRU's are subject to IR critical faults related to the power supply margin. The demand for voltage increases as operating hours and temperature increase. Once the demand for voltage exceeds the capability of the power supply, the inertial reference portion of the ADIRU will exhibit an IR critical fault, while the air data portion of the ADIRU will continue to function normally. It may be possible to reset the failed inertial reference unit on the ground after the temperature of the ADIRU decreases; however, the risk of the dual critical fault increases when an ADIRU with a failed inertial reference power supply is returned to service. If two inertial reference units fail, the airplane is left with only one functioning source of attitude data. This condition could result in loss of the main sources of attitude data, consequent high pilot workload, and a significant increase in the likelihood of pilot error.

Explanation of Relevant Service Information

The FAA has reviewed and approved Honeywell Alert Service Bulletins HG2030AD–34–A0009, and HG2050AC–34–A0008, both dated March 9, 2000, which describe procedures for determining the modification status of the ADIRU. For any ADIRU part number (P/N) HG2050AC not marked as modification 2 or 3 and any ADIRU P/N HG2030AD not marked as modification 3 or 6, the alert service bulletins also describe procedures for replacement of the ADIRU with a serviceable ADIRU.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of the same type design, this AD is being issued to prevent loss of the main sources of attitude data, consequent high pilot workload, and a significant increase in the likelihood of pilot error. This AD requires inspection of a failed ADIRU to determine its modification status, and replacement of any unmodified failed ADIRU with a serviceable ADIRU. This AD also provides for optional terminating action for the requirements of the AD. The actions are required to be accomplished in accordance with the alert service bulletins described previously.

Determination of Rule's Effective Date

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.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–83–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

2000–07–27 Transport Category Airplanes: Amendment 39–11683. Docket 2000–NM–83–AD.

Applicability: Transport category airplanes including but not limited to those listed below, certificated in any category; equipped with any Honeywell air data inertial reference unit (ADIRU) having a serial number below 0841 and a part number (P/N) listed below:

Airplane manufacturer	Model	ADIRU P/N
Boeing	757–300	HG2050AC02
	737–600	HG2050AC03
	737–700	HG2050AC04
	737–800	HG2050AC05
Airbus	A319–111	HG2030AD09
	A319–112	
	A319–113	
	A319–114	
	A319–131	
	A319–132	
	A320–111	
	A320–211	
	A320–212	

Airplane manufacturer	Model	ADIRU P/N
	A320–214	
	A320–231	
	A320–232	
	A320–233	
	A321–111	
	A321–112	
	A321–131	
	A330–202	
	A330–301	
	A330–223	
	A330–321	
	A330–322	
	A330–323	
	A340–211	
	A340–311	
	A340–212	
	A340–312	
	A340–213	
	A340–313	
Airbus	A330–202	HG2030AD10
	A330–301	
	A330–223	
	A330–321	
	A330–322	
	A330–323	
	A340–211	
	A340–311	
	A340–212	
	A340–312	
	A340–213	
	A340–313	

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of the main sources of attitude data, consequent high pilot workload, and a significant increase in the likelihood of pilot error, accomplish the following:

Inspection and Replacement

(a) Prior to the next flight following any critical inertial reference failure of an ADIRU: Inspect the identification plate of the ADIRU to determine its modification status, in accordance with Honeywell Alert Service Bulletin HG2030AD–34–A0009 (for an ADIRU having P/N HG2030AD09 or HG2030AD10) or HG2050AC–34–A0008 (for an ADIRU having P/N HG2050AC02, HG2050AC03, HG2050AC04, or HG2050AC05), both dated March 9, 2000; as applicable.

(1) If any ADIRU having P/N HG2050AC02, HG2050AC03, HG2050AC04, or HG2050AC05 is not marked as modification 2 or 3: Prior to further flight, replace the ADIRU with an ADIRU as specified in either paragraph (a)(1)(i) or (a)(1)(ii) of this AD, in accordance with Honeywell Alert Service Bulletin HG2050AC–34–A0008, dated March 9, 2000.

(i) Replace with an ADIRU that has P/N HG2050AC03, HG2050AC04, or HG2050AC05; and that is marked as modification 2 or 3. Or

(ii) Replace with a serviceable ADIRU that has P/N HG2050AC03, HG2050AC04, or HG2050AC05; and that is not marked as modification 2 or 3; and that has been determined to have accumulated less than 7,000 operating hours in accordance with the alert service bulletin.

(2) If any ADIRU having P/N HG2030AD09 or HG2030AD10 is not marked with modification 3 or 6: Prior to further flight, replace the ADIRU with an ADIRU as specified in either paragraph (a)(2)(i) or (a)(2)(ii), in accordance with Honeywell Alert Service Bulletin HG2030AD–34–A0009, dated March 9, 2000.

(i) Replace with an ADIRU having P/N HG2030AD09 or HG2030AD10 that is marked as modification 3 or 6; or

(ii) Replace with a serviceable ADIRU having P/N HG2030AD09 or HG2030AD10 that is not marked as modification 3 or 6, and that has been determined to have accumulated less than 7,000 operating hours in accordance with the alert service bulletin.

Note 2: For purposes of this AD, a ''serviceable'' ADIRU is one that satisfies the replacement requirements of paragraph (a)(1)(ii) or (a)(2)(ii), and on which no critical inertial reference failure has occurred.

(b) Installation of all ADIRUs on the airplane that meet the criteria of paragraph (b)(1) or (b)(2) of this AD constitutes terminating action for the requirements of this AD:

(1) ADIRUs that have P/N HG2050AC03, HG2050AC04, or HG2050AC05; and that are marked as modification 2 or 3; or

(2) ADIRUs that have P/N HG2030AD09 or HG2030AD10, and that are marked as modification 3 or 6.

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

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

Special Flight Permits

(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 airplane to a location where the requirements of this AD can be accomplished, provided that the remaining, functioning ADIRU(s) has accumulated less than 7,000 total operating hours, as specified by Honeywell Alert Service Bulletin HG2030AD–34–A0009 (for ADIRU P/N's HG2030AD09 and HG2030AD10) or HG2050AC–34–A0008 (for an ADIRU P/N HG2050AC), both dated March 9, 2000; as applicable.

Incorporation by Reference

(e) The actions shall be done in accordance with Honeywell Alert Service Bulletin HG2050AC–34–A0008, dated March 9, 2000; or Honeywell Alert Service Bulletin HG2030AD–34–A0009, dated March 9, 2000; as applicable. 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 Honeywell, Publications, P.O. Box 21111, Mail Stop DV–10, Phoenix, Arizona 85036. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Chicago Aircraft Certification Office, 2350 East Devon Avenue, Room 323, Des Plaines, Illinois; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 3, 2000.

Issued in Renton, Washington, on April 6, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–9111 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–95–AD; Amendment 39–11684; AD 2000–07–28]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F27 Series Airplanes Equipped With Rolls-Royce 532–7 ''Dart 7'' (RDa–7) Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Fokker Model F27 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to provide the flightcrew with modified operational procedures to ensure continuous operation with the high pressure cock (HPC) levers in the lockout position. This amendment retains the requirements of the existing AD for the Normal and Abnormal Procedures Sections of the AFM, and

requires incorporation of amended Limitations and Emergency Procedures Sections into the AFM. This amendment is prompted by a report that certain incorrect instructions had been included in the Emergency Procedures Section of the AFM revision required by the existing AD. The actions specified in this AD are intended to ensure that flightcrews follow correct procedures that will maintain the HPC levers in a permanent lockout position to prevent consequent burnout of the engines during flight.

DATES: Effective April 18, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 18, 2000.

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 8, 1999 (64 FR 48280, September 3, 1999).

Comments for inclusion in the Rules Docket must be received on or before May 18, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–95–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

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

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

SUPPLEMENTARY INFORMATION: On August 27, 1999, the FAA issued AD 99–18–22, amendment 39–11288 (64 FR 48280, September 3, 1999), applicable to certain Fokker Model F27 series airplanes, to require revising the FAA-approved Airplane Flight Manual (AFM) to provide the flightcrew with modified operational procedures to ensure continuous operation with the high pressure cock (HPC) levers in the lockout position. That action was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions required by that AD are intended to prevent burnout of the engines during flight by ensuring that the HPC levers are in a permanent lockout position.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has advised the FAA that certain incorrect instructions had been included in the AFM revision required by that AD.

Fokker Manual Change Notice MCNO–F27–001 was cited in the existing AD as the appropriate source of service information for placing the HPC levers in a permanent lock position (with the cruise lock withdrawal system disabled) during operation of the airplane. However, MCNO–F27–001 contains remove/replace instructions rather than the amended procedures. One operator reported that strict adherence to the instructions in its flight manual (following incorporation of the MCNO) would have resulted in incorrect ''Manual Feathering Procedure'' and ''Propeller Overspeed Procedure.''

The emergency manual feathering procedures in the MCNO specify that the HPC be placed in lockout position before the feather button is pressed; however, this procedure is intended to relight the engine in flight. Use of this procedure would result in unfeathering of the propeller and loss of control of the airplane.

FAA's Determination

In light of this information, the FAA finds that certain procedures should be amended in the AFM for Model F27 series airplanes to ensure that flightcrews follow correct procedures that will maintain the HPC levers in a permanent lockout position to prevent consequent burnout of the engines during flight. The FAA has determined that such procedures currently are not defined adequately in the AFM for these airplanes.

FAA's Conclusions

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, 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 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, this AD supersedes AD 99–18–22 to continue to require revising the Normal and Abnormal Procedures Sections of the AFM. This AD also requires incorporation of amended Limitations and Emergency Procedures into the AFM.

Determination of Rule's Effective Date

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.

Comments Invited

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

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

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

Docket Number 2000–NM–95–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11288 (64 FR 48280, September 3, 1999), and by adding a new airworthiness directive (AD), amendment 39–11684, to read as follows:

2000–07–28 Fokker Services B.V.: Amendment 39–11684. Docket 2000–NM–95–AD. Supersedes AD 99–18–22, Amendment 39–11288.

Applicability: Model F27 series airplanes, certificated in any category, as listed in Fokker F27 Service Bulletin F27/61–40, Revision 1, dated August 1, 1997.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews follow correct procedures that will maintain the high pressure cock (HPC) levers in a permanent lockout position to prevent consequent burnout of the engines during flight, accomplish the following:

AFM Revision: Normal and Abnormal Procedures Sections

(a) Within 6 months after October 8, 1999 (the effective date of AD 99–18–22, amendment 39–11288): Revise the Normal and Abnormal Procedures Sections, as applicable, of the FAA-approved Airplane Flight Manual (AFM) by incorporating Fokker F27 Service Bulletin F27/61–40, Revision 1, dated August 1, 1997; including Fokker F27 Manual Change Notification (MCNO) F27–001, dated June 30, 1997. [MCNO F27–001 specifies procedures for placing the HPC levers in a permanent lockout position (with the cruise lock withdrawal system disabled) during operation of the airplane.] This action may be accomplished by inserting a copy of MCNO F27–001 into the applicable sections of the AFM.

AFM Revision: Limitations and Emergency Procedures Sections

(b) Within 3 days after the effective date of this AD, revise the Limitations and Emergency Procedures Sections of the AFM by incorporating Fokker Manual Change Notification MCNO F27–008, dated March 1, 2000. This action may be accomplished by inserting a copy of MCNO F27–008 into the applicable sections of the AFM.

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

Note 1: 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

(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 airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Fokker F27 Service Bulletin F27/61–40, Revision 1, dated August 1, 1997, including Fokker F27 Manual Change Notification (MCNO) F27–001, dated June 30, 1997; and Fokker Manual Change Notification MCNO F27–008, dated March 1, 2000.

(1) The incorporation by reference of Fokker Manual Change Notification MCNO F27–008, dated March 1, 2000, is approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Fokker F27 Service Bulletin F27/61–40, Revision 1, dated August 1, 1997, including Fokker F27 Manual Change Notification (MCNO) F27–001, dated June 30, 1997, was approved previously by the Director of the Federal Register as of October 8, 1999 (64 FR 48280, September 3, 1999).

(3) Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on April 18, 2000.

Issued in Renton, Washington, on April 6, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–9110 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–82–AD; Amendment 39–11681; AD 86–15–10 R2]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, C, D, and D1, and AS–355E, F, F1, F2 and N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to Eurocopter France Model AS–350B, BA, B1, B2, C, D, and D1, and AS–355E, F, F1, F2 and N helicopters, that currently requires repetitive inspections of the main rotor head components, the main gearbox (MGB) suspension bars, and the ground resonance prevention system components at intervals not to exceed 400 hours time-in-service (TIS). This amendment requires the same inspections, but at intervals not to exceed 500 hours TIS. This amendment is prompted by reports of confusion and unnecessary costs associated with the difference in the current 400 hours TIS inspection interval and the current manufacturer's master service recommendation of 500 hours TIS inspection interval. The actions specified by this AD are intended to eliminate confusion and unnecessary costs and to prevent ground resonance due to reduced structural stiffness, which could lead to failure of a main rotor head or MGB suspension component and subsequent loss of control of the helicopter.

DATES: Effective May 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 2000.

ADDRESSES: 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5490, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by revising AD 86–15–10, Amendment 39–5517 (52 FR 13233, April 22, 1987) and AD 86–15–10 R1, Amendment 39–6515 (55 FR 5833, February 20, 1990), which is applicable to Eurocopter France Model AS–350B, BA, B1, B2, C, D, and D1, and AS–355E, F, F1, F2 and N helicopters, was published in the **Federal Register** on January 20, 2000 (65 FR 3165). The action proposed to require repetitive inspections of the main rotor head components, the MGB suspension bars, and the ground resonance prevention system components at intervals not to exceed 500 hours TIS.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA has determined that this regulation is relieving in nature and imposes no additional costs or regulatory burden on any person.

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.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–5517 (52 FR 13233, April 22, 1987) and Amendment 39–6515 (55 FR 5833, February 20, 1990) and by adding a new airworthiness directive (AD), Amendment 39–11681, to read as follows:

AD 86–15–10 R2 Eurocopter France: Amendment 39–11681. Docket No. 98–SW–82–AD. Revises AD 86–15–10, Amendment 39–5517 and AD 86–15–10 R1, Amendment 39–6515.

Applicability: Model AS–350B, BA, B1, B2, C, D, and D1, and AS–355E, F, F1, F2 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 (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent ground resonance due to reduced structural stiffness, which could lead to failure of a main rotor head or main gearbox (MBG) suspension component and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 hours time-in-service (TIS):

(1) For Model AS–350B, BA, B1, B2, C, D, and D1 helicopters, inspect the main rotor head components, the MGB suspension bars (struts), and the landing gear ground resonance prevention components (aft spring blades and hydraulic shock absorbers) in accordance with paragraph CC.3 of Aerospatiale Service Bulletin (SB) No. 01.17a (not dated).

(2) For Model AS–355E, F, F1, F2 helicopters, inspect the main rotor head components, the MGB suspension bars (struts), and the landing gear ground resonance prevention components (aft spring blades and hydraulic shock absorbers) in accordance with paragraph CC.3 of SB No. 01.14a (not dated).

(b) Rework or replace damaged components in accordance with SB No. 01.17a or SB No. 01.14a, as applicable.

(c) Repeat the inspections and rework required by paragraphs (a) and (b) of this AD at intervals not to exceed 500 hours TIS.

(d) If the helicopter is subjected to a hard landing or to high surface winds, when parked without effective tiedown straps installed, repeat the inspections required by paragraph (a) of this AD for the main rotor head star arms and the MGB suspension bars before further flight.

(e) In the event of a landing which exhibits abnormal self-sustained dynamic vibrations (ground resonance type vibrations), repeat all the inspections contained in paragraph (a) of this AD.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, FAA, Regulations Group, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

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

(h) The inspections and modification shall be done in accordance with Aerospatiale Service Bulletin No. 01.17a or No. 01.14a (neither is dated). 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.

(i) This amendment becomes effective on May 23, 2000.

Issued in Fort Worth, Texas, on April 4, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–9109 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–9]

Amendment to Class E Airspace; Orange City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

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

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

DATES: *Effective date:* 0901 UTC, August 10, 2000.

Comments for inclusion in the Rules Docket must be received on or before May 22, 2000.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 00–ACE–9, 901 Locust, Kansas City, MO 64106.

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

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

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

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

The Direct Final Rule Procedure

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

Comments Invited

Although this action is in the form of a final rule and was not preceded by a

notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 00–ACE–9''. The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE IA E5 Orange City, IA [Revised]

Orange City Municipal Airport, IA
(Lat. 42°59′25″ N., long. 96°03′46″ W.)
Orange City NDB
(Lat. 42°59′29″ N., long. 96°03′38″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Orange City Municipal Airport and within 2.6 miles each side of the 172° bearing from the Orange City NDB extending from the 6.4-mile radius to 7.4 miles north of the airport.

* * * * *

Issued in Kansas City, MO, on April 3, 2000.

Richard L. Day,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 00–9548 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–8]

Amendment to Class E Airspace: Sheldon, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

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

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

DATES: *Effective date:* 0901 UTC, August 10, 2000.

Comments for inclusion in the Rules Docket must be received on or before May 24, 2000.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, DOT Regional headquarters Building, Federal Aviation Administration, Docket Number 00–ACE–8, 901 Locust, Kansas City, MO 64106.

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

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

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

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Sheldon, IA. A review of the Class E airspace for Sheldon Municipal Airport, IA, indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Sheldon

Municipal Airport, IA, will provide additional controlled airspace for aircraft operating under IFR, and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G, dated September 10, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

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

Comment Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 00–ACE–8.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regular action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE IA E5 Sheldon, IA [Revised]

Sheldon Municipal Airport, IA
(Lat. 43°12′30″ N., long 95°50′00″ W.)
Sheldon NDB
(Lat 43°12′51″ N., long 95°50′02″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Sheldon Municipal Airport and within 2.6 miles each side of the 160° bearing from the Sheldon NDB extending from the 6.4-mile radius to 7.4 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO on April 3, 2000.

Richard L. Day,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 00–9549 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–13–M

RAILROAD RETIREMENT BOARD

20 CFR Part 222

RIN 3220–AB40

Family Relationships

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations on determining whether a natural child has inheritance rights under appropriate state law and therefore may be entitled to railroad retirement benefits as the child of an insured employee. The Board also clarifies its regulation regarding status as a legally adopted child of an insured employee. Such revisions are necessary because of a change in the regulations

of the Social Security Administration, which became effective November 27, 1998. The Board also deletes an obsolete provision in its regulations providing that an individual may qualify as a deemed spouse only if there is no legal spouse who is entitled to a railroad retirement annuity or social security benefit.

EFFECTIVE DATE: April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, Senior Attorney, (312) 751–4945, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 2(d)(4) of the Railroad Retirement Act (RRA) references section 216(h) of the Social Security Act for purposes of determining whether an individual is the child of the insured employee for entitlement to a surviving child's annuity. In addition, the Board must look to the Social -Security Act to determine the status of a child for increasing a disability annuitant's annuity under the social security overall minimum provided in section 3(f)(3) of the RRA. See part 229 of this chapter. Section 216(h)(2)(A) of the Social Security Act provides that the Social Security Administration (SSA) looks to the law of the state in which the wage earner was domiciled regarding the devolution of intestate personal property to determine who would be a child for inheritance purposes.

The SSA has announced final regulations which revise its procedures for determining whether a child has inheritance rights under the appropriate state law and, thus, may be entitled to social security benefits as the child of an insured worker (63 FR 57590, October 28, 1998). Specifically, those rules have been revised to explain which state law will be applied, how SSA will apply state law requirements on time limits for determining inheritance rights, and how it will apply state law requirements for a court determination of paternity. The current rule on determining an applicant's status as a legally adopted child of an insured individual is also clarified. As a consequence, the Board must amend part 222 of its regulations, which deals with determining family relationships, to conform to SSA's new regulations.

The Board revises §§ 222.31 and 222.32 to provide that the status of child will be determined by applying the state inheritance law of the employee's domicile that is in effect when the claim for benefits is adjudicated. If the child does not have inheritance rights under that version of state law, the state law that was in effect when the insured died will be examined to determine if the status of child is met at that time.

Many state laws impose time limits within which someone must act to establish paternity for purposes of intestate succession in order to ensure the orderly administration of estates. New § 222.32 makes it clear that the Board will disregard these time limits since the purpose served by the limits is not relevant to the adjudication of benefits under the RRA. If the applicable inheritance law requires a formal determination of paternity to establish the status of child, § 222.32 provides that the Board will not require such a formal determination, but will rather make its own determination of paternity based upon the requirements of state law.

A ''child'' under the RRA includes an adopted child. The amendment to § 222.33 clarifies that in determining whether an individual is the legally adopted child of the employee, the Board will apply the adoption laws, rather than the inheritance laws, of the state or foreign country where the adoption took place.

Under section 216(h) of the Social Security Act an individual may qualify as a deemed spouse if a ceremonial or common law marriage cannot be established under state law, if that person's marriage to the employee would have been valid under state law but for a legal impediment, and the following requirements are met: there was a ceremonial marriage, the claimant went through the ceremony in good faith, and the claimant was living in the same household as the employee when he or she applied for the spouse annuity or when the employee died.

Formerly, the Social Security Act also required that no other person be entitled as the wife, husband, or widow(er)of the employee. However, this last requirement was deleted by § 5119(a) of Public Law 101–508. Accordingly, this amendment also deletes the now obsolete requirement contained in § 222.14(d) of the Board's regulations.

On December 8, 1999, the Board published the revisions to §§ 222.31—222.32 as a proposed rule (64 FR 68647) inviting comments on or before February 7, 2000. No comments were received.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action for purposes of Executive Order 12866. Therefore, no regulatory analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 222

Railroad employees; Railroad retirement.

For the reasons set out in the preamble, the Railroad Retirement Board amends title 20, chapter II of the Code of Federal Regulations as follows:

PART 222—FAMILY RELATIONSHIPS

1. The authority citation for part 222 continues to read as follows:

Authority: 45 U.S.C. 231f.

§ 222.14 [Amended]

2. Section 222.14(d) is removed.

3. Section 222.31 is revised as follows:

§ 222.31 Relationship as child for annuity and lump-sum payment purposes.

(a) *Annuity claimant.* When there are claimants under paragraph (a)(1), (a)(2), or (a)(3) of § 222.30, a person will be considered the child of the employee when that person is—

(1) The natural or legally adopted child of the employee (see § 222.33); or

(2) The stepchild of the employee; or

(3) The grandchild or step-grandchild of the employee or spouse; or

(4) The equitably adopted child of the employee.

(b) *Lump-sum payment claimant.* A claimant for a lump-sum payment must be one of the following in order to be considered the child of the employee:

(1) The natural child of the employee;

(2) A child legally adopted by the employee (this does not include any child adopted by the employee's widow or widower after the employee's death); or

(3) The equitably adopted child of the employee. For procedures on how a determination of the person's relationship to the employee is made, see §§ 222.32–222.33.

3. Section 222.32 is revised to read as follows:

§ 222.32 Relationship as a natural child.

A claimant will be considered the natural child of the employee for both annuity and lump-sum payment purposes if one of the following sets of conditions is met:

(a) State inheritance law. Under relevant state inheritance law, the claimant could inherit a share of the employee's personal estate as the employee's natural child if the employee were to die without leaving a will as described in paragraph (e) of this section;

(b) Natural child. The claimant is the employee's natural son or daughter, and the employee and the claimant's mother or father went through a marriage ceremony which would have been valid except for a legal impediment;

(c) By order of law. The claimant's natural mother or father has not married the employee, but—

(1) The employee has acknowledged in writing that the claimant is his or her son or daughter; or

(2) A court has decreed that the employee is the mother or father of the claimant; or

(3) A court has ordered the employee to contribute to the claimant's support because the claimant is the employee's son or daughter; and,

(4) Such acknowledgment, court decree, or court order was made not less than one year before the employee became entitled to an annuity, or in the case of a disability annuitant prior to his or her most recent period of disability, or in case the employee is deceased, prior to his or her death. The written acknowledgment, court decree, or court order will be considered to have occurred on the first day of the month in which it actually occurred.

(d) Other evidence of relationship. The claimant's natural mother or father has not married the employee, but—

(1) The claimant has submitted evidence acceptable in the judgment of the Board, other than that discussed in paragraph (c) of this section, that the employee is his or her natural mother or father; and

(2) The employee was living with the claimant or contributing to the claimant's support, as discussed in §§ 222.58 and 222.42 of this part, when—

(i) The spouse applied for an annuity based on having the employee's child in care; or

(ii) The employee's annuity could have been increased under the social security overall minimum provision; or

(iii) The employee died, if the claimant is applying for a child's annuity or lump-sum payment.

(e) *Use of state laws—(1) General.* To determine whether a claimant is the natural child of the employee, the state inheritance laws regarding whether the claimant could inherit a child's share of the employee's personal property if he or she were to die intestate will apply. If such laws would permit the claimant to inherit the employee's personal property, the claimant will be considered the child of the employee. The state inheritance laws where the employee was domiciled when he or she died will apply. If the employee's domicile was not in one of the 50 states, the Commonwealth of Puerto Rico, the Virgin slands, Guam, American Samoa, or the Northern Mariana Islands, the laws of the District of Columbia will apply.

(2) *Standards.* The Board will not apply any state inheritance law requirement that an action to establish paternity must have been commenced within a specific time period, measured from the employee's death or the child's birth, or that an action to establish paternity must have been commenced or completed before the employee's death. If state laws on inheritance require a court to determine paternity, the Board will not require such a determination, but the Board will decide paternity using the standard of proof that the state court would apply as the basis for making such a determination.

(3) *Employee is living.* If the employee is living, the Board will apply the state law where the employee is domiciled which was in effect when the annuity may first be increased under the social security overall minimum (see part 229 of this chapter). If under a version of state law in effect at that time, a person does not qualify as a child of the employee, the Board will look to all versions of state law in effect from when the employee's annuity may first have been increased until the Board makes a final decision, and will apply the version of state law most favorable to the employee.

(4) *Employee is deceased.* The Board will apply the state law where the employee was domiciled when he or she died. The Board will apply the version of state law in effect at the time of the final decision on the application for benefits. If under that version of state law the claimant does not qualify as the child of the employee, the Board will apply the state law in effect when the employee died, or any version of state law in effect from the month of potential entitlement to benefits until a final determination on the application. The Board will apply the version most beneficial to the claimant. The following rules determine the law in effect as of the employee's death:

(i) Any law enacted after the employee's death, if that law would have retroactive application to the employee's date of death, will apply; or

(ii) Any law that supersedes a law declared unconstitutional, that was considered constitutional on the employee's date of death, will apply.

4. A new paragraph (c) is added to § 222.33 to read as follows:

§ 222.33 Relationship resulting from legal adoption.

* * * * *

(c) The adoption laws of the state or foreign country where the adoption took place, not the state inheritance laws, will determine whether the claimant is the employee's adopted child.

Dated: April 6, 2000.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 00–9515 Filed 4–17–00; 8:45 am]

BILLING CODE 7905–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 175 and 176

[Docket No. 99F–0925]

Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2,2-dibromo-3-nitrilopropionamide as a preservative for adhesives and coatings used in the manufacture of paper and paperboard intended for contact with food. This action responds to a petition filed by The Dow Chemical Co.

DATES: This rule is effective April 18, 2000; submit written objections and requests for a hearing by May 18, 2000.

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

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–205), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the**Federal Register** of April 22,1999 (64 FR 19790), FDA announced that a food additive petition (FAP 9B4641) had been filed by The Dow Chemical Co., Midland, MI 48674. The petition proposed to amend the food additive regulations in § 175.105 *Adhesives* (21 CFR 175.105) and § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of 2,2-dibromo-3-nitrilopropionamide as a preservative for adhesives and coatings in the manufacture of paper and paperboard intended for contact with food.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency

concludes that: (1) The proposed uses of the additive are safe, (2) the additive will achieve its intended technical effect, and therefore, (3) the regulations in §§ 175.105 and 176.170 should be amended as set forth below.

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

The agency has previously considered the environmental effects of this final rule as announced in the notice of filing for FAP 9B4641 (64 FR 19790). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

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

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by May 18, 2000. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR 175

Adhesives, Food additives, Food packaging.

21 CFR 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 175 and 176 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 continues to read as follows:

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

2. Section 175.105 is amended in the table in paragraph (c)(5) by alphabetically adding an entry under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * *	* * *
2,2-Dibromo-3-nitrilopropionamide (CAS Reg. No. 10222–01–2).	For use as a preservative only.
* * *	* * *

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 346, 348, 379e.

2. Section 176.170 is amended in the table in paragraph (a)(5) by alphabetically adding an entry under the headings ''List of Substances'' and ''Limitations'' to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of Substances	Limitations
* * *	* * *
2,2-Dibromo-3-nitrilopropionamide (CAS Reg. No.10222–01–2).	For use as a preservative at a level not to exceed 100 parts per million in coating formulations and in component slurries and emulsions, used in the production of paper and paperboard and coatings for paper and paperboard.
* * *	* * *

* * * * *

Dated: March 28, 2000.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–9570 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor Address

AGENCY: Food and Drug Administration

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor address for International Nutrition, Inc.

DATES: This rule is effective April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: International Nutrition, Inc., 6664 ''L'' St., Omaha, NE 68117, has informed FDA of a change of sponsor address to 7706 'I' Plaza, Omaha, NE 68127. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change of sponsor address.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A), because it is a rule of ''particular applicability.'' Therefore, it is not subject to congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by revising the entry for ''International Nutrition, Inc.'' and in the table in paragraph (c)(2) by revising the entry for ''043733'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
International Nutrition, Inc., 7706 'I' Plaza, Omaha, NE 68127	043733
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
043733	International Nutrition, Inc., 7706 'I' Plaza, Omaha, NE 68127
* * * * * * *	

Dated: March 17, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–9574 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

Oral Dosage Form New Animal Drugs; (S)-methoprene

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wellmark International. The NADA provides for oral use of (S)-methoprene for the prevention and control of flea populations.

DATES: This rule is effective April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

SUPPLEMENTARY INFORMATION: Wellmark International, 1000 Tower Rd., suite

245, Bensenville, IL 60106, filed NADA 141–162 that provides for use in dogs, 9 weeks of age and older and 4 pounds body weight or greater, for the prevention and control of flea populations. (S)-methoprene prevents and controls flea populations by preventing the development of flea eggs but does not kill adult fleas. Concurrent use of insecticides may be necessary for adequate control of adult fleas. NADA 141–162 is approved as of January 24, 2000, and the regulations are amended in 21 CFR part 520 by adding new § 520.1390 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(i)), this approval qualifies for 5 years of marketing exclusivity beginning January 24, 2000, because no active ingredient (including any ester or salt of the drug) has been previously approved in any other application filed under section 512(b)(1) of the act.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding an entry for ''Wellmark International'' and in the table in paragraph (c)(2) by numerically adding an entry for ''011536'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Wellmark International, 1000 Tower Rd., suite 245, Bensenville, IL 60106	011536
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
011536	Wellmark International, 1000 Tower Rd., suite 245, Bensenville, IL 60106
* * * * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

4. Section 520.1390 is added to read as follows:

§ 520.1390 (S)-methoprene.

(a) *Specifications*. Each capsule contains 154, 308, or 462 milligrams (mg) of (S)-methoprene.

(b) *Sponsor*. See No. 011536 in § 510.600(c) of this chapter.

(c) [Reserved]

(d) *Conditions of use*—(1) *Amount*. Capsules are given orally, once per week at the recommended minimum dosage of 10 mg of (S)-methoprene per pound of body weight (22 mg/kilograms).

(2) *Indications for use*. For oral use in dogs, 9 weeks of age and older and 4 pounds body weight or greater, for the prevention and control of flea populations. (S)-methoprene prevents and controls flea populations by preventing the development of flea eggs but does not kill adult fleas. Concurrent use of insecticides may be necessary for adequate control of adult fleas.

Dated: March 20, 2000.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 00–9575 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

Oral Dosage Form New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for a new animal drug application (NADA) from Merial Ltd., to Vetoquinol N.–A., Inc.

DATES: This rule is effective April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: Merial Ltd., 2100 Ronson Rd., Iseline, NJ 08830–3077, has informed FDA that it has transferred the ownership of, and all rights and interests in, the approved NADA 113–510 (phenylbutazone granules) to Vetoquinol N.–A., Inc., 2000 chemin Georges, Lavaltrie (PQ), Canada, J0K 1H0. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c) and 520.1720b(b) to reflect the change of sponsor.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding an entry for ''Vetoquinol N.–A., Inc.,'' and in the table in paragraph (c)(2) by numerically adding an entry for ''059320'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Vetoquinol N.–A., Inc., 2000 chemin Georges, Lavaltrie (PQ), Canada, J0K 1H0	059320
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
059320	Vetoquinol N.–A., Inc., 2000 chemin Georges, Lavaltrie (PQ), Canada, J0K 1H0
* * * * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.1720b [Amended]

4. Section 520.1720b *Phenylbutazone granules* is amended in paragraph (b) by removing ''050604'' and by adding in its place ''059320''.

Dated: March 17, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–9573 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Hemoglobin Glutamer-200 (bovine)

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Biopure Corp. The supplemental NADA provides for flexible dosing for use of hemoglobin glutamer-200 (bovine) to treat anemia in dogs.

DATES: This rule is effective April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

SUPPLEMENTARY INFORMATION: Biopure Corp., 11 Hurley St., Cambridge, MA 02141, is the sponsor of NADA 141–067 that provides for the veterinary prescription use of Oxyglobin® (hemoglobin glutamer-200 (bovine)) for the treatment of anemia in dogs. The drug increases systemic oxygen content (plasma hemoglobin concentration) and improves the clinical signs associated with anemia, regardless of the cause of anemia (hemolysis, blood loss, or ineffective erythropoiesis). The supplemental NADA provides for use of 10 to 30 milliliters per kilogram of body weight (mL/kg) administered at 10 mL/kg/hour. The supplemental NADA is approved as of January 11, 2000, and 21 CFR 522.1125(d) is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(f)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for nonfood-producing animals qualifies for 3 years of marketing exclusivity beginning January 11, 2000, because the approval contains substantial evidence of effectiveness of the drug involved, or any studies of animal safety, required for approval of the supplement and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to use of the dosing range of 10 to 30 mL/kg.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1125 [Amended]

2. Section 522.1125 *Hemoglobin glutamer-200 (bovine)* is amended in paragraph (d)(1) by removing ''30'' and adding in its place ''10 to 30'' and in paragraph (d)(2) by removing the phrase ''for at least 24 hours''.

Dated: March 17, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–9576 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 526

Intramammary Dosage Form New Animal Drugs; Cephapirin Sodium for Intramammary Infusion

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Fort Dodge Animal Health. The supplemental NADA provides for amending the milk discard statement to state the milk discard time only (i.e., to remove reference to the number of milkings).

DATES: This rule is effective April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Naba K. Das, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7569.

SUPPLEMENTARY INFORMATION: Fort Dodge Animal Health, Division of American Home Products Corp., 800 Fifth Street NW., P.O. Box 518, Fort Dodge, IA 50501, filed supplemental NADA 97–222 that provides for a 96-hour milk-discard time (i.e., removal of the parenthetical reference to an 8-milking milk discard time) for use of CEFA–LAK® and TODAY® (cephapirin sodium) intramammary infusion products for treatment of lactating cows for bovine mastitis. The supplemental NADA is approved as of February 4, 2000, and the regulations are amended in 21 CFR 526.365(d)(3) to reflect the approval.

Approval of this supplemental NADA conforms to the requirements of 21 CFR 510.105. Approval does not require review of the safety or effectiveness data required for approval of the NADA. Therefore, a freedom of information summary is not required.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 526

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 526 is amended as follows:

PART 526—INTRAMAMMARY DOSAGE FORMS

1. The authority citation for 21 CFR part 526 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 526.365 [Amended]

2. Section 526.365 *Cephapirin sodium for intramammary infusion* is amended in paragraph (d)(3) by removing ''(8 milkings)''.

Dated: March 17, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–9572 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 556

Tolerances for Residues of New Animal Drugs in Food; Fenbendazole

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoechst Roussel Vet. The supplemental NADA provides for establishing tolerances for residues of fenbendazole in edible tissues of swine. Technical corrections are also made.

DATES: This rule is effective April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Janis R. Messenheimer, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7578.

SUPPLEMENTARY INFORMATION: Hoechst Roussel Vet, Perryville Corporate Park III, P.O. Box 4010, Clinton, NJ 08809–4010, filed a supplement to NADA 131–675 that provides for use of Safe-Guard® (20 percent fenbendazole) Type A medicated articles to make Type B and C medicated swine feeds. The supplement provides for establishing tolerances for parent fenbendazole in swine liver and muscle. The supplement is approved as of February 10, 2000, and § 556.275 (21 CFR 556.275) is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

Section 556.275 is further amended by deleting references to safe concentrations and by adding the previously established acceptable daily intake (ADI) of total residues of fenbendazole. The footnote for ''tolerance'' in that section is also removed.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1061, 5630 Fishers Lane, Rockville, MD 20852, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 556 is amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

2. Section 556.275 is revised to read as follows:

§ 556.275 Fenbendazole.

(a) *Acceptable daily intake (ADI).* The ADI for total residues of fenbendazole is 40 micrograms per kilogram of body weight per day.

(b) *Tolerances*—(1) *Cattle*—(i) *Liver (the target tissue).* The tolerance for parent fenbendazole (the marker residue) is 0.8 part per million (ppm).

(ii) [Reserved]

(iii) *Milk.* The tolerance for fenbendazole sulfoxide metabolite (the marker residue in cattle milk) is 0.6 ppm.

(2) *Swine*—(i) *Liver (the target tissue).* The tolerance for parent fenbendazole (the marker residue) is 6 ppm.

(ii) *Muscle.* The tolerance for parent fenbendazole (the marker residue) is 2 ppm.

(3) *Goats*—(i) *Liver (the target tissue).* The tolerance for parent fenbendazole (the marker residue) is 0.8 ppm.

(ii) [Reserved]

Dated: March 17, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–9578 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is updating the animal drug regulations to correctly reflect the previously approved use level for bambermycins Type C medicated cattle feed. This document amends the regulations to state the correct use level is 2 to 40 grams (g) of bambermycins per ton of feed. This action is being taken to improve the accuracy of the agency's regulations.

DATES: This rule is effective April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Jack Caldwell, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0217.

SUPPLEMENTARY INFORMATION: Hoechst Roussel Vet, Perryville Corporate Park III, P.O. Box 4010, Clinton, NJ 08809–4010, is sponsor of NADA 141–034 that provides for use of GAINPRO® (bambermycins) Type A medicated articles to make Type B and Type C medicated cattle feeds. In its approval letter of October 17, 1994, the Center for Veterinary Medicine approved the use of Type C medicated feeds containing 2 to 40 g of bambermycins per ton of feed, used to provide 10 to 20 milligrams bambermycins per head per day for increased rate of weight gain in pasture cattle. At this time, 21 CFR 558.95(d)(4)(ii) is amended by removing ''4 to 20'' and adding in its place ''2 to 40'' to reflect the correct Type C medicated feed levels.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because

it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.95 [Amended]

2. Section 558.95 *Bambermycins* is amended in paragraph (d)(4)(ii) by removing ''4 to 20'' and adding in its place ''2 to 40''.

Dated: March 17, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–9579 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. 94P–0347]

Medical Devices; Reclassification and Codification of the Nonabsorbable Expanded Polytetrafluoroethylene Surgical Suture

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it has issued an order in the form of a letter to W. L. Gore and Associates, Inc., reclassifying the nonabsorbable expanded polytetrafluoroethylene (ePTFE) surgical suture intended for use in soft tissue approximation and ligation, including cardiovascular surgery, from class III (premarket approval) to class II (special controls). Accordingly, the order is being codified in the Code of Federal Regulations (CFR).

EFFECTIVE DATES: The rule is effective May 18, 2000. The reclassification was effective September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Anthony D. Watson, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–3090.

SUPPLEMENTARY INFORMATION:

I. Background (Regulatory Authorities)

The Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et seq.*), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Public Law 94–295), the Safe Medical Devices Act of 1990 (the SMDA) (Public Law 101–629), and the Food and Drug Administration Modernization Act of 1997 (the FDAMA) (Public Law 105–115), established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

The 1976 amendments broadened the definition of ''device'' in 201(h) of the act (21 U.S.C. 321(h)) to include certain articles that were once regulated as drugs. Under the 1976 amendments, Congress classified all transitional devices, i.e., those devices previously regulated as new drugs, including the nonabsorbable ePTFE surgical suture, into class III. The legislative history of the SMDA reflects congressional concern that many transitional devices were being overregulated in class III (H. Rept. 808, 101st Cong., 2d sess. 26–27 (1990); S. Rept. 513, 101st Cong., 2d sess. 27 (1990)). Congress amended section 520(l) of the act (21 U.S.C. 360j(l)) to direct FDA to collect certain safety and effectiveness information from the manufacturers of transitional devices still remaining in class III to determine whether the devices should be reclassified into class II (special controls) or class I (general controls). Accordingly, in the **Federal Register** Of November 14, 1991 (56 FR 57960), FDA issued an order under section 520(l)(5)(A) of the act, requiring manufacturers of transitional devices, including the nonabsorbable ePTFE surgical suture, to submit to FDA a summary of, and a citation to, any information known or otherwise available to them respecting the devices, including adverse safety or effectiveness information which had not been submitted under section 519 of the act (21 U.S.C. 360i). Manufacturers were to submit the summaries and citations to FDA by January 13, 1992. However, because of misunderstandings and uncertainties regarding the information required by the order, and whether the order applied to certain manufacturers' devices, many transitional class III device manufacturers failed to comply with the reporting requirement by January 13, 1992. Consequently, in the **Federal Register** of March 10, 1992 (57 FR 8462), FDA extended the reporting period to March 31, 1992.

Section 520(l)(5)(B) of the act provides that, after the issuance of an order requiring manufacturers to submit a summary of, and citation to, any information known or otherwise available respecting the devices, but before December 1, 1992, FDA was to publish regulations either leaving transitional class III devices in class III or reclassifying them into class I or II. Subsequently, as permitted by section 520(l)(5)(C) of the act, in the **Federal Register** of November 30, 1992 (57 FR 56586), the agency published a notice extending the period for issuing such regulations until December 1, 1993. Due to limited resources, FDA was unable to publish the regulations before the December 1, 1993, deadline.

Nevertheless, in accordance with sections 520(l)(5)(B) and 513(a) of the act, FDA is now reclassifying the nonabsorbable ePTFE surgical suture from class III to class II.

On September 14, 1994, FDA filed the reclassification petition submitted by W. L. Gore and Associates, Inc., requesting reclassification of the nonabsorbable ePTFE surgical suture from class III to class II.

FDA consulted with members of the General and Plastic Surgery Devices Panel (the Panel) of the Medical Devices Advisory Committee about the requested reclassification. The Panel members recommended that the nonabsorbable ePTFE surgical suture intended for use in soft tissue approximation and ligation, including cardiovascular surgery, be reclassified from class III to class II. They also recommended FDA recognized consensus standards and device-specific labeling as the special controls for this device.

After reviewing the data in the petition and considering the Panel members' recommendations, FDA agreed with their recommendations to reclassify the device from class III into class II with the recommended special controls. Based on the available information, FDA issued an order to the petitioner on September 9, 1999, reclassifying the nonabsorbable ePTFE

surgical suture, and substantially equivalent devices of this generic type, from class III to class II.

FDA identified the following FDA recognized consensus standards and labeling as special controls for the device:

1. United States Pharmacopoeia (USP) 21:
a. Monograph for Nonabsorbable Surgical Sutures;
b. Suture—Diameter <861>;
c. Suture—Needle Attachment <871>; and
d. Tensile Strength <881>.
2. Labeling:
a. Contraindication: ''This device is contraindicated for use in ophthalmic and neural tissues and for use in microsurgery.''
b. ''For Single Use Only.''
c. If the marketed suture has a different diameter than the diameter specified in USP 21—Suture Diameter <861>, then a tabular comparison of its diameter and USP suture sizes should be included in the labeling.

Accordingly, as required by 21 CFR 860.136(b)(6) of the regulations, FDA is announcing the reclassification of the generic nonabsorbable ePTFE surgical suture from class III into class II. In addition, FDA is codifying the reclassification of the device by adding new § 878.5040.

II. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this reclassification is of a type that does not individually or cumulatively have a significant effect on the human environment.

Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Analysis of Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of the device from class III to class II will relieve all manufacturers of the device of the cost of complying with the premarket approval requirements in section 515 of the act (21 U.S.C. 360e). Because reclassification will reduce regulatory costs with respect to this device, it will impose no significant economic impact on any small entities, and it may permit small potential competitors to enter the marketplace by lowering their costs. The agency therefore certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In addition, this final rule will not impose costs of $100 million or more on either the private sector or state, local, and tribal governments in the aggregate, and therefore a summary statement or analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

IV. Paperwork Reduction Act of 1995

FDA concludes that this final rule contains no information that is subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995. The special controls do not require the respondent to submit additional information to the public. Therefore, no burden is placed on the public.

List of Subjects in 21 CFR Part 878

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 878 is amended as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

1. The authority citation for 21 CFR part 878 continues to read as follows:

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

2. Section 878.5035 is added to subpart E to read as follows:

§ 878.5035 Nonabsorbable expanded polytetrafluoroethylene surgical suture.

(a) *Identification.* Nonabsorbable expanded polytetrafluoroethylene (ePTFE) surgical suture is a monofilament, nonabsorbable, sterile, flexible thread prepared from ePTFE and is intended for use in soft tissue approximation and ligation, including cardiovascular surgery. It may be undyed or dyed with an approved color additive and may be provided with or without an attached needle(s).

(b) *Classification.* Class II (special controls). FDA recognized consensus standards and device-specific labeling:
(1) United States Pharmacopoeia (USP) 21:
(i) Monograph for Nonabsorbable Surgical Sutures;
(ii) Sutures—Diameter <861>;
(iii) Sutures Needle Attachment <871>; and
(iv) Tensile Strength <881>.
(2) Labeling:
(i) Contraindication: ''This device is contraindicated for use in ophthalmic and neural tissues and for use in microsurgery.''
(ii) ''For Single Use Only.''
(iii) If the marketed suture has a different diameter than the diameter specified in USP 21—Suture Diameter <861>, then a tabular comparison of its diameter and USP sizes should be included in the labeling.

Dated: April 5, 2000.

Linda S. Kahan,

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

[FR Doc. 00–9577 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

[Docket No. T–033]

Nevada State Plan; Final Approval Determination

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Final State plan approval—Nevada.

SUMMARY: This document amends OSHA's regulations to reflect the Assistant Secretary's decision granting final approval to the Nevada State plan. As a result of this affirmative determination under section 18(e) of the Occupational Safety and Health Act of 1970, Federal OSHA's standards and enforcement authority no longer apply to occupational safety and health issues covered by the Nevada plan, and authority for Federal concurrent jurisdiction is relinquished. Federal enforcement jurisdiction is retained over any private sector maritime employment, private sector employers on Indian land, and any contractors or subcontractors on any Federal establishment where the land is exclusive Federal jurisdiction. Federal jurisdiction remains in effect with respect to Federal government employers and employees. Federal OSHA will also retain authority for coverage of the United States Postal

Service (USPS), including USPS employees, contract employees, and contractor-operated facilities engaged in USPS mail operations.

EFFECTIVE DATE: April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, 200 Constitution Avenue NW., Washington, DC 20210, (202) 693–1999.

SUPPLEMENTARY INFORMATION:

Introduction

Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, et seq , (the ''Act'') provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards may do so by submitting, and obtaining Federal approval of, a State plan. Procedures for State Plan submission and approval are set forth in regulations at 29 CFR Part 1902. If the Assistant Secretary, applying the criteria set forth in section 18(c) of the Act and 29 CFR 1902.3 and .4, finds that the plan provides or will provide for State standards and enforcement which are ''at least as effective'' as Federal standards and enforcement, ''initial approval'' is granted. A State may commence operations under its plan after this determination is made, but the Assistant Secretary retains discretionary Federal enforcement authority during the initial approval period as provided by section 18(e) of the Act. A State plan may receive initial approval even though, upon submission, it does not fully meet the criteria set forth in §§ 1902.3 and 1902.4 if it includes satisfactory assurances by the State that it will take the necessary ''developmental steps'' to meet the criteria within a three-year period (29 CFR 1902.2(b)). The Assistant Secretary publishes a ''certification of completion of developmental steps'' when all of a State's developmental commitments have been satisfactorily met (29 CFR 1902.34).

When a State plan that has been granted initial approval is developed sufficiently to warrant a suspension of concurrent Federal enforcement activity, it becomes eligible to enter into an ''operational status agreement'' with OSHA (29 CFR 1954.3(f)). A State must have enacted its enabling legislation, promulgated State standards, achieved an adequate level of qualified personnel, and established a system for review of contested enforcement actions. Under these voluntary agreements, concurrent Federal enforcement will not be initiated with regard to Federal occupational safety and health standards in those issues covered by the State plan, where the State program is providing an acceptable level of protection.

Following the initial approval of a complete plan, or the certification of a developmental plan, the Assistant Secretary must monitor and evaluate actual operations under the plan for a period of at least one year to determine, on the basis of actual operations under the plan, whether the criteria set forth in section 18(c) of the Act and 29 CFR 1902.37 are being applied.

An affirmative determination under section 18(e) of the Act (usually referred to as ''final approval'' of the State plan) results in the relinquishment of authority for Federal concurrent enforcement jurisdiction in the State with respect to occupational safety and health issues covered by the plan (29 U.S.C. 667(e)). Procedures for section 18(e) determinations are found at 29 CFR part 1902, Subpart D. In general, in order to be granted final approval, actual performance by the State must be ''at least as effective'' overall as the Federal OSHA program in all areas covered under the State plan.

An additional requirement for final approval consideration is that a State must meet the compliance staffing levels, or benchmarks, for safety inspectors and industrial hygienists established by OSHA for that State. This requirement stems from a court order by the U.S. District Court for the District of Columbia pursuant to the U.S. Court of Appeals' decision in AFL–CIO v. Marshall, 570 F.2d 1030 (D.C. Cir 1978), that directed the Assistant Secretary to calculate for each State plan State the number of enforcement personnel needed to assure a ''fully effective'' enforcement program.

The last requirement for final approval consideration is that a State must participate in OSHA's Integrated Management Information System (IMIS). This is required so that OSHA can obtain the detailed program performance data on a State necessary to make an objective continuing evaluation of whether the State performance meets the statutory and regulatory criteria for final and continuing approval.

History of the Nevada Plan and of Its Compliance Staffing Benchmarks

Nevada Plan

A history of the Nevada State plan, a description of its provisions, and a discussion of the compliance staffing benchmarks established for Nevada was contained in the November 16, 1999, **Federal Register** notice (64 FR 62138) proposing that final approval under Section 18(e) of the Act be granted. The Nevada State plan was submitted on December 12, 1972, initially approved on December 28, 1973 (39 FR 1008), certified as having completed all developmental steps on August 13, 1981 (42 FR 42844), concurrent Federal enforcement jurisdiction suspended on December 9, 1981 (47 FR 25323), and revised compliance staffing benchmarks for Nevada were approved on September 11, 1987 (52 FR 34381).

History of the Present Proceedings

Procedures for final approval of State plans are set forth at 29 CFR 1902, Subpart D. On November 16, 1999, OSHA published notice (64 FR 62138) of the eligibility of the Nevada State plan for determination under section 18(e) of the Act as to whether final approval of the plan should be granted. The determination of eligibility was based on monitoring of State operations for at least one year following certification, State participation in the Federal-State Integrated Management Information System, and staffing which meets the revised State compliance staffing benchmarks.

The November 16 **Federal Register** notice set forth a general description of the Nevada State plan and summarized the results of Federal OSHA monitoring of State operations during the period from July 1, 1995 through March 31, 1999, with special attention to the period from October 1, 1997 to March 31, 1999. In addition to the information set forth in the notice itself, OSHA made available as part of the record extensive and detailed exhibits documenting the plan, including copies of the State legislation, administrative regulations and procedural manuals under which Nevada operates its plan.

The most recent comprehensive evaluation report covering the period of July 1, 1995 through March 31, 1999, which was extensively summarized in the November 16 proposal and provided the principal factual basis for the proposed 18(e) determination, was included in the docket. In addition, updated data on investigation of complaints alleging discrimination for exercising one's occupational safety and health rights was submitted into the record (Exhibit 5) and was considered in the final approval process.

To assist and encourage public participation in the 18(e) determination, copies of all docket materials were maintained in the OSHA Docket Office in Washington, DC., in the OSHA Regional Office in San Francisco, and at

the Nevada Division of Industrial Relations in Carson City, Nevada. Summaries of the November 16 notice, with an invitation for public comments, were published in Nevada on November 24, 1999 in the Las Vegas Review-Journal and on November 26, 1999 in the Elko Daily Free Press, Reno Gazette Journal and Nevada Appeal.

The November 16 notice invited interested persons to submit by December 16 written comments and views regarding the Nevada plan and whether final approval should be granted. An opportunity to request an informal public hearing also was provided. Four (4) comments were received in response to this proposal; none requested an informal hearing.

Summary and Evaluation of Comments

OSHA has encouraged interested members of the public to provide information and views regarding operations under the Nevada plan to supplement the information already gathered during OSHA monitoring and evaluation of plan administration.

In response to the November 16 proposal, OSHA received comments from: Robert Ostrovsky, President, Ostrovsky and Associates, member and former Chairman, Department of Industrial Relations (DIR) Advisory Board [Ex. 3–1]; Linda M. Rogers, Vice-Chairman, DIR Advisory Board [Ex. 3–2]; John S. Rogers, CEO, Pacific Matrix Financial Corporation and former Chairman, Nevada Occupational Safety and Health Review Board [Ex. 3–3]; and Danny L. Thompson, Executive Secretary-Treasurer, Nevada State AFL–CIO [Ex. 3–4]. All four commenters expressed unqualified support for final approval. All of these comments indicated that the State has established and operates an effective safety and health program and that the State has been effective in protecting employees in Nevada. Specifically, the commenters commended the State program for, among other things: its automatic adoption of Federal standards; requirements in excess of those under Federal OSHA in such areas as pre-construction safety conferences and standards for ammonium perchlorate and tower cranes; and effective staffing.

Findings and Conclusions

As required by 29 CFR 1902.41, in considering the granting of final approval to a State plan, OSHA has carefully and thoroughly reviewed all information available to it on the actual operation of the Nevada State plan. This information has included all previous evaluation findings since certification of completion of the State plan's developmental steps, especially data for the period July 1, 1995 through March 31, 1999, and information presented in written submissions. Findings and conclusions in each of the areas of performance are as follows:

(1) Standards. Section 18(c)(2) of the Act requires State plans to provide for occupational safety and health standards which are at least as effective as Federal standards. Such standards where not identical to the Federal must be promulgated through a procedure allowing for consideration of all pertinent factual information and participation of all interested persons (29 CFR 1902.4(b)(2)(iii)); must, where dealing with toxic materials or harmful physical agents, assure employee protection throughout his or her working life (29 CFR 1902.4(b)(2)(i)); must provide for furnishing employees appropriate information regarding hazards in the workplace through labels, posting, medical examinations, etc. (29 CFR 1902.4(b)(2)(vi)); must require suitable protective equipment, technological control, monitoring, etc. (29 CFR 1902.4(b)(2)(vii)); and, where applicable to a product, must be required by compelling local conditions and not pose an undue burden on interstate commerce (29 CFR 1902.3(c)(2)).

As documented in the approved Nevada State plan and OSHA's evaluation findings made a part of the record in this 18(e) determination proceeding, and as discussed in the November 16 notice, the Nevada plan provides for the adoption of standards and amendments thereto which are identical to Federal standards. The State's laws and regulations, previously approved by OSHA and made a part of the record in this proceeding, include provisions addressing all of the structural requirements for State standards set out in 29 CFR Part 1902.

In order to qualify for final State plan approval, a State program must be found to have adhered to its approved procedures (29 CFR 1902.37(b)(2)); to have timely adopted identical or at least as effective standards, including emergency temporary standards and standards amendments (29 CFR 1902.37(b)(3)); to have interpreted its standards in a manner consistent with Federal interpretations and thus to demonstrate that in actual operation State standards are at least as effective as the Federal (29 CFR 1902.37(b)(4)); and to correct any deficiencies resulting from administrative or judicial challenge of State standards (29 CFR 1902.37(b)(5)).

As noted in the 18(e) Evaluation Report and summarized in the November 16, 1999 **Federal Register** notice, Nevada has adopted standards in a timely manner which are identical to Federal standards.

The Nevada plan provides for the automatic adoption of standards which are identical to Federal standards. A new standard becomes effective in Nevada on the effective date of the Federal standard. The State may adopt alternative standards and has adopted some standards which do not have Federal counterparts, such as standards concerning ammonium perchlorate and tower cranes. Nevada also has regulations requiring pre-construction safety conferences with the Division of Industrial Relations for certain types of construction projects.

The State also requires employers with more than 10 employees to implement safety and health programs, including a safety and health committee for employers with more than 25 employees. For issues where OSHA is considering issuing a rule, as in the case of safety and health programs, the agency does not take action to decide whether the State plan requirements are at least as effective until the Federal action is complete. Nor can OSHA review this requirement for compliance with the National Labor Relations Act (NLRA), which is independently administered by the National Labor Relations Board. The Board's General Counsel has noted in a written opinion that committee requirements under State law do not amount to a per se violation of the NLRA; however, the General Counsel has pointed out that employers must comply with State laws in a manner which does not constitute an unfair labor practice under the NLRA.

Nevada's standards adoption process continued to meet the six-month time frame for adoption of OSHA standards requiring State action during the section 18(e) evaluation period.

Where a State adopts Federal standards, the State's interpretation and application of such standards must ensure consistency with Federal interpretation and application. OSHA's monitoring has found that the State's application of its standards is comparable to Federal standards application. No challenges to State standards have occurred in Nevada.

Therefore, in accordance with section 18(c)(2) of the Act and the pertinent provisions of 29 CFR 1902.3, 1902.4 and 1902.37, OSHA finds that the Nevada program in actual operation provides for standards adoption, correction when found deficient, interpretation and application, in a manner at least as effective as the Federal Program.

(2) Variances. A State plan is expected to have the authority and procedures for the granting of variances comparable to those in the Federal program (29 CFR 1902.4(b)(2)(iv)). The Nevada State plan contains such provisions in both law and regulations which have been previously approved by OSHA. In order to quality for final State plan approval, permanent variances granted must assure employment equally as safe and healthful as would be provided by compliance with the standard (29 CFR 1902.37(b)(6)); temporary variances granted must assure compliance as early as possible and provide appropriate interim employee protection (29 CFR 1902.37(b)(7)). As noted in the 18(e) Evaluation Report and the November 16 notice, Nevada had five requests for permanent variances during the 18(e) evaluation period. Two requests were approved, two were denied, and one was canceled. The granted variances were processed in accordance with State procedures. During the section 18(e) evaluation period, no temporary variance requests were received.

Accordingly, OSHA finds that the Nevada program is able to effectively grant variances from its occupational safety and health standards.

(3) Enforcement. Section 18(c)(2) of the Act and 29 CFR 1902.3(d)(1) require a State program to provide a program for enforcement of State standards which is and will continue to be at least as effective in providing safe and healthful employment and places of employment as the Federal program. The State must require employer and employee compliance with all applicable standards, rules and orders (29 CFR 1902.3(d)(2)) and must have the legal authority for standards enforcement including compulsory process (29 CFR 1902.4(c)(2)).

The Nevada occupational safety and health statutes and implementing regulations, previously approved by OSHA, establish employer and employee compliance responsibility and contain legal authority for standards enforcement in terms substantially identical to those in the Federal Act. In order to be qualified for final approval, the State must have adhered to all approved procedures adopted to ensure an at least as effective compliance program (29 CFR 1902.37(b)(2)). The 18(e) Evaluation Report indicates no significant lack of adherence to such procedures.

(a) Inspections. In order to qualify for final approval, the State program, as implemented, must allocate sufficient resources toward high-hazard workplaces while providing adequate attention to other covered workplaces (29 CFR 1902.37(b)(8)). Data contained in the 18(e) Evaluation Report noted that Nevada uses a list of high hazard industries provided by OSHA to schedule programmed general industry inspections and uses Dodge Reports and local knowledge to schedule construction inspections. The State's strategic plan is focusing on three industries with high rates of injuries and illnesses: manufacturing, construction and hotel/casinos. During the period from October 1997 though March 1999, 53% of the State's safety inspections and 11% of health inspections were programmed. During this period 68% of programmed safety inspections and 71% of programmed health inspections uncovered violations. This exceeds the percentage of Federal programmed inspections with violations and indicates that the State's targeting system is effective.

(b) Employee Notice and Participation in Inspections: State plans must provide for inspections in response to employee complaints and must provide for an opportunity for employees and their representatives to point out possible violations through such means as employee accompaniment or interviews with employees (29 CFR 1902.4(c)(i) through (iii)). Nevada has procedures similar to Federal OSHA for processing and responding to complaints and providing for employee participation in State inspections. The data indicate that during the evaluation period the State was timely in responding to employee complaints, responding to 92% of serious safety and health complaints within the prescribed time frame of 30 days. During the period from October 1997 through March 1999, 25% of State inspections were in response to employee complaints. In 89.8% of cases during the period, complainants were informed of inspection results within 20 working days of citation issuance or, where no citations were issued, within 30 working days of the closing conference. The State also responds to non-formal complaints by letter and utilizes a phone/fax system to expedite response to non-serious complaints.

The State has procedures similar to those of Federal OSHA which require that an opportunity for employee participation in inspections be provided, either through representation on the walkaround or the conduct of interviews with a reasonable number of employees. No problems have been noted concerning employee particpation in Nevada inspections.

In addition, the State plan must provide that employees be informed of their protections and obligations under the Act by such means as the posting of notices (29 CFR 1902.4(c)(2)(iv)), and provide that employees have access to information on their exposure to regulated agents and access to records of the monitoring of their exposure to such agents (29 CFR 1902.4(c)(vi)).

To inform employees and employers of their protections and obligations, Nevada requires that a poster approved by OSHA be displayed in all covered workplaces. Requirements for the posting of the poster and other notices such as citations, contests, hearings and variances applications are set forth in the previously approved State law and regulations which are substantially identical to Federal requirements. Information on employee exposure to regulated agents and access to medical and monitoring records is provided through State standards which are identical to the Federal. No problems have been noted regarding notice of these actions to employers and employees. Therefore, OSHA has concluded that the State's performance in this area is effective.

(c) Nondiscrimination. A State is expected to provide appropriate protection to employees against discharge or discrimination for exercising their rights under the State's program including provision for employer sanctions and employee confidentiality (29 CFR 1902.4(c)(2)(v)). Section 618.445 of the Nevada Occupational Safety and Health Act and State regulations provide for discrimination protection equivalent to that provided by Federal OSHA. A total of 136 investigations of complaints alleging discrimination were completed during the evaluation period, of which 14 were found to be meritorious. The State takes appropriate action in the courts on merit cases where the employer does not voluntarily comply with the State's proposed remedy. During the evaluation period, Nevada experienced difficulty in meeting the 90-day time limit for completion of discrimination investigations. The State took action to ensure timely processing of discrimination complaints, and State performance in this area improved in Fiscal Year 1999. Statistics for the full fiscal year show that 78% of investigations were completed within 90 days. During the period from July 1 through September 30, 1999, 89% of discrimination investigations were completed within 90 days. Therefore, OSHA concludes that Nevada's performance in this area is satisfactory.

(d) Restraint of Imminent Danger; Protection of Trade Secrets. A State plan is required to provide for the prompt restraint of imminent danger situations,

(29 CFR 1902.4(c)(2)(vii)) and to provide adequate safeguards for the protection of trade secrets (29 CFR 1902.4(c)(2)(viii)). The State has provisions concerning imminent danger and protection of trade secrets in its law, regulations and operations manual which are similar to the Federal requirements. In addition, the Administrator of the Division of Industrial Relations may issue an emergency order to restrain an imminent danger situation. There were no imminent danger situations identified during the evaluation period. There were no Complaints About State Program Administration (CASPA's) filed concerning the protection of trade secrets during the report period.

(e) Right of Entry; Advance Notice. A State program is expected to have authority for right of entry to inspect and compulsory process to enforce such right equivalent to the Federal program (section 18(c)(3) of the Act and 29 CFR 1902.3(e)). In addition, a State is expected to prohibit advance notice of inspection, allowing exceptions thereto no broader than the Federal program (29 CFR 1902.3(f)). Section 618.325 of the Nevada Occupational Safety and Health Act provides for an inspector's right to enter and inspect all covered workplaces in terms substantially identical to those in the Federal Act. The Nevada law also prohibits advance notice, and implementing procedures for exceptions to this prohibition are substantially identical to the Federal procedures.

In order to be found qualified for final approval, a State is expected to take action to enforce its right of entry when denied (29 CFR 1902.37(b)(9)) and to adhere to its advance notice procedures. During the evaluation period, there were 14 denials of entry. Entry was achieved in 11 of these cases. This exceeds the Federal experience during the period. During the evaluation period, no advance notice of inspections was given.

(f) Citations, Penalties, and Abatement. A State plan is expected to have authority and procedures for promptly notifying employers and employees of violations identified during inspections, for the purpose of effective first-instance sanctions against employers found in violation of standards and for prompt employer notification of such penalties (29 CFR 1902.4(c)(2) (x) and (xi)). The Nevada plan, through its law, regulations and operations manual has established a system similar to the Federal program to provide for the prompt issuance of citations to employers delineating violations and establishing reasonable abatement periods, requiring posting of such citations for employee information, and proposing penalties.

In order to be qualified for final approval, the State, in actual operation, must be found to conduct competent inspections in accordance with approved procedures and to obtain adequate information to support resulting citations (29 CFR 1902.37(b)(10)), to issue citations, proposed penalties and failure-to-abate notifications in a timely manner (29 CFR 1902.37(b)(11)), to propose penalties for first-instance violations that are at least as effective as those under the Federal program (29 CFR 1902.37(b)(12)), and to ensure abatement of hazards including issuance of failure-to-abate notices and appropriate penalties (29 CFR 1902.37(b)(13)).

Procedures for the Nevada occupational safety and health compliance program are set out in the Nevada Operations Manual, which is patterned after the Federal manual. The State follows inspection procedures, including documentation procedures, which are similar to the Federal procedures. The 18(e) Evaluation Report notes overall adherence by Nevada to these procedures. In addition to issuing citations, the State issues ''Notices of Violation'' for other-than-serious violations that do not carry a penalty, when the employer agrees to abate the violation and not to contest. Nevada cited an average of 2.7 violations per safety inspection and 3.3 violations per health inspection; and 27% of both safety and health violations were cited as serious. The percentage of serious safety and health violations were lower than the comparable Federal percentages. While OSHA has disagreed with the State on the classification of some violations in the past, no systemic problems relating to violation classification have been found. The State continues to provide compliance officers with specific training and direction to ensure the proper classification of violations of standards. Nevada's lapse time from the opening conference to issuance of citation averaged 40 days for safety and 53 days for health. Both of the lapse times are comparable to Federal OSHA's citation lapse times.

Nevada's procedures for calculation of penalties are similar to those of Federal OSHA. The 18(e) Evaluation Report noted that Nevada proposed higher penalties for serious violations than Federal OSHA. The average penalty for serious safety violations was $1844 and the average serious health penalty was $1336. Eighty-eight percent (88%) of serious safety violations had abatement periods of less than 30 days, and 97% of serious health violations had abatement periods of less than 60 days. This compares favorably to Federal performance. The Notice of Violation policy has been successful in assuring prompt abatement of other-than-serious violations without litigation.

(g) Contested Cases. In order to be considered for initial approval and certification, a State plan must have authority and procedures for employer contest of citations, penalties and abatement requirements at full administrative or judicial hearings. Employees must also have the right to contest abatement periods and the opportunity to participate as parties in all proceedings resulting from an employer's contest (29 CFR 1902.4(c)(2)(xii)). Nevada's procedures for employer and employee contest of citations, penalties and abatement requirements and for ensuring employees' rights are contained in the law, regulations and operations manual made a part of the record in this proceeding. The Nevada plan provides for the review of contested cases by the Occupational Safety and Health Review Board, an independent administrative board. Decisions of the Review Board may be appealed to the appropriate State District Court.

Whenever appropriate, the State must seek administrative and judicial review of adverse adjudications. Additionally, the State must take necessary and appropriate action to correct any deficiencies in its program which may be caused by an adverse administrative or judicial determination. See §§ 1902.37(b)(14) and 1902.3 (d) and (g). Nevada has taken action when appropriate to appeal adverse decisions. The Nevada 18(e) Evaluation Report noted that a case involving egregious citations was appealed to the Nevada Supreme Court by the State. The case was settled before hearing.

(h) Enforcement Conclusion. In summary, the Assistant Secretary finds that enforcement operations provided under the Nevada plan are competently planned and conducted, and are overall at least as effective as Federal OSHA enforcement.

(4) Public Employee Program: Section 18(c)(6) of the Act requires that a State which has an approved plan must maintain an effective and comprehensive safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program must be as effective as the standards contained in an approved plan. 29 CFR 1902.3(j) requires that a State's program for public employees be as effective as

the State's program for private employees covered by the plan. The Nevada plan provides a program in the public sector which is comparable to that in the private sector, including assessment of penalties for serious violations. Injury and illness rates in the public sector are comparable to private sector rates.

During the 18(e) Evaluation period, the State conducted 4.4% of its total inspections in the public sector. The results of these inspections were comparable to those in the private sector. Because Nevada's performance in the public sector is comparable to that in the private sector, OSHA concludes that the Nevada program meets the criteria in 29 CFR 1902.3(j).

(5) Staffing and Resources. Section 18(c)(4) of the Act requires State plans to provide the qualified personnel necessary for the enforcement of standards. In accordance with 29 CFR 1902.37(b)(1), one factor which OSHA must consider in evaluating a plan for final approval is whether the State has a sufficient number of adequately trained and competent personnel to discharge its responsibilities under the plan.

The Nevada plan provides for 22 safety compliance officers and 9 industrial hygienists as set forth in the Nevada FY 1999 grant application. The FY 2000 grant application provides for 25 safety compliance officers and 12 industrial hygienists. This staffing level exceeds the revised ''fully effective'' benchmarks for Nevada for health and safety staffing of 11 safety and 5 health compliance officers approved by OSHA on September 11, 1987 [52 FR 34381]. At the close of the evaluation period the State had 20 safety and 9 health compliance officer positions filled.

Nevada utilizes the OSHA Training Institute for most of its staff training. The State also conducts internal training through staff meetings regarding any new issues or standards. In addition, enforcement and consultation staffs conduct joint regional meetings to discuss standards and other issues to ensure that enforcement and consultation have the same understanding of the requirements of the standards.

Because Nevada has allocated sufficient enforcement staff to meet the revised benchmarks for that State, and personnel are trained and competent, the requirements for final approval set forth in 29 CFR 1902.37(b)(1), and in the court order in *AFL–CIO* v. *Marshall*, supra, are being met by the Nevada plan.

Section 18(c)(5) of the Act requires that the State devote adequate funds to administration and enforcement of its standards. The Nevada plan was funded at $4,917,275 in FY 1999. ($1,163,000 (24%) of the funds were provided by Federal OSHA; Nevada matched this amount and contributed an additional $2,591,275 for a total State share of $3,754,275 (76%)).

As noted in the 18(e) Evaluation Report, Nevada's funding exceeds Federal requirements in absolute terms; moreover, the State allocates its resources to the various aspects of the program in an effective manner. On this basis, OSHA finds that Nevada has provided sufficient funding and resources for the various activities carried out under the plan.

(6) Records and Reports: State plans must assure that employers in the State submit reports to the Secretary in the same manner as if the plan were not in effect (section 18(c)(7) of the Act and 29 CFR 1902.3(k)). The plan must also provide assurance that the designated agency will make such reports to the Secretary in such form and containing such information as he may from time to time require (section 18(c)(8) of the Act and 29 CFR 1902.4(1)).

Nevada employer recordkeeping requirements are identical to those of Federal OSHA, and the State participates in the BLS Annual Survey of Occupational Injuries and Illnesses as well as the OSHA Data Initiative. The State participates and has assured its continuing participation with OSHA in the Integrated Management Information System (IMIS) as a means of providing reports on its activities to OSHA.

For the foregoing reasons, OSHA finds that Nevada has met the requirements of sections 18(c)(7) and (8) of the Act on employer and State reports to the Secretary.

(7) Voluntary Compliance: A State plan is required to undertake programs to encourage voluntary compliance by employers and employees (29 CFR 1902.4(c)(2)(xiii)).

The Nevada consultation program, which until July 1, 1999 operated its private sector component under the State plan rather than OSHA's section 21(d) consultation program, includes 14 consultants and 4 trainers. The State provides consultation services to both the private and public sectors. During the evaluation period, Nevada conducted 1781 consultation visits, primarily in smaller high hazard private sector establishments. From Fiscal Year 1996 through Fiscal Year 1999, the State conducted 739 safety and health classes, reaching a total of 6,737 employers and 8,551 employees. Training covered such issues as developing safety and health programs, lockout/tagout, fall protection, hazard communication and bloodborne pathogens. In addition, the Safety Consultation and Training Section has carried out substantial promotion and outreach efforts through a multi-media campaign, including television and newspaper public service announcements, funded by the State.

Accordingly, OSHA finds that Nevada has established and is administering an effective voluntary compliance program.

(8) Injury/Illness Rates: As a factor in its section 18(e) determination, OSHA must consider whether the Bureau of Labor Statistics' annual occupational safety and health survey and other available Federal and State measurements of program impact on worker safety and health indicate that trends in worker safety and health injury and illness rates under the State program compare favorably with those under the Federal program. See § 1902.37(b)(15). Nevada's lost workday case rate for private industry declined from 4.2 in 1994 to 3.3 in 1997. The lost workday case rate for construction decreased from 7.5 to 5.6, even though there was substantial growth in the construction industry particularly in the southern part of the State. The rate for manufacturing increased slightly from 5.0 to 5.2. The rate for State and local government decreased from 3.6 to 3.4.

OSHA finds that during the evaluation period trends in worker injury and illness in Nevada were comparable with those in States with Federal enforcement.

Decision

OSHA has carefully reviewed the record developed during the above described proceedings, including all comments received thereon. The present **Federal Register** document sets forth the findings and conclusions resulting from this review.

In light of all the facts presented on the record, the Assistant Secretary has determined that the Nevada State plan for occupational safety and health, which has been monitored for at least one year subsequent to certification, is in actual operation at least as effective as the Federal program and meets the statutory criteria for State plans in section 18(e) of the Act and implementing regulations at 29 CFR Part 1902. Accordingly, the Nevada State plan is hereby granted final approval under section 18(e) of the Act and implementing regulations at 29 CFR Part 1902, effective April 18, 2000.

Under this 18(e) determination, Nevada will be expected to maintain a State program which will continue to be at least as effective as operations under the Federal program in providing

employee safety and health at covered workplaces. This requirement includes submitting all required reports to the Assistant Secretary as well as submitting plan supplements documenting State-initiated program changes, changes required in response to adverse evaluation findings, and responses to mandatory Federal program changes. In addition, Nevada must continue to allocate sufficient safety and health enforcement staff to meet the benchmarks for State compliance staffing established by the Department of Labor, or any revision to those benchmarks.

Effect of Decision

The determination that the criteria set forth in section 18(c) of the Act and 29 CFR Part 1902 are being applied in actual operations under the Nevada plan terminates OSHA authority for Federal enforcement of its standards in Nevada, in accordance with section 18(e) of the Act, in those issues covered under the State plan. Section 18(e) provides that upon making this determination ''the provisions of sections 5(a)(2), 8 (except for the purpose of carrying out subsection (f) of this section), 9, 10, 13, and 17, shall not apply with respect to any occupational safety and health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of determination.''

Accordingly, Federal authority to issue citations for violation of OSHA standards (sections 5(a)(2) and 9); to conduct inspections (except those necessary to conduct evaluations of the plan under section 18(f), and other inspections, investigations or proceedings necessary to carry out Federal responsibilities which are not specifically preempted by section 18(e)) (section 8); to conduct enforcement proceedings in contested cases (section 10); to institute proceedings to correct imminent dangers (section 13); and to propose civil penalties or initiate criminal proceedings for violations of the Federal OSH Act (section 17) is relinquished as of the effective date of this determination.

Federal authority under provisions of the Act not listed in section 18(e) is unaffected by this determination. Thus, for example, the Assistant Secretary retains his authority under section 11(c) of the Act with regard to complaints alleging discrimination against employees because of the exercise of any right afforded to the employee by the Act although such complaints may be initially referred to the State for investigation. Any proceeding initiated by OSHA under sections 9 and 10 of the Act prior to the date of this final determination would remain under Federal jurisdiction. The Assistant Secretary also retains his authority under section 6 of the Act to promulgate, modify or revoke occupational safety and health standards which address the working conditions of all employees, including those in States which have received an affirmative 18(e) determination. In the event that a State's 18(e) status is subsequently withdrawn and Federal authority reinstated, all Federal standards, including any standards promulgated or modified during the 18(e) period, would be Federally enforceable in the State.

In accordance with section 18(e), this determination relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Nevada plan, and OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, for example, Federal OSHA retains its authority to enforce all provisions of the Act, and all Federal standards, rules or orders which relate to safety or health coverage of any private sector maritime activities (occupational safety and health standards comparable to 29 CFR Parts 1915, shipyard employment; 1917, marine terminals; 1918, longshoring; and 1919, gear certification, as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments), private employment on Indian land and any contractors or subcontractors on any Federal establishment where the land is exclusive Federal jurisdiction. Federal OSHA will also retain authority for coverage of the United States Postal Service (USPS), including USPS employees, contract employees, and contractor-operated facilities engaged in USPS mail operations and all Federal employers in Nevada. In addition Federal OSHA may subsequently initiate the exercise of jurisdiction over any issue (hazard, industry, geographical area, operation or facility) for which the State is unable to provide effective coverage for reasons which OSHA determines are not related to the required performance or structure of the State plan.

As provided by section 18(f) of the Act, the Assistant Secretary will continue to evaluate the manner in which the State is carrying out its plan. Section 18(f) and regulations at 29 CFR Part 1955 provide procedures for the withdrawal of Federal approval should the Assistant Secretary find that the State has subsequently failed to comply with any provision or assurance contained in the plan. Additionally, the Assistant Secretary is required to initiate proceedings to revoke an 18(e) determination and reinstate concurrent Federal authority under procedures set forth in 29 CFR 1902.47, *et seq.*, if his evaluations show that the State has substantially failed to maintain a program which is at least as effective as operations under the Federal program, or if the State does not submit program change supplements to the Assistant Secretary as required by 29 CFR Part 1953.

Explanation of Changes to 29 CFR Part 1952

29 CFR Part 1952 contains, for each State having an approved plan, a Subpart generally describing the plan and setting forth the Federal approval status of the plan. 29 CFR 1902.43(a)(3) requires that notices of affirmative 18(e) determinations be accompanied by changes to Part 1952 reflecting the final approval decision. This notice makes changes to Subpart W of Part 1952 to reflect the final approval of the Nevada plan.

The table of contents for Part 1952, Subpart W, has been revised to reflect the following changes:

A new Section 1952.294, Final approval determination, which formerly was reserved, has been added to reflect the determination granting final approval of the plan. This section contains a more accurate description of the current scope of the plan than the one contained in the initial approval decision.

Section 1952.295, Level of Federal enforcement, has been revised to reflect the State's 18(e) status. This replaces the former description of the relationship of State and Federal enforcement under an Operational Status Agreement voluntarily suspending Federal enforcement authority, which was entered into on December 9, 1981. Section 1952.295 describes the issues over which Federal authority has been terminated and the issues for which it has been retained in accordance with the discussion of the effects of the 18(e) determination set forth earlier in the present **Federal Register** notice.

Section 1952.296, Where the plan may be inspected, has been revised to reflect a new address for the Nevada Division of Industrial Relations.

Regulatory Flexibility Act

OSHA certifies pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) that this determination will not have a

significant economic impact on a substantial number of small entities. Final approval would not place small employers in Nevada under any new or different requirements, nor would any additional burden be placed upon the State government beyond the responsibilities already assumed as part of the approved plan.

Federalism

Executive Order 13132, ''Federalism,'' emphasizes consultation between Federal agencies and the States and establishes specific review procedures the Federal government must follow as it carries out policies which affect state or local governments. OSHA has included in the Background section of today's final approval decision a detailed explanation of the relationship between Federal OSHA and the State plan States under the Occupational Safety and Health Act. OSHA has consulted extensively with Nevada throughout the period of 18(e) evaluation. Although OSHA has determined that the requirements and consultation procedures provided in Executive Order 13132 are not applicable to final approval decisions under the OSH Act, which have no effect outside the particular State receiving the approval, OSHA has reviewed the Nevada final approval decision proposed today, and believes it is consistent with the principles and criteria set forth in the Executive Order.

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under Section 18 of the OSH Act, (29 U.S.C. 667), 29 CFR Part 1902, and Secretary of Labor's Order No. 1–90 (55 FR 9033)).

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health, Reporting and recordkeeping requirements.

Signed at Washington, DC, this 6th day of April 2000.

Charles N. Jeffress,

Assistant Secretary.

Part 1952 of 29 CFR is hereby amended as follows:

PART 1952—[AMENDED]

1. The authority citation of part 1952 continues to read as follows:

Authority: Section 18 of the OSH Act, (29 U.S.C. 667), 29 CFR Part 1902, and Secretary of Labor's Order No. 1–90 (55 FR 9033).

Subpart W—Nevada

2. A new § 1952.294 is added, and §§ 1952.295 and 1952.296 are revised to read as follows:

§ 1952.294 Final approval determination.

(a) In accordance with section 18(e) of the Act and procedures in 29 CFR Part 1902, and after determination that the State met the ''fully effective'' compliance staffing benchmarks as revised in 1986 in response to a court order in AFL-CIO v. Marshall, 570 F.2d 1030 (D.C. Cir 1978), and was satisfactorily providing reports to OSHA through participation in the Federal-State Integrated Management Information System, the Assistant Secretary evaluated actual operations under the Nevada State plan for a period of at least one year following certification of completion of developmental steps. Based on an 18(e) Evaluation Report covering the period July 1, 1995 through March 31, 1999, and after opportunity for public comment, the Assistant Secretary determined that in operation the State of Nevada's occupational safety and health program is at least as effective as the Federal program in providing safe and healthful employment and places of employment and meets the criteria for final State plan approval in section 18(e) of the Act and implementing regulations at 29 CFR Part 1902. Accordingly, the Nevada plan was granted final approval and concurrent Federal enforcement authority was relinquished under section 18(e) of the Act effective April 18, 2000.

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Nevada. The plan does not cover Federal government employers and employees; any private sector maritime activities; employment on Indian land; any contractors or subcontractors on any Federal establishment where the land is exclusive Federal jurisdiction; and the United States Postal Service (USPS), including USPS employees, contract employees, and contractor-operated facilities engaged in USPS mail operations.

(c) Nevada is required to maintain a State program which is at least as effective as operations under the Federal program; to submit plan supplements in accordance with 29 CFR Part 1953; to allocate sufficient safety and health enforcement staff to meet the benchmarks for State staffing established by the U.S. Department of Labor, or any revisions to those benchmarks; and, to furnish such reports in such form as the Assistant Secretary may from time to time require.

§ 1952.295 Level of Federal enforcement.

(a) As a result of the Assistant Secretary's determination granting final approval to the Nevada State plan under section 18(e) of the Act, effective April 18, 2000, occupational safety and health standards which have been promulgated under section 6 of the Act do not apply with respect to issues covered under the Nevada Plan. This determination also relinquishes concurrent Federal OSHA authority to issue citations for violations of such standards under section 5(a)(2) and 9 of the Act; to conduct inspections and investigations under section 8 (except those necessary to conduct evaluation of the plan under section 18(f) and other inspections, investigations, or proceedings necessary to carry out Federal responsibilities not specifically preempted by section 18(e)); to conduct enforcement proceedings in contested cases under section 10; to institute proceedings to correct imminent dangers under section 13; and to propose civil penalties or initiate criminal proceedings for violations of the Federal OSH Act under section 17. The Assistant Secretary retains jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the effective date of the 18(e) determination.

(b)(1) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Nevada plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to any private sector maritime activities (occupational safety and health standards comparable to 29 CFR Parts 1915, shipyard employment; 1917, marine terminals; 1918, longshoring; and 1919, gear certification, as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments), employment on Indian land, and any contractors or subcontractors on any Federal establishment where the land is exclusive Federal jurisdiction. Federal jurisdiction is also retained with respect to Federal government employers and employees. Federal OSHA will also retain authority for coverage of the United States Postal Service (USPS),

including USPS employees, contract employees, and contractor-operated facilities engaged in USPS mail operations.

(2) In addition, any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons which OSHA determines are not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the State plan which has received final approval, and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest of administrative practicability Federal jurisdiction may be assumed over the entire project or facility. In any of the aforementioned circumstances, Federal enforcement authority may be exercised after consultation with the State designated agency.

(c) Federal authority under provisions of the Act not listed in section 18(e) is unaffected by final approval of the Nevada State plan. Thus, for example, the Assistant Secretary retains his authority under section 11(c) of the Act with regard to complaints alleging discrimination against employees because of the exercise of any right afforded to the employee by the Act, although such complaints may be referred to the State for investigation. The Assistant Secretary also retains his authority under section 6 of the Act to promulgate, modify or revoke occupational safety and health standards which address the working conditions of all employees, including those in States which have received an affirmative 18(e) determination, although such standards may not be Federally applied. In the event that the State's 18(e) status is subsequently withdrawn and Federal authority reinstated, all Federal standards, including any standards promulgated or modified during the 18(e) period, would be Federally enforceable in that State.

(d) As required by section 18(f) of the Act, OSHA will continue to monitor the operations of the Nevada State program to assure that the provisions of the State plan are substantially complied with and that the program remains at least as effective as the Federal program. Failure by the State to comply with its obligations may result in the suspension or revocation of the final approval determination under Section 18(e), resumption of Federal enforcement, and/or proceedings for withdrawal of plan approval.

§ 1952.296 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Directorate of Federal-State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 415, 71 Stevenson Street, San Francisco, California 94105; Office of the State Designee, Administrator, Nevada Division of Industrial Relations, 400 West King Street, Suite 400, Carson City, Nevada 89703.

[FR Doc. 00–9297 Filed 4–17–00; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–00–121]

RIN 2115–AE47

Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of three New York City Bridges; the Third Avenue Bridge, mile 1.9, across the Harlem River between Manhattan and the Bronx, the Madison Avenue Bridge, mile 2.3, across the Harlem River between Manhattan and the Bronx, and the Pulaski Bridge, mile 0.6, across Newtown Creek between Brooklyn and Queens. This temporary final rule authorizes the bridge owner to close the above bridges on May 7, 2000, at different times of short duration to facilitate the running of the Five Boro Bike Tour. Vessels that can pass under the bridges without a bridge opening may do so at any time.

DATES: This temporary final rule is effective from 8 a.m. until 12 p.m. on Sunday, May 7, 2000.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–00–121) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 6:30 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Regulatory Information

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

Background

Third Avenue Bridge. The Third Avenue Bridge, mile 1.9, across the Harlem River between Manhattan and the Bronx, has a vertical clearance of 25 feet at mean high water and 30 feet at mean low water in the closed position. The existing operating regulations listed at § 117.789(c) require the draw to open on signal from 10 a.m. to 5 p.m., if at least a four-hour notice is given to the New York City Highway Radio (Hotline) Room. From 5 p.m. to 10 a.m., the draw need not be opened for vessel traffic.

Madison Avenue Bridge. The Madison Avenue Bridge, mile 2.3, across the Harlem River between Manhattan and the Bronx, has a vertical clearance of 25 feet at mean high water and 29 feet at mean low water in the closed position. The existing operating regulations listed at § 117.789(c) require the draw to open on signal from 10 a.m. to 5 p.m., if at least a four-hour notice is given to the New York City Highway Radio (Hotline) Room. From 5 p.m. to 10 a.m., the draw need not be opened for vessel traffic.

Pulaski Bridge. The Pulaski Bridge, mile 0.6, across the Newtown Creek between Brooklyn and Queens, has a vertical clearance of 39 feet at mean high water and 43 feet at mean low water in the closed position. The existing operating regulations require the draw to open on signal at all times.

The New York City Department of Transportation (NYCDOT) requested a change to the operating regulations for the Third Avenue Bridge, the Madison Avenue Bridge, and the Pulaski Bridge on May 7, 2000, to allow the bridges to remain in the closed position at different times to facilitate the running of the Five Boro Bike Tour.

The Third Avenue Bridge, mile 1.9, across the Harlem River between Manhattan and the Bronx and the Madison Avenue Bridge, mile 2.3, across the Harlem River between Manhattan and the Bronx, shall remain in the closed position from 8 a.m. to 11 a.m. on May 7, 2000. The Pulaski Bridge, mile 0.6, across the Newtown Creek between Brooklyn and Queens, shall remain in the closed position from 9 a.m. to 12 p.m. on May 7, 2000.

Vessels that can pass under the bridges without bridge openings may do so at all times.

Regulatory Evaluation

This 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 has not reviewed it 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). This conclusion is based on the fact that the requested closures are of short duration and on Sunday morning when there have been few requests to open these bridges.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. ''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 less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the requested closures are of short duration and on Sunday when there have been few requests to open these bridges.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that 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 unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will 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 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 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

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. In section 117.789, from 8 a.m. through 11 a.m. on May 7, 2000, paragraph (c) is temporarily suspended and a new paragraph (g) is added to read as follows:

§ 117.789 Harlem River

* * * * *

(g) The draws of the Third Avenue Bridge, mile 1.9, and the Madison Avenue Bridge, mile 2.3, across the Harlem River between Manhattan and the Bronx, need not open for vessel traffic on May 7, 2000, from 8 a.m. to 11 a.m.

3. In section 117.801, from 9 a.m. through 12 p.m. on May 7, 2000, a new paragraph (a)(5) is added to read as follows:

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

(a) * * *

(5) The draw of the Pulaski Bridge, mile 0.6, across the Newtown Creek between Brooklyn and Queens, need not open for vessel traffic on May 7, 2000, from 9 a.m. to 12 p.m.

* * * * *

Dated: April 6, 2000.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 00–9639 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AJ69

Modified Eligibility Criteria for the Montgomery GI Bill—Active Duty

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance and education benefit regulations of the Department of Veterans Affairs (VA). The amendments reflect statutory changes in the eligibility criteria for the Montgomery GI Bill—Active Duty which were made by the Veterans Programs Enhancement Act of 1998. This document also makes other changes for the purpose of clarification.

DATES: *Effective Date*: This final rule is effective April 18, 2000.

Applicability Date: October 1, 1998.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Advisor, Education Service (225C), Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: The Veterans Programs Enhancement Act of 1998 (Pub. L. 105–368) contains provisions that affect the educational assistance and education benefit regulations. This document amends these regulations to correspond with new statutory provisions concerning the education criteria an individual must meet in order to establish eligibility for the Montgomery GI Bill—Active Duty (MGIB).

To meet the eligibility criteria for the MGIB, a veteran, among other things, must have completed the requirements of a secondary school diploma (or the equivalency certificate). Previously, if a veteran did not actually receive a diploma, by statute a veteran could have met this criterion only by successfully completing within statutory deadlines the equivalent of 12 semester hours.

Public Law 105–368 provides that the criterion will also be met if the veteran otherwise receives academic credit for the equivalent of 12 semester hours. Thus, a veteran who did not actually earn 12 semester hours credit, but who received academic credit for 12 semester hours because of his or her life experiences before the applicable deadline, would now be eligible for MGIB. We are amending 38 CFR 21.7042, 21.7044, and 21.7045 to reflect this provision of law. We are also making nonsubstantive changes for the purpose of clarity.

Consistent with the effective date provisions of section 203 of Public Law 105–368, the date of applicability for the provisions in this final rule that affect eligibility criteria for the Montgomery GI Bill—Active Duty is October 1, 1998.

Substantive changes made by this final rule merely reflect statutory requirements. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule directly affects only individuals. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 10, 2000.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, VA amends 38 CFR part 21 (subpart K) as set forth below:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

1. The authority citation for part 21, subpart K is revised to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

2. In § 21.7042, paragraphs (a)(3)(ii), (b)(2)(ii), and (c)(4)(ii) are revised to read as follows:

§ 21.7042 Basic eligibility requirements.

* * * * *

(a) * * *

(3) * * *

(ii) Successfully complete (or otherwise receive academic credit for) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree; and

(Authority: 38 U.S.C. 3011, 3012, 3016)

* * * * *

(b) * * *

(2) * * *

(ii) Successfully complete (or otherwise receive academic credit for) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree;

(Authority: 38 U.S.C. 3011, 3012, 3016)

* * * * *

(c) * * *

(4) * * *

(ii) Successfully complete (or otherwise receive academic credit for) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree.

* * * * *

3. In § 21.7044, paragraphs (a)(3)(ii) and (b)(3)(ii) are revised to read as follows:

§ 21.7044 Persons with eligibility under 38 U.S.C. chapter 34.

* * * * *

(a) * * *

(3) * * *

(ii) Successfully complete (or otherwise receive academic credit for) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree. This may be done at any time.

* * * * *

(b) * * *

(3) * * *

(ii) Successfully complete (or otherwise receive academic credit for) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree. This may be done at any time.

(Authority: 38 U.S.C. 3012 (a), (b))

* * * * *

4. In § 21.7045, paragraphs (b)(3)(i) and (c)(3)(i) are revised to read as follows:

§ 21.7045 Eligibility based on involuntary separation or voluntary separation.

* * * * *

(b) * * *

(3) *Educational requirement.* (i) Before the date on which VA receives

the individual's application for educational assistance under subpart K of this part, the individual must have:

(A) Successfully completed the requirements of a secondary school diploma (or equivalency certificate); or

(B) Successfully completed (or otherwise received academic credit for) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree.

(c) * * *

(3) *Educational requirement.* (i) Before the date on which VA receives the individual's application for educational assistance under subpart K of this part, the individual must have:

(A) Successfully completed the requirements of a secondary school diploma (or equivalency certificate); or

(B) Successfully completed (or otherwise received academic credit for) 12 semester hours (or the equivalent) in a program of education leading to a standard college degree.

* * * * *

[FR Doc. 00–9603 Filed 4–17–00; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4091a; FRL–6568–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_X RACT Determinations for Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions impose reasonably available control technology (RACT) on twenty-six major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_X) located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act.

DATES: This rule is effective on June 19, 2000 without further notice, unless EPA receives adverse written comment by May 18, 2000. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Kathleen Henry, Chief, Permits and Technical Assessment Branch, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker at (215) 814–2177 for information on sources #1–18 (or via e-mail at bunker.kelly@epa.gov) or Melik Spain at (215) 814–2299 for information on sources #19–26 (or via e-mail at spain.melik@epa.gov). While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION:

I. Background

On August 1, 1995, January 6, 1995, June 14, 1995, December 8, 1995, May 31, 1995, May 2, 1996, March 21, 1996, September 13, 1996, November 4, 1997, March 24, 1998, December 7, 1998, February 2, 1999, March 3, 1999, April 9, 1999, April 20, 1999 and July 28, 1999, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). On March 24, 1998, May 29, 1998, October 2, 1998, October 16, 1998, December 7, 1998, February 2, 1999, April 9, 1999 and June 22, 1999, the Commonwealth submitted supplemental information pertaining to the Cogentrix, Scrubgrass Generating Company, Indiana University of Pennsylvania, INDSPEC, Wheelabrator-Frackville, Piney Creek, Harrisburg Steam Works and the four PP&L revisions, respectively. On July 24, 1998, PADEP submitted materials which replaced the May 2, 1996 submittal for Transit America Inc. Each source subject to this rulemaking will be identified and discussed below. Any plan approvals and operating permits submitted coincidentally with those being approved in this document, and not identified below, will be addressed in a separate rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_X sources by no later than May 31, 1995. The definition of a major source is determined by its size, location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area) consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are designated as nonattainment are classified as either moderate or marginal. However, under section 184 of the CAA, at a minimum, moderate area requirements for stationary sources, including RACT as specified in sections 182(b)(2) and 182(f), apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Pennsylvania submittals that are the subject of this document are meant to satisfy the RACT requirements for twenty-six specific sources.

Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals, operating permits and compliance permit can be found in the docket and accompanying technical support documents (TSD) and will not be reiterated in this document. Briefly, EPA is approving a revision to the Pennsylvania SIP pertaining to the determination of RACT for twenty-six major sources. Several of the plan approvals and operating permits contain conditions which are not relevant to the determination of VOC or NO_X RACT. These provisions are not included in Pennsylvania's SIP revision requests these sources.

RACT Determinations

The following table identifies the individual compliance permit, plan approvals, and operating permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying technical support documents, which are available upon further request from the EPA Region III office listed in the **ADDRESSES** section of this document.

Pennsylvania—VOC and NO_X Ract Determinations for Individual Sources

Source	County	*Plan approval (PA#)* Operating Permit (*OP#*) Compliance Permit (CP#) (date of issuance)	Source type	''Major source'' pollutant
1. Allegheny Ludlum Steel Corporation	Westmoreland	OP 65–000–137 (5/17/99).	Specialty steel manufacturing.	NO_X
2. Cogentrix-Ringgold Cogeneration Facility	Jefferson	OP 33–137 (1/27/98), PA. 33–302–014 (11/15/90), PA. 33–399–004 (10/31/88).	Utility	NO_X
3. Doverspike Brothers Coal Co	Jefferson	OP 33–007 (1/13/99)	Utility	NO_X & VOC
4. Edison Mission Energy Homer City Coal Processing Plant.	Indiana	OP 32–000–132 (5/17/99).	Utility	NO_X
5. Harrisburg Steam Works, Ltd	Dauphin	OP 22–2005 (3/23/99)	Cogeneration facility	NO_X
6. Indiana University of Pennsylvania	Indiana	OP 32–000–200 (9/24/98).	Cogeneration facility	NO_X & VOC
7. INDSPEC Chemical Corporation	Butler	PA 10–021 (10/19/98)	Chemical manufacturing facility.	NO_X & VOC
8. Pennsylvania Power & Light Co. (PP&L)—Allentown Facility.	Lehigh	OP 39–0009 (6/1/99)	Utility	NO_X
9. PP&L—Fishbach Facility	Schuylkill	OP 54–0011 (6/1/99)	Utility	NO_X
10. PP&L—Harwood Facility	Luzerne	OP 40–0016 (6/1/99)	Utility	NO_X
11. PP&L—Jenkins Facility	Luzerne	OP 40–0017 (6/1/99)	Utility	NO_X
12. Piney Creek Ltd. Partnership	Clarion	OP 16–127 (12/18/98)	Utility	NO_X
13. Scrubgrass Generation Co	Venango	OP 61–181 (4/30/98)	Utility	NO_X
14. Statoil Energy power Paxton, LP	Dauphin	OP 22–2015 (6/30/99)	Cogeneration facility	NO_X
15. Stoney Creek Technologies, L.L.C	Delaware	CP 23–0002 (2/24/99)	Chemical manufacturing facility.	NO_X & VOC
16. Superpac, Inc.	Bucks	OP 09–0003 (3/25/99)	Graphic arts	VOC
17. Transit America Inc.	Philadelphia	PA 1563 (6/11/98)	Industrial boilers	NO_X
18. Wheelabrator Frackville Energy Company	Schuylkill	OP 54–0005 (9/18/98)	Utility	NO_X
19. American Bank Note Co	Montgomery	OP 46–0075 (8/10/98)	Graphic arts	VOC
20. Atlas Roofing Corporation	Bucks	OP 09–0039 (3/10/99)	Synthetic materials	VOC
21. Beckett	Chester	OP 15–0040 (7/8/97)	Graphic arts	VOC
22. Cove Shoe Company	Blair	OP 07–02028 (4/7/99)	Surface coating	VOC
23. Fleetwood Motor Homes	Northumberland	OP 49–0011 (10/30/98)	Surface coating	VOC
24. Hedstrom Corporation	Bedford	OP 05–02002A (4/8/99)	Surface coating	VOC
25. International Business Systems	Montgomery	OP 46–0049 (10/29/98)	Graphic arts	VOC
26. Klearfold	Bucks	OP 09–0012 (4/15/99)	Graphic arts	VOC
27. National Label Company	Montgomery	OP 46–0040 (7/28/97)	Graphic arts	VOC

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This direct final rule will be effective on June 19, 2000 without further notice unless we receive adverse comment by May 18, 2000. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

II. Final Action

EPA is approving SIP revisions submitted by the Commonwealth of Pennsylvania which consist of four plan approvals, twenty-three operating permits and one compliance permit imposing RACT on twenty-six individual major sources of NO_X and/or VOC.

III. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power

and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for twenty-six named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 19, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving Pennsylvania's source-specific RACT requirements for twenty-six sources may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone.

Dated: March 19, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(140) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(140) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NOx RACT, submitted on August 1, 1995, January 6, 1995, June 14, 1995, December 8, 1995, May 31, 1995, May 2, 1996, March 21, 1996, September 13, 1996, February 2, 1999, March 3, 1999, April 9, 1999 and July 28, 1999 and supplements submitted on March 24, 1998, May 29, 1998, July 24, 1998, October 2, 1998, October 16, 1998, December 7, 1998, February 2, 1999, April 9, 1999 and June 22, 1999.

(i) Incorporation by reference.

(A) Twenty-one letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NOx RACT determinations in the form of plan approvals or operating permits on the following dates: August 1, 1995, January 6, 1995, June 14, 1995, December 8, 1995, May 31, 1995, May 2, 1996, March 21, 1996, September 13, 1996, November 4, 1997, March 24, 1998, December 7, 1998, February 2, 1999, March 3, 1999, April 9, 1999, April 20, 1999 and July 28, 1999 and supplements submitted on March 24, 1998, May 29, 1998, July 24, 1998, October 2, 1998, October 16, 1998, December 7, 1998, February 2, 1999, April 9, 1999 and June 22, 1999.

(B) Plan approvals (PA), Operating permits (OP), Compliance Permits (CP):

(1) Allegheny Ludlum Steel Corporation, Westmoreland County, OP 65–000–137, effective date of May 17, 1999, except for the expiration date and Condition 7;

(2) Cogentrix-Ringgold Cogeneration Facility, Jefferson County, OP 33–137, effective date of January 27, 1998, PA 33–302–014, effective date of November 15, 1990, OP 33–302–014, issued May 31, 1993, PA 33–399–004, effective date of October 31, 1988, and OP 33–399–004, issued on May 31, 1993, except for all ton per year limits and expiration dates in these permits, for Conditions 4, 5, and 6 in PA 33–302–014, for Condition 2 in OP 33–302–014, for Conditions 1, 2, 3, 4b, 4c, 4d, 4e, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, and 16 in PA 33–399–004, and for Condition 2 in OP 33–399–004.

(3) Doverspike Brothers Coal Co., Jefferson County, OP 33–007, effective date of January 13, 1999;

(4) Edison Mission Energy Homer City Generation L.P., Indiana County, OP 32–000–132, effective date of May 17, 1999;

(5) Harrisburg Steam Works, Ltd, Dauphin County, OP 22–02005, effective date of March 23, 1999, except for Conditions 5, 8, 11, 9, 10,18, 19, 22, 23, 24 and the expiration date;

(6) Indiana University of Pennsylvania, Indiana County, OP 32–000–200, effective date of September 24, 1998, except for the expiration date and Conditions 5, 7, 10, 12, 20, 21, and 22;

(7) INDSPEC Chemical Corporation, Butler County, PA 10–021, effective date of October 19, 1998 except for Condition 4, 5, the ton/year limits in Condition 8, 9, 18, 19 and all attachments;

(8) Pennsylvania Power & Light Co. (PP&L)—Allentown Facility, Lehigh County, OP 39–0009, effective date of June 1, 1999, except for the expiration date;

(9) PP&L—Fishbach Facility, Schuylkill County, OP 54–0011, issued June 1, 1999, except for the expiration date;

(10) PP&L—Harwood Facility, Luzerne County, OP 40–0016, effective date of June 1, 1999, except for the expiration date;

(11) PP&L—Jenkins Facility, Luzerne County, OP 40–0017, effective date of

June 1, 1999, except for the expiration date;

(12) Piney Creek Ltd. Partnership, Clarion County, OP 16–127, effective date of December 18, 1998 except for the ton per year and #/hr limits in Condition 4, Conditions 5 and 9;

(13) Scrubgrass Generating Co. L.P., Venango County, OP 61–181, April 30, 1998, except for Conditions 4, 6, 7, and 9;

(14) Statoil Energy Power Paxton, LP, Dauphin County, OP 22–02015, effective date of June 30, 1999 except for the expiration date and Conditions 6, 16, 19 and 20;

(15) Stoney Creek Technologies, L.L.C., Delaware County, CP–23–0002, effective date of February 24, 1999 except for Conditions 4, 6, 10.A.2, 10.B—D and 11 and the expiration date;

(16) Superpac, Inc., Bucks County, OP–09–0003, effective date of March 25, 1999; except for Conditions 4, 5, 6.a, 7, 8 (as it relates to Conditions 5 and 7 in subparagraph 8a and 8b), 9.a, 9.b, 10 and 11.b, c, e, g and h and the expiration date;

(17) Transit America Inc., Philadelphia County, PA, PLID: 1563, effective date of June 11, 1997, except for the expiration date and Conditions 4 and 5;

(18) Wheelabrator Frackville Energy Company, Schuylkill County, OP 54–0005, effective date of September 18, 1998, except for the particulate and SO2 emission limits found in Condition 4, Condition 5, 6, 7, 9, 10, 11, 12 and 13 and the expiration date;

(19) American Bank Note Co., Montgomery County, OP–46–0075, effective date of August 10, 1998 except Conditions 4.a, 12, 13, 14, and 15;

(20) Atlas Roofing Corporation, Bucks County, OP–09–0039, effective date of March 10, 1999, except for Conditions 6, 7, 8.b, 9–15 and the expiration date;

(21) Beckett Corporation, Chester County, OP–15–0040, effective date of July 8, 1997, except for Conditions 9–17 and the expiration date;

(22) Cove Shoe Company, Blair County, OP 07–02028, effective date of April 7, 1999, except for Conditions 5, 10 and the expiration date;

(23) Fleetwood Motor Homes, Northumberland County, OP 49–0011, effective date of October 30,1998, except for Conditions 3, 5, 23–31 and the expiration date;

(24) Hedstrom Corporation, Bedford County, OP 05–02002A, effective date of April 8, 1999, except for Conditions 5, 6, 8, 9, 10, 12, 15.a, 16, 17, 18 and the expiration date;

(25) Klearfold Inc., Bucks County, OP–09–0012, effective date of April 15, 1999, except for Conditions 4, 6, 7–10, 12.F, 13–22 and the expiration date;

(26) National Label Company, Montgomery County, OP–46–0040, effective date of July 28, 1997, except for the expiration date and Conditions 3, 4, 5, 6, 7, 11, the Ton per year limit in Condition 12, 14–16.

(ii) Additional Material.

(A) Remainder of the Commonwealth of Pennsylvania's August 1, 1995, January 6, 1995, June 14, 1995, December 8, 1995, May 31, 1995, May 2, 1996, March 21, 1996, November 4, 1997, March 24, 1998, December 7, 1998, February 2, 1999, March 3, 1999, April 9, 1999 and April 20, 1999 and March 24, 1998, May 29, 1998, July 24, 1998, October 2, 1998, October 16, 1998, December 7, 1998, February 2, 1999, April 9, 1999, June 22, 1999 and July 28, 1999 VOC and NO_X RACT SIP submittals and supplements.

(B) Letter from the Pennsylvania Department of Environmental Protection, dated 2/25/2000, clarifying which provisions of its RACT permits are to be incorporated into the Pennsylvania State Implementation Plan.

[FR Doc. 00–9382 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME–003–01–7004a; A–1–FRL–6572–8]

Approval and Promulgation of Air Quality Implementation Plans; Maine; RACT for VOC Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving several State Implementation Plan (SIP) revisions submitted by the State of Maine. EPA is also issuing a limited approval of one regulation submitted as a SIP revision by the State of Maine. These SIP revisions establish requirements for certain facilities which emit volatile organic compounds (VOCs). The intended effect of this action is to approve these revisions into the Maine SIP. This action is being taken in accordance with the Clean Air Act (CAA or Act).

DATES: This direct final rule is effective on June 19, 2000 without further notice, unless EPA receives adverse comment by May 18, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning Unit (mail code CAQ), U.S. Environmental Protection Agency, Region I, One Congress Street, Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 918–1047, arnold.anne@epa.gov.

SUPPLEMENTARY INFORMATION: Today's action addresses several State Implementation Plan (SIP) revisions submitted by the Maine Department of Environmental Protection (DEP). These SIP submittals contain reasonably available control technology (RACT) requirements for certain VOC sources.

On November 3, 1993, EPA received a formal State Implementation Plan (SIP) submittal from the Maine Department of Environmental Protection (DEP) containing Chapter 134 ''Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.'' In addition, on April 28, 1995, Maine DEP submitted a revised version of this rule to EPA as a SIP revision in order to address several issues EPA had identified with the previous submittal. Furthermore, Maine DEP also subsequently submitted source specific SIP revisions for several VOC sources on January 10, 1996, July 1, 1997, October 9, 1997, November 14, 1997, and December 10, 1997.

Background

On November 15, 1990, amendments to the 1977 Clean Air Act were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In Maine, pursuant to the Clean Air Act Amendments (CAAA) of 1990, the Portland area (York, Sagadahoc, and Cumberland counties), the Lewiston-Auburn area (Androscoggin and Kennebec counties), and the Knox and Lincoln Counties area were designated as moderate ozone nonattainment areas and the Hancock and Waldo counties area was designated as a marginal ozone nonattainment area. See 56 FR 56694 (Nov. 6, 1991).

Section 182(b)(2) of the amended Act requires states to adopt RACT rules for

all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing Control Technique Guideline (CTG)—*i.e.,* a CTG issued prior to the enactment of the CAAA of 1990; (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG, *i.e.,* non-CTG sources. As previously mentioned, three areas in Maine were designated moderate ozone nonattainment areas. These areas were thus subject to the section 182(b)(2) RACT requirement.

Furthermore, the State of Maine is located in the Northeast Ozone Transport Region (OTR). The entire State is, therefore, subject to section 184(b) of the amended CAA. Section 184(b) requires that RACT be implemented in the entire state for all VOC sources covered by a CTG issued before or after the enactment of the CAAA of 1990 and for all major VOC sources (defined as 50 tons per year for sources in the OTR).

A CTG is a document issued by EPA which establishes a presumptive norm for RACT for a specific VOC source category. Under the pre-amended CAA, EPA issued CTG documents for 29 categories of VOC sources. Maine has previously addressed all of EPA's pre-1990 CTGs and EPA has approved Maine's submittals for these source categories. See 57 FR 3946, 58 FR 15281, 59 FR 31154, and 60 FR 33730. Today's document addresses requirements adopted by Maine pursuant to the non-CTG and new (*i.e.,* post-1990) CTG requirements of the CAA.

Section 183 of the amended CAA requires that EPA issue 13 new CTGs. Appendix E of the General Preamble of Title I (57 FR 18077) lists the categories for which EPA plans to issue new CTGs. On November 15, 1993, EPA issued a CTG for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations and Reactor Processes. Also, on August 27, 1996, EPA issued a CTG for shipbuilding and repair operations and on May 26, 1996, EPA issued a CTG for wood furniture finishing operations. Furthermore, on March 27, 1998, EPA issued a CTG for aerospace coating operations. CTGs for the remaining Appendix E categories have not yet been issued.

EPA's Evaluation of Maine's Submittals

(A) New CTGs

In response to the CAA requirement to adopt RACT for all sources covered by a new CTG, on November 15, 1994, Maine submitted a negative declaration for the SOCMI Distillation and Reactors Processes CTG categories. Through the negative declaration, the State of Maine is asserting that there are no sources within the State that would be subject to a rule for these source categories. EPA is approving this negative declaration submittal as meeting the section 182(b)(2) and section 184(b) RACT requirements for these two source categories. However, if evidence is submitted by May 18, 2000 that there are existing sources within the State of Maine that, for purposes of meeting the RACT requirements, would be subject to a rule for these categories, if developed, such comments would be considered adverse and EPA would withdraw its approval action on the negative declarations.

EPA's shipbuilding CTG applies to shipbuilding and ship repair coating sources which are major VOC sources, *i.e.,* those with the potential to emit 50 tons or more per year in Maine. On October 9, 1997, Maine submitted a SIP revision for Portsmouth Naval Shipyard. EPA has evaluated the license submitted for this facility and has found it to be approvable. Generally, the facility is required to meet the VOC coating limits recommended by EPA's shipbuilding CTG. The specific requirements imposed on Portsmouth Naval Shipyard and EPA's evaluation of these requirements are detailed in a memorandum dated March 17, 2000, entitled ''Technical Support Document—Maine—RACT for VOC sources'' (TSD). Copies of this document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. In addition, the Bath Iron Works facility in Bath, Maine is also subject to EPA's shipbuilding CTG. Maine DEP has not yet addressed VOC RACT for this facility but will need to do so in order to fulfill the State's new CTG CAA obligations.

EPA's CTG for wood furniture finishing operations applies to facilities with the potential to emit 25 tons of VOC or more per year. EPA is aware of at least two facilities in Maine which may be covered by this CTG. They are Moosehead Manufacturing's Monson and Dover-Foxcroft plants. Maine needs to address these facilities, as well as any other facilities to which the wood furniture CTG may be applicable, in order to fulfill the State's new CTG CAA obligations.

EPA's CTG for aerospace coating operations applies to facilities with the potential to emit 25 tons of VOC or more per year. EPA is aware of at least one source in Maine, Pratt & Whitney, which may be covered by this CTG. Maine needs to address this facility, as well as any other facilities to which the aerospace CTG may be applicable, in order to fulfill the state's new CTG CAA obligations.

(B) Chapter 134 Regulation

Maine's Chapter 134 regulation requires major non-CTG VOC sources to implement RACT. The rule is based on EPA Region I's working draft rule entitled ''Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds'' and EPA's national ''Model Volatile Organic Compound Rules for Reasonably Available Control Technology'' (June 1992).

Maine's Chapter 134 is generally consistent with EPA guidance, however, there is one outstanding issue associated with this regulation. This issue involves the generic nature of the rule and is further discussed below. In addition, there are two other aspects of the rule which are somewhat unique to Maine's regulation. These issues are also further discussed below.

(1) Outstanding Issue: Generic Nature of the Regulation

Maine's Chapter 134 establishes three RACT options. The first two options are methods of achieving RACT by either: (a) operating a system to capture and control VOC emissions such that total VOC emissions do not exceed 15% of the uncontrolled daily VOC emissions; or (b) reducing VOC use and emissions such that total VOC emissions do not exceed 20% of the total daily VOC emissions in calendar year 1990 (calculated on either a mass of VOC per mass of solids applied basis for surface coating sources or a mass of VOC per unit of production basis). The third method, stated in section 3(A)(3) of the rule, is to submit a variety of strategies as an alternative compliance plan to reduce VOC emissions.

Since the first two options of Chapter 134 define presumptive norms for RACT, that portion of the regulation meets the requirements of section 182 of the CAA. However, since the third option describes a process by which RACT can be defined but does not define RACT as required by the CAA, this portion of the rule is not approvable. Maine must define explicitly, and have approved by EPA, RACT for all of those sources which do not conform to the presumptive RACT options outlined in the regulation.

Maine has submitted to EPA many, although not all, of the necessary single source SIP revisions. Specifically, SIP revisions have been submitted for all of

the applicable sources in the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostook, Franklin, Oxford, and Piscataquis. The sources for which non-CTG VOC RACT determinations have been submitted are discussed below in section (C). Maine must, however, submit, and EPA must approve, SIP revisions for all of the remaining sources which do not choose to conform to the presumptive RACT options outlined in the regulation in order for Chapter 134 to be approvable statewide. These sources are: GP Chip'n Saw and Mearl Corporation in Washington County, Irving Tanning in Somerset County, and Great Northern Paper's two facilities in Penobscot County.

(2) Other Aspects Unique to Maine's Rule

There are two other aspects of Chapter 134 which are unique to Maine's rule. These are the requirements for pulp and paper processes and the exemptions included in the rule. Section 3(A)(4) of Chapter 134 (Option D) specifically addresses VOC RACT requirements for pulp and paper processes. For example, Option D requires that emissions from the digester system, multiple effect evaporator systems, condensate stripper systems, smelt tanks, and lime kilns be controlled through incineration or wet scrubber systems in accordance with Maine's Chapter 124 ''Total Reduced Sulfur Control from Kraft Pulp Mills.'' Chapter 134 also includes exemptions for specific pieces of equipment. For example, the rule contains an exemption for kraft recovery boilers. EPA has determined that the Chapter 134 requirements for pulp and paper processes and the exemptions included in the rule are approvable and that the rule is generally consistent with EPA guidance with the exception of the outstanding issue (i.e., the generic nature of the rule) discussed above. The specific requirements of Chapter 134 and EPA's evaluation of these requirements are detailed in the TSD. Copies of this document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

(C) Non-CTG RACT Determinations

On January 10, 1996, Maine submitted licenses for the following pulp and paper facilities: SD Warren Paper Company (Westbrook and Skowhegan), Lincoln Pulp and Paper, James River, International Paper, Boise Cascade, and Georgia Pacific. Also, on July 1, 1997, Maine submitted licenses for Champion International, Boise Cascade, and International Paper to EPA as a SIP revision. These facilities are all pulp and paper mills. These licenses include conditions which re-state some of the Chapter 134 Option D requirements. The licenses also address VOC emissions from operations that are not addressed in Option D, such as the mechanical pulping operations which occur at Boise Cascade, Champion International, and International Paper.

In addition to the pulp and paper licenses, Maine also submitted a license for Pioneer Plastics on July 1, 1997. Pioneer Plastics manufactures specialty resins and produces a decorative laminate used for counter tops and furniture. Generally, Pioneer's license requires emissions from certain reactors to be vented to an incinerator and emissions from other reactors to be vented to a vapor condenser. Also, on November 14, 1997 and December 10, 1997, Maine submitted licenses for Prime Tanning and Dexter Shoe. Prime Tanning is a leather finishing facility. Prime Tanning's license includes provisions which impose work practice and equipment standards, as well as VOC coating emission limitations, on the facility. Dexter Shoe is a shoe manufacturing facility. The majority of Dexter's VOC emissions are generated through the use of solvent based primers and adhesives. The use of low VOC products and the implementation of certain work practice and equipment standards were determined to represent RACT for Dexter. Furthermore, a license for Nissen Bakeries was submitted to EPA as a SIP revision on October 9, 1997. The majority of VOC emissions at this facility resulted from the baking of yeast-leavened bread. The license issued to Nissen Bakeries requires that the facility cease production of yeast leavened bread by May 15, 1999.

EPA has evaluated the licenses submitted for all of the facilities listed above and has found that these licenses are consistent with EPA guidance. The specific requirements imposed on each facility and EPA's evaluation of these requirements are detailed in the TSD. Copies of this document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

EPA is publishing this action without prior proposal because the Agency anticipates no adverse comments on this rulemaking. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective June 19, 2000 unless adverse or critical comments are received by May 18, 2000.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on June 19, 2000.

Final Action

EPA is issuing a full approval of Maine's Chapter 134 ''Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds'' as meeting the CAA sections 182(b)(2)(C) and 184(b) non-CTG VOC RACT requirements for York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostook, Franklin, Oxford, and Piscataquis Counties. EPA is also issuing a limited approval of Maine's Chapter 134 for Washington, Somerset, and Penobscot Counties.

In addition, EPA is approving licenses for the following facilities and incorporating them into the Maine SIP: SD Warren Paper Company (Westbrook and Skowhegan), Lincoln Pulp and Paper, James River, International Paper, Georgia Pacific, Pioneer Plastics, Champion International, Nissen Bakeries, Prime Tanning, Dexter Shoe, Portsmouth Naval Shipyard, and Boise Cascade.

Furthermore, EPA is also approving Maine's negative declaration for the SOCMI Distillation and Reactor Processes CTG categories as meeting the CAA VOC RACT requirements for these source categories.

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

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements

beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 19, 2000. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

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

Dated: March 24, 2000.

Mindy S. Lubber,

Regional Administrator, EPA New England.

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

PART 52—[AMENDED]

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

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

Subpart U—Maine

2. Section 52.1020 is amended by adding paragraph (c)(45) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(45) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on April 28, 1995, January 10, 1996, July 1, 1997, October 9, 1997, November 14, 1997, and December 10, 1997.

(i) Incorporation by reference.

(A) Chapter 134 of the Maine Department of Environmental Protection regulations entitled ''Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds,'' effective in the State of Maine on February 15, 1995, is granted a full approval for the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostook, Franklin, Oxford, and Piscataquis. This rule is granted a limited approval for Washington, Somerset, and Penobscot Counties.

(B) License Amendment #5 issued by the Maine Department of Environmental Protection to Prime Tanning Company on July 23, 1997.

(C) License Amendment #6 issued by the Maine Department of Environmental Protection to Prime Tanning Company on October 27, 1997.

(D) License issued by the Maine Department of Environmental Protection to JJ Nissen Baking Company on February 25, 1997.

(E) License Amendment #4 issued by the Maine Department of Environmental Protection to Portsmouth Naval Shipyard on July 25, 1997.

(F) License issued by the Maine Department of Environmental Protection to Dexter Shoe Company on December 5, 1996.

(G) License Amendment #1 issued by the Maine Department of Environmental Protection to Dexter Shoe Company on October 20, 1997.

(H) License Amendment #3 issued by the Maine Department of Environmental Protection to Pioneer Plastics Corporation on June 16, 1997.

(I) License Amendment #10 issued by the Maine Department of Environmental Protection to Georgia Pacific Corporation on January 4, 1996.

(J) License Amendment #5 issued by the Maine Department of Environmental Protection to Champion International Corporation on January 18, 1996.

(K) License Amendment #8 issued by the Maine Department of Environmental Protection to International Paper Company on October 4, 1995.

(L) License Amendment #9 issued by the Maine Department of Environmental Protection to International Paper Company on December 13, 1995.

(M) License Amendment #6 issued by the Maine Department of Environmental Protection to James River Corporation on December 8, 1995.

(N) License Amendment #8 issued by the Maine Department of Environmental Protection to Lincoln Pulp and Paper Co. on December 18, 1995.

(O) License Amendment #14 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Westbrook, Maine facility on December 18, 1995.

(P) License Amendment #14 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Skowhegan, Maine facility on October 4, 1995.

(Q) License Amendment #15 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Skowhegan, Maine facility on January 9, 1996.

(R) License Amendment #11 issued by the Maine Department of Environmental Protection to Boise Cascade Corporation on December 20, 1995.

(ii) Additional materials

(A) Letter from the Maine Department of Environmental Protection dated November 15, 1994 stating a negative declaration for the Synthetic Organic Chemical Manufacturing Industry Distillation and Reactors Control Technique Guideline categories.

(B) Nonregulatory portions of the submittal.

3. In § 52.1031, Table 52.1031 is amended by adding new state citations for Chapter 134 to read as follows:

§ 52.1031 EPA-approved Maine Regulations

* * * * *

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/Subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020	
*	*	*	*	*	*	*
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	2/8/95	4/18/00	[Insert *FR* citation from published date].	(c)(45)	Regulation fully approved for the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostook, Franklin, Oxford, and Piscataquis. Regulation granted a limited approval for Washington, Somerset, and Penobscot Counties.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	2/25/97	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for JJ Nissen Baking Company.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	7/23/97 10/27/97	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for Prime Tanning.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	7/25/97	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for Portsmouth Naval Shipyard.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/5/96 10/20/97	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for Dexter Shoe.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	6/16/97	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for Pioneer Plastics.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	1/4/96	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for Georgia Pacific.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	1/18/96	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for Champion International.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	10/4/95 12/13/95	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for International Paper.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/8/95	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for James River.

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/Subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020	
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/18/95	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for Lincoln Pulp and Paper.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/18/95	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for SD Warren Paper Company's Westbrook, Maine facility.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	10/4/95 1/9/96	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for SD Warren Paper Company's Skowhegan, Maine facility.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/20/95	4/18/00	[Insert *FR* citation from published date].	(c)(45)	VOC RACT determination for Boise Cascade.
*	*	*	*	*	*	*

[FR Doc. 00–9537 Filed 4–17–00; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61, and 63

[FRL–6577–1]

Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP); Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, NE; and City of Omaha, NE

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule and delegation of authority.

SUMMARY: The states of Iowa, Kansas, Missouri, Nebraska, and the local agencies of Lincoln-Lancaster County, Nebraska, and city of Omaha, Nebraska, have submitted updated regulations for delegation of the EPA authority for implementation and enforcement of NSPS and NESHAP. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This action informs the public of delegations to the above-mentioned agencies.

DATES: This rule is effective on May 18, 2000. The dates of delegation can be found in the **SUPPLEMENTARY INFORMATION**; section of this document.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Effective immediately, all notifications, applications, reports, and other correspondence required pursuant to the newly delegated standards and revisions identified in this notice should be submitted to the Region 7 office, and, with respect to sources located in the jurisdictions identified in this notice, to the following addresses:

Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Urbandale, Iowa 50322.

Kansas Department of Health and Environment, Bureau of Air Quality and Radiation, Building 283, Forbes Field, Topeka, Kansas 66620.

Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, P.O. Box 176, Jefferson City, Missouri 65102.

Nebraska Department of Environmental Quality, Air and Waste Management Division, P.O. Box 98922, Statehouse Station, Lincoln, Nebraska 68509.

Lincoln-Lancaster County Air Pollution Control Agency, Division of Environmental Health, 3140 ''N'' Street, Lincoln, Nebraska 68510.

City of Omaha, Public Works Department, Air Quality Control Division, 5600 South 10th Street, Omaha, Nebraska 68510.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551–7603.

SUPPLEMENTARY INFORMATION: The supplementary information is organized in the following order:

What does this rule do?
What is the authority for delegation?
What does delegation accomplish?
What is being delegated?
What is not being delegated?
List of Delegation Tables
Table I—NSPS, 40 CFR Part 60
Table II—NESHAPS, 40 CFR Part 61
Table III—NESHAPS, 40 CFR Part 63
Summary of this action

What Does This Rule Do?

EPA is providing notice that it is delegating authority for implementation and enforcement of the Federal standards shown in the tables below to the state and local air agencies in Region 7. This rule updates the delegation tables most recently published at 63 FR 1746 (January 12, 1998.)

Section 553(b)(B) of the Administrative Procedures Act (APA) provides that an agency may forgo notice-and-comment rulemaking upon determination of ''good cause'' published with the rule. EPA considers these updates to be minor changes which are not subject to notice-and-comment rulemaking procedures under the APA or any other statute.

What Is the Authority for Delegation?

1. Section 111(c)(1) of the Clean Air Act (CAA) authorizes EPA to delegate authority to any state agency which submits adequate regulatory procedures for implementation and enforcement of the NSPS program. The NSPS standards are codified at 40 CFR Part 60.

2. Section 112(l) of the CAA and 40 CFR Part 63, subpart E, authorizes EPA to delegate authority to any state or local agency which submits adequate regulatory procedures for implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR Parts 61 and 63, respectively.

What Does Delegation Accomplish?

Delegation confers primary responsibility for implementation and enforcement of the listed standards to the respective state and local air agencies. However, EPA also retains the authority to enforce the standards if it so desires.

What Is Being Delegated?

Tables I, II, and III below list the delegated standards. The first date in each block is the reference date to the CFR contained in the state rule. In general, the state has adopted the applicable standard through this date as noted in the table. The second date is the most recent effective date of the state agency rule for which EPA is providing or updating the delegation.

What Is Not Being Delegated?

1. EPA regulations effective after the first date specified in each block have not been delegated, and authority for implementation of these regulations is retained solely by EPA.

2. In some cases, the standards themselves specify that specific provisions cannot be delegated. You should review the standard for this information.

3. In some cases, the agency rules do not adopt the Federal standard in its entirety. Each agency rule (available from the respective agency) should be consulted for specific information.

4. In some cases, existing delegation agreements between EPA and the agencies limit the scope of the delegated standards. Copies of delegation agreements are available from the state agencies, or from this office.

5. With respect to 40 CFR Part 63, subpart A, General Provisions (see Table III), EPA has determined that sections 63.6(g), 63.6(h)(9), 63.7(e)(2)(ii) and (f), 63.8(f), and 63.10(f) cannot be delegated. Additional information is contained in an EPA memorandum titled ''Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies' from John Seitz, Director, Office of Air Quality Planning and Standards, dated July 10, 1998.

List of Delegation Tables

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION 7

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
A	General Provisions	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
D	Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
Da	Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
Db	Industrial-Commercial-Institutional Steam Generating Units	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
Dc	Small Industrial-Commercial-Institutional Steam Generating Units	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
E	Incinerators	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
Ea	Municipal Waste Combustors Constructed after December 20, 1989, and on or before September 20 1994.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 02/28/96	07/01/97 12/15/98
Eb	Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/20/00	07/01/96 12/15/98
Ec	Hospital/medical/infectious Waste Incinerators for Which Construction Commenced after June 20, 1996.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/20/00	11/24/98 12/15/98
F	Portland Cement Plants	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
G	Nitric Acid Plants	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
H	Sulfuric Acid Plants	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
I	Asphaltic Concrete Plants	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
J	Petroleum Refineries	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
K	Storage Vessels for Petroleum Liquid for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
Ka	Storage Vessels for Petroleum Liquid for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
Kb	Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
L	Secondary Lead Smelters	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
M	Brass and Bronze Production Plants	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
N	Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
Na	Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
O	Sewage Treatment Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
P	Primary Copper Smelters	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
Q	Primary Zinc Smelters	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
R	Primary Lead Smelters	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
S	Primary Aluminum Reduction Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
T	Wet Process Phosphoric Acid Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
U	Superphosphoric Acid Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
V	Diammonium Phosphate Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
W	Triple Superphosphate Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
X	Granular Triple Superphosphate Storage Facilities	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
Y	Coal Preparation Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
Z	Ferroalloy Production Facilities	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
AA	Steel Plant Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
AAa	Steel Plant Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
BB	Kraft Pulp Mills	11/24/98	07/01/98	12/31/98	.....
		12/23/98	06/11/99	03/30/00	
CC	Glass Manufacturing Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
DD	Grain Elevators	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
EE	Surface Coating of Metal Furniture	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
GG	Stationary Gas Turbines	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
HH	Lime Manufacturing Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
KK	Lead-Acid Battery Manufacturing Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
LL	Metallic Mineral Processing Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
MM	Auto and Light-Duty Truck Surface Coating Operations	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
NN	Phosphate Rock Plants	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
PP	Ammonium Sulfate Manufacture	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
QQ	Graphic Arts Industry: Publication Rotogravure Printing	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
RR	Pressure Sensitive Tape and Label Surface Coating Operations	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
SS	Industrial Surface Coating: Large Appliances	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
TT	Metal Coil Surface Coating	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
UU	Asphalt Processing and Asphalt Roofing Manufacture	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
VV	SOCMI Equipment Leaks (VOC)	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
WW	Beverage Can Surface Coating Industry	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
XX	Bulk Gasoline Terminals	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98
AAA	New Residential Wood Heaters	08/31/93	07/01/98	12/31/98	
		12/23/98	06/11/99	03/30/00	
BBB	Rubber Tire Manufacturing Industry	11/24/98	07/01/98	12/31/98	07/01/97
		12/23/98	06/11/99	03/30/00	12/15/98

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
DDD	Polymer Manufacturing Industry (VOC)	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	
FFF	Flexible Vinyl and Urethane Coating and Printing	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
GGG	Equipment Leaks of VOC in Petroleum Refineries	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
HHH	Synthetic Fiber Production Facilities	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
III	SOCMI AIR Oxidation Unit Processes	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
JJJ	Petroleum Dry Cleaners	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
KKK	VOC Leaks from Onshore Natural Gas Processing Plants	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
LLL	Onshore Natural Gas Processing: SO_2 Emissions	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
NNN	VOC Emissions from SOCMI Distillation Operations	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
OOO	Nonmetallic Mineral Processing Plants	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
PPP	Wool Fiberglass Insulation Manufacturing Plants	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
QQQ	VOC Emissions from Petroleum Refinery Wastewater Systems	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
RRR	VOC Emissions from SOCMI Reactor Processes	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	
SSS	Magnetic Tape Coating Facilities	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
TTT	Surface Coating of Plastic Parts for Business Machines	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
UUU	Calciners & Dryers in Mineral Industries	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
VVV	Polymeric Coating of Supporting Substrates Facilities	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98
WWW	New Municipal Solid Waste Landfills Accepting Waste On or After May 30, 1991.	11/24/98 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/96 12/15/98

TABLE II.—DELEGATION OF AUTHORITY—PART 61 NESHAP—REGION 7

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
A	General Provisions	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
B	Radon Emissions from Underground Uranium Mines	.....	07/01/98 06/11/99	.....	.....	.....	.....
C	Beryllium	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
D	Beryllium Rocket Motor Firing	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
E	Mercury	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
F	Vinyl Chloride	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
J	Equipment Leaks (Fugitive Emission Sources) of Benzene.	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
L	Benzene Emissions from Coke By-Product Recovery Plants.	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
M	Asbestos	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
N	Inorganic Arsenic Emissions from Glass Manufacturing Plants.	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
O	Inorganic Arsenic Emissions from Primary Copper Smelters.	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
P	Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
Q	Radon Emissions from Department of Energy Facilities.	.....	07/01/98 06/11/99	.....	.....	.....	.....

TABLE II.—DELEGATION OF AUTHORITY—PART 61 NESHAP—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
R	Radon Emissions from Phosphogypsum Stacks	.....	07/01/98 06/11/99	.....	.....	.....	.....
T	Radon Emissions from the Disposal of Uranium Mill Tailings.	.....	07/01/98 06/11/99	.....	.....	.....	.....
V	Equipment Leaks (Fugitive Emission Sources)	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
W	Radon Emissions from Operating Mill Tailings	.....	07/01/98 06/11/99	.....	.....	.....	.....
Y	Benzene Emissions from Benzene Storage Vessels	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
BB	Benzene Emissions from Benzene Transfer Operations.	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98
FF	Benzene Waste Operations	10/14/97 12/23/98	07/01/98 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/92 05/16/95	07/01/97 04/04/98

TABLE III.—DELEGATION OF AUTHORITY—PART 63 NESHAP—REGION 7

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
A	General Provisions	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Section 112(j).	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	.....	.....	.....
D	Compliance Extensions for Early Reductions of Hazardous Air Pollutants.	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	12/29/92 12/15/98	11/21/94 08/11/98	12/29/92 04/01/98
F	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	.....	07/01/97 08/11/98	.....
G	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	.....	07/01/97 08/11/98	.....
H	Organic Hazardous Air Pollutants for Equipment Leaks.	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	.....	07/01/97 08/11/98	.....
I	Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	.....	07/01/97 08/11/98	.....
L	Coke Oven Batteries	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	.....	.....	.....
M	Perchloroethyl ene Emissions from Dry Cleaning Facilities.	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
N	Chromium Emissions from Hard and Decorative Chromium Electroplating Anodizing Tanks.	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
O	Ethylene Oxide Sterilization Facilities	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	.....	07/01/97 08/11/98	.....
Q	Industrial Process Cooling Towers	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
R	Gasoline Distribution Facilities	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/96 04/01/98
S	Pulp and Paper Non-Combustion	06/29/99 04/26/00	.....	12/31/98 03/30/00	.....	.....	.....
T	Halogenated Solvent Cleaning	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	07/01/97 12/15/98	7/01/97 08/11/98	07/01/97 04/01/98
U	Polymers and Resins Group I	06/29/99 04/26/00	.....	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
W	Epoxy Resins and Non-Nylon Polyamides Production.	06/29/99 04/26/00	07/01/96 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
X	Secondary Lead Smelting	06/29/99 04/26/00	07/01/96 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
Y	Marine Tank Vessel Loading Operations	06/29/99 04/26/00	07/01/96 06/11/99	12/31/98 03/30/00	.....	.....	.....
AA/BB	Phosphoric Acid/Phosphate Fertilizers	06/29/99 04/26/00	.....	.....	.....	.....	.....
CC	Petroleum Refineries	06/29/99 04/26/00	07/01/96 06/11/99	12/31/98 03/30/00	.....	07/01/97 08/11/98	.....
DD	Off-Site Waste Operations	06/29/99 04/26/00	07/01/96 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98

TABLE III.—DELEGATION OF AUTHORITY—PART 63 NESHAP—REGION 7—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
EE	Magnetic Tape Manufacturing	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	.....	07/01/97 08/11/98	.....
GG	Aerospace Manufacturing and Rework Facilities	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
HH	Oil and Natural Gas Production	06/29/99 04/26/00	.....	.....	.....	.....	.....
II	Shipbuilding and Ship Repair	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	12/31/98 03/30/00	.....	07/01/97 04/01/98
JJ	Wood Furniture Manufacturing Operations	06/29/99 04/26/00	07/01/96 06/11/99	12/31/96 03/30/00	07/01/97 12/15/98	07/01/98 08/11/98	07/01/97 04/01/98
KK	Printing and Publishing Industry	06/29/99 04/26/00	07/01/96 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
LL	Primary Aluminum Production	06/29/99 04/26/00	07/01/96 06/11/99	12/31/98 03/30/00	.....	.....	.....
OO	Tanks—Level 1	.....	.....	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
PP	Containers	.....	.....	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
QQ	Surface Impoundments	.....	.....	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
RR	Individual Drain Systems	.....	.....	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
VV	Oil-Water Separators and Organic-Water Separators.	.....	.....	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
YY	Generic MACT	06/29/99 04/26/00	.....	.....	.....	.....	.....
CCC	Steel Pickling-HCL Process	06/29/99 04/26/00	.....	.....	.....	.....	.....
DDD	Mineral Wool Production	06/29/99 04/26/00	.....	.....	.....	.....	.....
EEE	Hazardous Waste Combustors	.....	.....	12/31/98 03/30/00	.....	.....	.....
GGG	Pharmaceutical Production	06/29/99 04/26/00	.....	12/31/98 03/30/00	.....	.....	.....
HHH	Natural Gas Transmission and Storage	06/29/99 04/26/00	.....	.....	.....	.....	.....
III	Flexible Polyurethane Foam Production	.....	.....	12/31/98 03/30/00	.....	.....	.....
JJJ	Polymers and Resins Group IV	06/29/99 04/26/00	07/01/96 06/11/99	12/31/98 03/30/00	07/01/97 12/15/98	07/01/97 08/11/98	07/01/97 04/01/98
LLL	Portland Cement Manufacturing	06/29/99 04/26/00	.....	.....	.....	.....	.....
MMM	Pesticide Active Ingredient Production	06/29/99 04/26/00	.....	.....	.....	.....	.....
NNN	Wool Fiberglass Manufacturing	06/29/99 04/26/00	.....	.....	.....	.....	.....
OOO	Polymers and Resins III, Amino Resins/ Phenolic Resins.	.....	.....	.....	.....	.....	.....
PPP	Polyether Polyols Production	06/29/99 04/26/00	.....	.....	.....	.....	.....
TTT	Primary Lead Smelting	06/29/99 04/26/00	.....	.....	.....	.....	.....
XXX	Ferroalloys Production	06/29/99 04/26/00	.....	.....	.....	.....	.....

Summary of This Action

After a review of the submissions, the Regional Administrator determined that delegation was appropriate for the source categories with the conditions set forth in the original NSPS and NESHAP delegation agreements, and the limitations in all applicable regulations, including 40 CFR Parts 60, 61, and 63.

You should refer to the applicable agreements and regulations referenced above to determine specific provisions which are not delegated.

All sources subject to the requirements of 40 CFR Parts 60, 61, and 63 are also subject to the equivalent requirements of the above-mentioned state or local agencies.

EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This rule informs the public of delegations to the above-mentioned agencies.

I. What Are the Administrative Requirements Associated With This Document?

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. Because the agency has made a ''good

cause'' finding that this action is not subject to notice-and-comment requirements under the APA or any other statute (see section I. of this document), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This minor action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

List of Subjects in 40 CFR Parts 460, 461 and 463

Environmental protection, Air pollution control, Intergovernmental relations.

Authority: This rule is issued under the authority of sections 101, 110, 112, and 301 of the CAA, as amended (42 U.S.C. 7401, 7410, 7412, and 7601).

Dated: April 3, 2000.

William W. Rice,

Acting Regional Administrator, Region 7.

[FR Doc. 00–9663 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 00–8; RM–9788]

Radio Broadcasting Services; Spencer and Webster, MA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Montachusett Broadcasting, Inc. this document reallots Channel 255A from Spencer to Webster, Massachusetts, and modifies the license of Station WORC–FM to specify Webster as the community of license. *See* 65 FR 4491, published January 27, 2000. The reference coordinates for Channel 255A at Webster, Massachusetts, are 42–02–10 and 71–59–23. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 418–2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 00–8, adopted March 22, 2000, and released March 31, 2000. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Massachusetts, is amended by removing Spencer and Channel 255A.

3. Section 73.202(b), the Table of FM Allotments under Massachusetts, is amended by adding Webster and Channel 255A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–9615 Filed 4–17–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE51

Endangered and Threatened Wildlife and Plants; Final Rule To List as Endangered the O'ahu 'Elepaio From the Hawaiian Islands and Determination of Whether Designation of Critical Habitat Is Prudent

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine the O'ahu 'elepaio (*Chasiempis sandwichensis ibidis*) to be an endangered species under the Endangered Species Act of 1973, as amended (Act). This bird is endemic to the island of O'ahu, Hawaiian Islands, where it was formerly found in all forested areas on the island. The O'ahu 'elepaio is currently found in greatly reduced numbers and is restricted to seven isolated populations occurring primarily in mid-elevation forests in portions of the Ko'olau and Wai'anae Mountains. The O'ahu 'elepaio is

threatened primarily by disease, including avian pox virus and malaria, and predation by nonindigenous mammals. Other known threats include storms with heavy rainfall and high winds that destroy nests; habitat degradation and loss, including habitat fragmentation due primarily to human impacts; and destruction of foraging habitat by feral pigs (VanderWerf 1993).

In light of new biological information provided during the public comment period, we have reanalyzed our original determination that designation of critical habitat was not prudent for this species. In summary, we find the O'ahu 'elepaio may benefit from the designation of critical habitat by indicating new areas for consultation under section 7 of the Act, and by providing educational benefits. Thus, we have determined that the designation of critical habitat is prudent for this species.

EFFECTIVE DATE: This rule takes effect on May 18, 2000.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Pacific Islands Ecoregion, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawai'i 96850.

FOR FURTHER INFORMATION CONTACT: Karen W. Rosa, Assistant Field Supervisor-Endangered Species, Pacific Islands Ecoregion, at the above address (telephone 808/541–3441, FAX 808/541–3470).

SUPPLEMENTARY INFORMATION:

Background

The Hawaiian archipelago consists of eight main islands and the shoals and atolls of the northwest Hawaiian Islands. The islands were formed sequentially by basaltic lava that emerged from a crustal hot spot located near the southeast coast of the island of Hawai'i (Stearns 1985).

The second oldest main island, O'ahu, is 2.5 million to 3.5 million years old and is heavily weathered. O'ahu has two principal mountain ranges, the Ko'olau and Wai'anae Mountains. The Ko'olau Mountains extend 60 kilometers (km) (37 miles (mi)) from southeast to northwest along the eastern half of the island. The windward (northeast) slope of these mountains is characterized by steep cliffs and short ridges less than 6 km (4 mi) long. Leeward ridges as long as 18 km (11 mi) parallel each other to the southwest and west, alternating with steep-sided stream valleys. The peak elevation in the Ko'olau Mountains occurs at Pu'u Konahua Nui (955 meters (m); 3,100 feet (ft)). The Wai'anae Mountains run from southeast to northwest in a 32-km (20-mi) arc along the western coast of O'ahu. The leeward (western) cliffs of the Wai'anae Mountains are steep; both windward and leeward ridges are less than 5 km (3 mi) in length. The peak elevation occurs at Mt. Ka'ala (1,230 m; 4,000 ft).

Currently, approximately 36 percent (134,300 ac) of O'ahu is forested (Buck *et al.* 1988). Of these forested lands, approximately 49 percent is considered native (dominated by koa (*Acacia koa*) and ohia (*Metrosideros* spp.) forests) with the remainder (51 percent) dominated by introduced species, e.g., common guava (*Psidium guajava*), strawberry guava (*P. cattleianum*), Java plum (*Eugenia cumini*), mango (*Mangifera indica*), and several species of *Eucalyptus* (Buck *et al.* 1988).

The O'ahu elepaio is a member of the monarch flycatcher family, Monarchidae (American Ornithologists' Union 1997), and is most likely related to the genus *Monarcha* (Mayr 1943, Conant 1977). The ancestors that gave rise to 'elepaio were probably of Melanesian origin with colonization of Hawai'i occurring through Polynesia or Micronesia (Baker 1951).

A physical description of the O'ahu 'elepaio is provided by VanderWerf (1998b). O'ahu 'elepaio have a blunt, medium-length bill that is mostly black and a long tail, which is often held up at an angle. Body length is about 15 centimeters (cm) (6 inches (in)) long, and weight varies between 11 and 15 grams (0.4 and 0.5 ounces). Males are usually 10 percent larger than females. Adults have a dark brown crown and back, and white underparts with the upper breast streaked very lightly with brown. The eyebrow and forehead are rufous, lores (area between a bird's eye and the base of the bill) are white, and the auricular (the feathers covering the opening of a bird's ear) is mostly black, forming a contrasting pattern. Distinctive field marks of adults are the white wing bars, rump, and tail-tips. Males are usually more black on the throat than females, especially the chin; however, this difference is not always detectable, and some overlap occurs. Immature birds are rufous on the head, back, upper breast, and wing bars.

The 'elepaio from the island of O'ahu has been recognized as a distinct taxonomic entity since Stejneger first described it as *Chasiempis ibidis* in 1887. Wilson (1891) described the bird as *C. gayi,* but, as pointed out by Olson (1989), the epithet *ibidis* has priority over *gayi.* Various taxonomic treatments of the Hawaiian 'elepaio have described from one to six species and up to five subspecies (Sclater 1885, Stejneger 1887, Wilson and Evans 1890–1899, Wilson 1891, Rothschild 1892–1900, Henshaw 1902, Perkins 1903, MacCaughey 1919, Bryan and Greenway 1944, Pratt 1979 and 1980, Olson 1989, Olson and James 1991). The taxonomy used in this rule follows Pyle (1992) and recognizes only a single species of 'elepaio in Hawai'i (Chasiempis sandwichensis) with three subspecies, each of which is endemic to a different island. The three island-specific subspecies are the Kau'ai 'elepaio (*C. s. sclateri* Ridgeway 1882), O'ahu 'elepaio (*C. s. ibidis* Stejneger 1887), and Hawai'i 'elepaio (*C. s. sandwichensis* Gmelin 1789). These subspecies differ considerably in plumage coloration and somewhat in vocalizations, but are quite similar in ecology and behavior (Conant 1977, Pratt 1980, VanderWerf 1998b).

Based upon the geographic variation among the three subspecies of 'elepaio, species status might be appropriate for each subspecies (Conant *et al.* 1998). Systematic investigation of genetic, morphological, and vocal variation of each subspecies has begun and will help identify whether each taxon should be considered a distinct species (VanderWerf 1998b).

Comments by early naturalists indicate that the O'ahu 'elepaio was once widespread in forested areas throughout O'ahu at all elevations. Perkins (1903) remarked that ''the universal distribution over the islands they severally inhabit, from the lowest bounds to the uppermost edge of continuous forest, as well as their extreme abundance and obtrusive familiarity, has caused them to be noticed by many persons who have seen no other native bird.'' Bryan (1905) noted that the 'elepaio ''remains the most abundant Hawaiian species on the mountainside all the way from the sea to well up into the higher elevations,'' while MacCaughey (1919) said ''the altitudinal range * * * on * * * O'ahu is approximately from 800 ft to the highest summits.''

The earliest described historical range, however, was likely to have been somewhat modified by habitat destruction. MacCaughey (1919) noted, ''[o]riginally, when the forests covered much more of the lowlands than at present, and extended down to the strand in many districts, the 'elepaio was abundant at the lower levels * * *'' Despite their descriptions of reduced range, naturalists were optimistic about the 'elepaio's chances for survival. Henshaw (1902) wrote ''* * * it is probable that when most of the Hawaiian birds are extinct the 'elepaio will long continue to maintain itself in scarcely diminished numbers.'' MacCaughey (1919) wrote, ''[t]he one

indigenous forest bird that appears to successfully withstand the devastating influences of 'civilization' is the Hawaiian Flycatcher or 'elepaio.'' Munro (1944) was similarly optimistic about the 'elepaio, reporting that ''[i]t is holding its own well in the O'ahu forests from which so many of the native birds have long disappeared.''

Early observations indicate that the O'ahu 'elepaio was widely distributed and extremely abundant. Rothschild (1893) called the 'elepaio ''one of the commonest, if not the commonest, of all the small native birds on O'ahu.'' Similarly, Seale (1900) said the 'elepaio was ''the commonest native land bird to be found on the island.'' MacCaughey (1919) stated it was ''the most abundant representative of the native woodland avifauna,'' and ''abundant in all parts of its range.'' However, Bryan (1905) found it to be ''much more frequently met within the Wai'anae mountains than in the Ko'olau range back of Honolulu,'' which may indicate that the species' optimum habitat is dry, rather than wet, forest.

Based on the above range descriptions, the O'ahu 'elepaio was historically very general in its habitat requirements, and occupied all types of forest at most elevations. Several authors noted that 'elepaio reached their greatest abundance in valleys at middle elevations. For example, Seale (1900) said that ''its usual haunt is the densely wooded canons at an elevation of from 800 to 1,300 feet.'' MacCaughey (1919) observed that the 'elepaio is ''a bird of the humid and mesophytic forests,'' and said it ''is most plentiful in the protected wooded ravines and on the valley slopes.''

The generalized habitat requirements of the O'ahu 'elepaio are also shown by its ability to forage for arthropods and nest in a variety of different plant species, including nonnative species. Perkins (1903) believed that ''to the changes wrought by civilization they are less susceptible than any other bird, and they may be seen feeding and even nesting in dense thickets of the introduced guava, or amongst masses of the prickly lantana, as contentedly as amongst the native vegetation.'' Conant (1977) studied a population that existed in a forest of entirely introduced plant species. The species shows extremely versatile foraging behavior and uses all available plant species and all heights in forests of native plant species (Conant 1981, VanderWerf 1993 and 1994). 'elepaio use all available substrates for foraging, including the ground and fallen logs, vertical trunks, branches, twigs, leaves, and the air (VanderWerf 1998b). The proportion of the substrates used for foraging depends upon the habitat. For example, in dense forests, 'elepaio use the ground more, and, in open forests, they use the air and leaves more (VanderWerf 1994).

O'ahu 'elepaio occur primarily in mesic mixed-species forests with a tall canopy and well-developed understory (VanderWerf *et al.* 1997; VanderWerf 1998b). The O'ahu 'elepaio appears to be most common in valleys and on slopes between 200 m (656 ft) and 800 m (2,625 ft) elevation (VanderWerf 1998b). Valleys may support more 'elepaio than ridges or slopes because they contain taller forest and are, therefore, more humid and protected from desiccating winds and large temperature fluctuations (VanderWerf *et al.* 1997). The species is less numerous in drier forests and on ridges (VanderWerf 1998b). O'ahu 'elepaio are not found in very wet, stunted forest on high windswept ridges and summits, in very dry scrubby forest, in forests that lack a subcanopy, or in monotypic forests (Shallenberger and Vaughn 1978; VanderWerf 1998b). 'Elepaio occur between 200 m (656 ft) and 500 m (1,641 ft) in the Ko'olau Mountain range and between 550 m (1,805 ft) and 850 m (2,789 ft) in the Wai'anae Mountain range (VanderWerf 1998b). O'ahu 'elepaio will also occur as low as 90 m (295 ft) elevation in the southern Ko'olau Mountains (VanderWerf *et al.* 1997).

The distribution and abundance of O'ahu 'elepaio do not appear to be related to the amount of native vegetation or species composition, but apparently to forest structure (VanderWerf *et al.* 1997). During an intensive bird survey of the central Ko'olau Mountains on O'ahu in 1978, Shallenberger and Vaughn (1978) found the greatest abundance of 'elepaio in alien forests, particularly areas with kukui (*Aleurites moluccana*) and guava trees, and in mixed alien-native forest. The occurrence of 'elepaio was lower in forests of entirely native species, primarily ohia and koa. The lesser abundance in native forest found by Shallenberger and Vaughn (1978) is unlikely to be a sampling artifact since the greatest effort was made in areas of native forest. The lesser abundance is likely due to a preference for certain elevations and diverse forest structure, rather than particular plant species. Also, more recent surveys conducted in the southern Ko'olau Mountains (VanderWerf *et al.* 1997) indicate that forest structure and density are more important components of O'ahu 'elepaio habitat than plant species composition. O'ahu 'elepaio were found to be most abundant in valleys between 200 m (656 ft) and 400 m (1,312 ft) elevation, with mesic forest that contained a tall canopy and well-developed understory. 'Elepaio were found in shorter, drier forests on slopes and ridges, but were less common in this type of habitat and were not found in areas where there was no understory. Many of the plant species found at the study site were introduced species that sometimes dominated the overstory and understory. Of 70 locations sampled, 49 percent of the locations had overstories that were composed entirely of introduced species, while 50 percent had a mixture of native and introduced species. Only 1 percent had an overstory that was mostly composed of native vegetation. Within the understory, 44 percent of sites comprised only introduced species, 56 percent had a mixture of native and introduced species, and none had only native species. Native plants that are common throughout the current range of the O'ahu 'elepaio include koa, papala kepau (*Pisonia umbellifera*), mamaki (*Pipturus albidus*), and lama (*Diospyros sandwicensis*) (VanderWerf *et al.* 1997). Introduced plants that are common where 'elepaio occur include kukui, common guava, strawberry guava, mango, ti (*Cordyline terminalis*), and Christmasberry (*Schinus terebinthifolius*) (VanderWerf *et al.* 1997).

Conant (1995) identified 598 separate observations of O'ahu 'elepaio dating from 1883 to 1995. Many of these sightings occurred in the same location, but over a period of years. By consolidating observations made at the same location, researcher could identify 83 site-specific locations where 'elepaio had been seen. Sixty-nine of these sites (84 percent) have been revisited between 1990 and 1995. Of these revisited sites, only 31 (45 percent) still have 'elepaio present. In 1995, the 31 extant sites were thought to be distributed among only 6 isolated populations in the southern Ko'olau Mountains and the central Wai'anae Mountains. Further analysis of both these data and the writings of early naturalists indicates that the 'elepaio originally inhabited 75 percent of O'ahu's land mass. By 1960, only 30 percent of the original habitat was still occupied. Fifteen years later, in 1975, the distribution had declined to 14 percent of the original distribution. The O'ahu 'elepaio currently occupies an area of 4,700 ha (11,600 ac). This amount represents approximately 4 percent of its original range.

While a collapse of the O'ahu 'elepaio's range has clearly occurred, decline in population density in the remaining populations has been more

difficult to determine. Williams (1987) examined the decline of O'ahu 'elepaio using Christmas Bird Counts from 1944 to 1985. Using standardized data (one census per year with number of birds per hour of observation), Williams documents a clear downward trend in 'elepaio observations. The data show a sharp decline in O'ahu 'elepaio observations beginning in the late 1950s and continuing through the 1960s, when observations were one or fewer birds per observer hour, dropping to less than 0.5 birds per party hour after 1974.

In a 1992 report on Hawai'i forest bird conservation assessment and management, Ellis *et al.* (1992) estimated the O'ahu 'elepaio population at 200 to 500 birds. This report further stated that two subpopulations of O'ahu 'elepaio existed, one in the Wai'anae Mountains and the other in the Ko'olau Mountains. A systematic range-wide count of O'ahu 'elepaio was conducted from 1995 to 1998. Currently, the O'ahu 'elepaio population is estimated at 1,500 birds (VanderWerf 1999). Island-wide surveys are nearly complete, and the possibility that any large populations of O'ahu 'elepaio have been overlooked is unlikely (VanderWerf 1997). There are seven geographically isolated populations: three in the Ko'olau Mountains and four in the Wai'anae Mountains (VanderWerf 1997). Ellis *et al.* (1992) estimated that 20 percent of the population occurred in the Wai'anae Mountains and 80 percent in the Ko'olau Mountains. According to the 1997 estimate, 59 percent of the population occurs in the Wai'anae Mountains and 41 percent in the Ko'olau Mountains.

The present populations of O'ahu 'elepaio occur on lands owned by Federal, State, and private parties. Analyses of major land ownership patterns identify 69 percent of the current range in privately held lands, 18 percent is federally owned or leased, and 13 percent occurs in State-owned areas. Ownership patterns vary among the seven populations. Five populations have between 66 and 99 percent private ownership within their ranges, one population occurs on land primarily owned by the State, and one population occurs on Federal land. Ninety-nine percent of the current O'ahu 'elepaio range occurs within State-designated Conservation Districts. This designation offers varying degrees of protection and may permit human activities that may be detrimental to the 'elepaio. Sixteen percent of the land designated as a Conservation District occurs in a subzone designated by the State as Protective. This subzone includes State Natural Area Reserves and The Nature Conservancy of Hawai'i's Honouliuli Preserve and aims to protect valuable resources such as wildlife sanctuaries.

Previous Federal Action

We were petitioned by Mr. Vaughn Sherwood on March 22, 1994, to list the O'ahu 'elepaio as an endangered or threatened species with critical habitat. The November 15, 1994, Animal Notice of Review (59 FR 58991) classified the O'ahu 'elepaio (*Chasiempis sandwichensis gayi*) as a category 1 candidate. Category 1 candidates were those species for which we had sufficient data in our possession to support a listing proposal. On June 12, 1995 (60 FR 30827), we published a 90-day petition finding stating that the petition presented substantial information that listing may be warranted. In the February 28, 1996 (61 FR 7596), and September 19, 1997 (62 FR 49398), notices, we discontinued category designations and the O'ahu 'elepaio was listed as a candidate species. Candidate species are those for which we have on file sufficient information on biological vulnerability and threats to support proposals to list as threatened or endangered. On October 6, 1998 (63 FR 53623), we published the proposed rule to list the O'ahu 'elepaio as an endangered species. Because *C. s. gayi* is a synonym of *C. s. ibidis,* the proposed rule constituted the final 12-month finding for the petitioned action.

The processing of this final rule conforms with our Listing Priority Guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of this final rule is a Priority 2 action.

Summary of Comments and Recommendations

In the October 6, 1998, proposed rule and associated notifications, we requested all interested parties to submit factual reports or information that might contribute to the development of a final rule. The public comment period closed on December 7, 1998 (63 FR 53623). We contacted appropriate Federal and State agencies, county governments, scientific organizations, and other interested parties and requested them to comment. We also published newspaper notices in the Honolulu Star-Bulletin and Honolulu Advertiser on October 26, 1998, inviting general public comment.

In response to the open comment period, we received 15 comments on the proposed rule. Three Federal agencies provided comments, two supporting listing and one neither supporting nor opposing the proposal. Four Hawai'i State agencies provided comments, one supporting the proposal and three neutral. One Honolulu County agency commented that the agency supports the listing. The proposal was supported by five individuals and one conservation organization and opposed by one nonprofit legal foundation. Relevant information provided by these commenters has been incorporated into this rule.

Written opposition to listing of the O'ahu 'elepaio was based on our supposed lack of jurisdiction to enact the proposed rule and beliefs that the rule should be withdrawn because of a presumption that no connection exists between regulation of this bird and a substantial effect on ''interstate commerce.'' The Federal Government has the authority under the Commerce Clause of the U.S. Constitution to protect this species, for reasons given in Judge Wald's opinion and Judge Henderson's concurring opinion in *National Association of Homebuilders* v. *Babbitt,* 130 F.3d 1041 (D.C. Cir. 1997), *cert. denied,* 1185 S. Ct. 2340 (1998). That case involved a challenge to application of Endangered Species Act prohibitions to protect the listed Delhi Sands flower-loving fly. As with the O'ahu 'elepaio , the Delhi Sands flower-loving fly is endemic to only one State. Judge Wald held that application of the Endangered Species Act's prohibition against taking of endangered species to this fly was a proper exercise of Commerce Clause power to regulate: (1) Use of channels of interstate commerce; and (2) activities substantially affecting interstate commerce, because it prevented loss of biodiversity and destructive interstate competition. Judge Henderson upheld protection of the fly because doing so prevents harm to the ecosystem upon which interstate commerce depends, and because doing so regulates commercial development that is part of interstate commerce.

The Federal Government also has authority under the Property Clause of the Constitution to protect this species.

The O'ahu'elepaio occurs on Federal land on the U.S. Army's Makua Military Reservation and Schofield Barracks Military Reservation. If this species were to become extinct, the diversity of wildlife on the Makua and Schofield Barracks Military Reservations would be diminished. The courts have long recognized Federal authority under the Property Clause to protect Federal resources in such circumstances. See, e.g., *Kleppe* v. *New Mexico,* 429 U.S. 873 (1976); *United States* v. *Alford,* 274 U.S. 264 (1927); *Camfield* v. *United States,* 167 U.S. 518 (1897); *United States* v. *Lindsey,* 595 F.2d 5 (9th Cir. 1979). Therefore, our application of the Act to the O'ahu 'elepaio (*Chasiempis sandwichensis ibidis*), a bird endemic to the island of O'ahu in the Hawaiian Islands, is constitutional.

We solicited the expert opinions of four qualified and independent specialists regarding pertinent scientific and/or commercial data and assumptions relating to the taxonomy, demography, and supportive biological and ecological information for the O'ahu 'elepaio. We received written comments from two of these experts and incorporated their comments into the final rule.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, we have determined that the O'ahu 'elepaio should be classified as an endangered species. Section 4 of the Act and regulations (50 CFR part 424) issued to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act. These factors and their application to the O'ahu 'elepaio (*Chasiempis sandwichensis ibidis*) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range.

Historical habitat loss due to factors discussed below has undoubtedly reduced the range of O'ahu 'elepaio. Although 'elepaio appear to be generalized in habitat use and can adapt to a variety of plant species, this species may be sensitive to severe changes in forest structure, such as clearing of the understory or creation of monospecific, even-aged plantations. Feral pigs may pose another threat by destroying ground cover, which provides foraging habitat for 'elepaio. The spread of certain alien plants, such as the velvet tree (*Miconia calvescens*), dramatically alters forest structure and/or diversity and poses a potential threat to the survival of O'ahu 'elepaio.

Alteration of forested areas, including changes in forest composition and forest structure and resulting habitat loss, has impacted the O'ahu 'elepaio. Early Hawaiians significantly altered the native vegetation of O'ahu, particularly in valleys used for taro cultivation. In uncultivated areas, trees were cut for firewood and construction, and fire was used to encourage the growth of grasses used for thatch (Kirch 1982). Destruction of the low-elevation forest resulted in the extinctions of numerous birds and land snails on O'ahu (Olson and James 1982, Kirch 1982). After European contact in 1778, habitat loss accelerated and began to occur at higher elevations. The sandalwood trade, which played a key role for O'ahu, required firewood, and completely eliminated native forests in the vicinity of Honolulu (Cuddihy and Stone 1990). From 1840 to about 1920, vast areas of low-and mid-elevation forest in Hawai'i were cleared for sugarcane cultivation. By the 1970s, more than 100,000 ha (274,000 acres) were under sugarcane cultivation. In contrast to early Hawaiian cultivation that was largely concentrated in mesic valleys and plains, sugarcane cultivation displaced native forest in dry leeward areas, and wide ridges and slopes such as the Leilehua Plateau between the Ko'olau and Wai'anae Mountains on O'ahu. Between 1900 and 1950, pineapple cultivation on O'ahu also resulted in a significant loss of native forests (Cuddihy and Stone 1990). Some of the areas cleared of native forest have either been replanted with exotic trees or regrown in alien vegetation. According to some estimates, approximately 36 percent of the land area on O'ahu is now covered by forest, but only about 49 percent of these forested areas is considered native vegetation (Buck *et al.* 1988).

O'ahu is the population center of the Hawaiian Islands, with about 40 percent of the State's population residing in Honolulu alone. The fastest growing areas on O'ahu, however, are suburban areas and new city development (such as creation of so-called ''second cities'' outside the city limits of Honolulu). Development can have significant impacts on O'ahu 'elepaio habitat through modification of forest structure and diversity. Although 99 percent of lands within the 'elepaio's range are within State-designated Conservation Districts, designation as such only offers varying degrees of protection and may allow activities, such as construction of individual houses, forestry-related activities, hunting, and recreational uses, that may be detrimental to the 'elepaio. Other types of development can also eliminate habitat. A portion of the H–3 freeway completed in 1997 runs through Halawa Valley, which supports a relatively large population of O'ahu 'elepaio (VanderWerf 1997). The effect of the freeway upon this population is unknown as no monitoring has occurred. Also, amenities such as golf courses may displace native and nonnative forests used by the O'ahu 'elepaio.

Military activities and related impacts on federally owned and leased lands may also affect the O'ahu 'elepaio. O'ahu 'elepaio currently occupy the upper slopes of Makua Valley in and adjacent to the U.S. Army's Makua Military Reservation. The lower section of Makua Valley is used as a live firing range, and the facility has a history of ordnance-induced fires (Hawai'i Heritage Program-The Nature Conservancy of Hawai'i (HHP-TNCH) 1994a). Prescribed burning occasionally results in large fires that, along with construction of firebreaks, destroys 'elepaio habitat and potentially threatens the birds. A large part of the 'elepaio range in the eastern Wai'anae Mountains occurs on the West Range of Schofield Barracks Military Reservation, where live firing also occurs and ordnance-induced fires can pose a significant threat to O'ahu 'elepaio habitat (Hawai'i Heritage Program, 1994b).

Miconia calvescens (velvet tree) is a recently naturalized species native to tropical America. This species has become invasive on islands of Hawai'i, Maui, O'ahu, and Kau'ai. Velvet tree is potentially the most invasive and damaging weed of rainforests of Pacific islands (Medeiros *et al.* 1997). This plant has the potential to greatly disrupt forest canopy and understory structure and significantly alter biological diversity. In moist conditions, this plant grows rapidly up to 15 m (49 ft) tall. This shade-tolerant tree produces abundant seed that is effectively dispersed by birds and accumulates in a large, persistent seed bank, and develops monospecific stands that eliminate understory plant species by shading and crowding (Medeiros *et al.* 1997). In Tahiti, it has become a dominant plant species in habitats similar to those of Hawai'i (Almeda 1990, Cuddihy and Stone 1990). Medeiros *et al.* (1997) state that velvet tree now dominates the forest in 65 percent of the island of Tahiti through the establishment of large, monospecific stands. This plant is now naturalized on

O‘ahu at three locations in the southeastern Ko‘olau Mountain range, including Manoa Valley (Medeiros *et al.* 1997), where one population of O‘ahu ‘elepaio is located.

Pigs (*Sus scrofa*) were introduced to Hawai‘i by the Polynesian ancestors of Hawaiians, and later by western immigrants. The Polynesian strain of pig was comparatively small, and seems to have had a minimal impact on the native forests. The European strain of pig escaped domestication and invaded primarily wet and mesic forests on Kau‘ai, O‘ahu, Moloka‘i, Maui, and Hawai‘i. These pigs are large animals that threaten the continued existence of native plants and animals within these forest habitats. While foraging, pigs root and trample the forest floor. Given that O‘ahu ‘elepaio rely on diverse groundcover for foraging, the disturbance caused by pigs could have a major impact on the species. In a study conducted at the Hakalau Forest National Wildlife Refuge on the island of Hawai‘i, researchers found that areas where the ground cover had been destroyed by feral pigs were used less frequently by the Hawai‘i Island subspecies of ‘elepaio for foraging (VanderWerf 1994). Expecting the same results on O‘ahu is reasonable.

B. Overutilization for commercial, recreational, scientific, or educational purposes

Overutilization is not known to threaten the O‘ahu ‘elepaio.

C. Disease and predation

Disease and predation are considered the primary threats responsible for the severe decline of the O‘ahu ‘elepaio in the last few decades. Disease is believed the primary reason for reduced adult survival, and nest predation by introduced mammals, mainly black rats (*Rattus rattus*), is the primary reason for low reproductive success (VanderWerf 1998a).

Avian malaria (*Plasmodium relictum*) and poxvirus (*Avipox* virus sp.) are two documented serious disease threats to O‘ahu ‘elepaio, as well as all native Hawaiian forest birds (VanderWerf 1998b). Malaria and pox are transmitted by the night-biting mosquito, *Culex quinquefasciatus,* which uses wallows created by feral pigs as breeding grounds. Avian pox can also be spread through physical contact with infected birds or surfaces (VanderWerf 1998b). Avian pox causes lesions on the feet, legs, and bill. Five populations of O‘ahu ‘elepaio sampled for disease had birds with pox-like lesions (VanderWerf 1998b). *Culex* mosquitos, and thus malaria and pox, are more abundant at lower elevations. Although larvae do not develop well at colder temperatures, mountain elevations on O‘ahu are not high enough to preclude mosquitos; therefore, diseases may be more prevalent on this island (VanderWerf 1998b). According to VanderWerf (1998b), 70 percent of O‘ahu ‘elepaio within low-elevation valleys have pox-like lesions. Although its effects on the O‘ahu ‘elepaio remain unknown, malaria may also be an important factor for the species’ decline (VanderWerf 1998a).

Avian pox is known to increase adult mortality and reduce reproductive success of O‘ahu ‘elepaio (VanderWerf 1997, 1998a, and 1998b). O‘ahu ‘elepaio with pox-like lesions are thought to be seriously affected by poxvirus and have lower survival than either healthy ‘elepaio or those with healed pox sores (VanderWerf 1998a). Birds with pox likely become more vulnerable to predation or exposure due to the virus weakening the bird (VanderWerf 1998b). Survival rates of birds with healed pox sores were compared with those of apparently healthy birds, and researchers found that if ‘elepaio can survive the initial infection, their future survival is not adversely affected (VanderWerf 1998a). Poxvirus also affects reproductive success. Pairs having at least one individual actively infected with pox produced fewer fledglings than healthy pairs or those consisting of at least one individual with healed pox lesions (VanderWerf 1998a).

Because disease, which in many cases is difficult to control, is a factor in the decline of the O‘ahu ‘elepaio , the existence and survival of genetically resistant individuals is essential to the survival of this taxon. If captive propagation is necessary for the recovery of this species, capture of disease-resistant birds may improve the success of a captive propagation program and increase the survival of birds released into the wild.

A potential factor contributing to the spread of avian disease is the expansion of the range of introduced birds. Introduced birds may act as a reservoir for diseases such as avian pox. Thus, expansion of the range of introduced birds infected with avian pox into the range of O‘ahu ‘elepaio is likely to have occurred and contributed to the decline of O‘ahu ‘elepaio. Another potential factor contributing to the spread of avian disease is feral cats (*Felis catus*). Cats may be considered a significant carrier and/or vector of disease. For example, cats are known hosts of the parasite *Taxoplasma gondii,* which is known to be fatal to some native Hawaiian birds (e.g., Hawaiian crow (*Corvus hawaiiensis*)) (Wallace 1973). Stray cats on O‘ahu are known to carry *Taxoplasma* antibodies (Wallace 1973), however how this parasite affects O‘ahu ‘elepaio is unknown.

The Hawaiian short-eared owl, or pueo (*Asio flammeus*), is the natural predator of O‘ahu ‘elepaio, but given the limited number of pueo left on O‘ahu, the pueo has very little impact on the O‘ahu ‘elepaio. The main predator of O‘ahu ‘elepaio nests is believed to be the black rat (VanderWerf 1998a). Predation of O‘ahu ‘elepaio nests by black rats has lowered reproductive success and increased mortality of female O‘ahu ‘elepaio (VanderWerf 1998a). Reproductive success of ‘elepaio, measured by the number of fledglings per pair, is higher in areas where rats were removed, compared to an area where rats were not removed (VanderWerf 1998a). Other known nonnative predators include barn owls (*Tyto alba*), feral cats, small Indian mongoose (*Herpestes auropunctatus*), Polynesian rats (*Rattus exulans*), and Norway rats (*Rattus norwegicus*) (VanderWerf 1998b). Research indicates that removal of predators (*e.g.,* rats, cats, and mongooses) from O‘ahu ‘elepaio territories may increase the survival of female ‘elepaio. Available results indicate that survival of males was similar in areas where rat removal was conducted and where it was not conducted. For those same areas, female ‘elepaio survival appeared slightly higher in areas where rats were removed. However, sample sizes were not large enough, and more data are needed to verify these results (VanderWerf 1998a). Although male and female ‘elepaio share incubation responsibilities of the eggs during the day, only females incubate at night (VanderWerf 1998b). Thus, females are more vulnerable than males to predation on nests by rats, which are primarily nocturnal (VanderWerf 1998a).

Introduction of alien animals into Hawai‘i is a major continual threat to all native flora and fauna. Predation associated with alien introductions could significantly and negatively affect the remaining populations of O‘ahu ‘elepaio. The threat of the accidental introduction of the brown tree snake (*Boiga irregularis*) from Guam, Saipan, or the Solomon Islands is of particular concern. The brown tree snake is an aggressive predator of birds that has caused a significant decline in avifauna on Pacific islands where this snake has become established. In December 1994, a live brown tree snake was found in a Schofield Barracks warehouse on the island of O‘ahu. This snake was

associated with a shipment of U.S. Army materials from Tinian via Guam.

D. The Inadequacy of Existing Regulatory Mechanisms

Currently, the O'ahu 'elepaio is protected under State (Hawai'i Revised Statutes (HRS), Sect. 13–124–3A) and Federal laws (Migratory Bird Treaty Act of 1918, 16 U.S.C. 703–712, 40 Stat. 755, as amended). These laws protect the taxon from capture and collection (without appropriate permits) of individuals, nests, and eggs, but do not afford protection to the habitat of this species.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Storms with heavy rain and strong winds have been known to contribute to mortality of O'ahu 'elepaio eggs and nestlings. On O'ahu, 'elepaio nests, especially those high in trees, and their contents have been destroyed by March storms (VanderWerf 1998b). Prolonged heavy rain can also cause adults to abandon the nests; small fledglings are vulnerable to extended periods of intense rain (VanderWerf 1998b). For example, overall reproductive success in 1998 was lower than the previous year due to inclement weather experienced in late March and early April, when many nests contained eggs or small nestlings (VanderWerf 1998a). Several nests failed because they were blown out of the trees by winds in excess of 40 miles per hour (VanderWerf 1998a).

Naturally occurring events, such as hurricanes, may affect the continued existence of the O'ahu 'elepaio. Because the subspecies now exists only as seven small isolated populations, rather than one large, continuous, interbreeding population, a population decline could be exacerbated by random genetic, environmental, and demographic events. Small population size can reduce reproductive rates, increase rates of inbreeding and inbreeding depression (the expression of deleterious recessive genes occurring in the population), and facilitate the loss of future plasticity or evolutionary potential. Loss of genetic variability through genetic drift reduces the ability of small populations to cope with ecological and environmental stresses such as habitat modification and alien species.

If populations continue to decline and become extremely small, demographic events take on greater significance. For example, if weather events (*e.g.,* El Nino episodes) cause reproductive failure for one or more years, and are followed by a period of high predation, a small population has less resiliency and is vulnerable to extirpation. Hurricanes may cause large or total population loss through direct mortality, habitat destruction or modification, and dispersal of invasive alien plants. Although birds in the Hawaiian Islands have long endured hurricanes, major hurricanes in concert with low population numbers and other factors could severely affect the survival of O'ahu 'elepaio.

Another potential factor contributing to the decline of the O'ahu 'elepaio may be the competition for food or space with introduced birds such as the Japanese white-eye (*Zosterops japonicus*), white-rumped shama (*Copsychus malabaricus*), and the red-vented and red-whiskered bulbuls (*Pycnonotus cafer* and *P. jocosus*) (VanderWerf *et al.* 1997; VanderWerf 1998). Although the extent of competition has not been carefully studied, limited anecdotal and circumstantial evidence indicate that competition occurs with any alien bird species (VanderWerf *et al.* 1997; VanderWerf 1998).

The Japanese white-eye, introduced to Hawai'i in the 1930s, has expanded its range into remote areas within the last 2 decades. This species is probably the most abundant bird in Hawai'i (Pratt *et al.* 1987). Scott *et al.* (1986) demonstrated that distribution of the Japanese white-eye was negatively correlated with the distributions of native birds, including 'elepaio. 'elepaio have frequently been known to chase Japanese white-eyes from the area surrounding their nest (Conant 1977). Additionally, the red-vented bulbul was introduced to O'ahu in 1965 and greatly increased in numbers after 1970 (Williams 1987). This species is now extremely abundant in forested habitats. While primarily a fruit-eater, red-vented bulbuls take insect prey (Sheila Conant, pers. comm., 1995) and, as a particularly aggressive species, are known to chase other birds (Berger 1981).

In summary, we have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list the O'ahu 'elepaio as endangered. The most recent estimates indicate that 1,500 O'ahu 'elepaio remain, occurring in 7 small and geographically isolated populations (VanderWerf 1998 and 1999). This bird is primarily threatened by disease, including avian pox-virus and malaria, and predation by nonindigenous mammals. Other known threats include storms with high winds that destroy nests and their contents; habitat degradation and loss, including habitat fragmentation due primarily to human impacts; and destruction of foraging habitat by feral pigs. Potential threats include the introduction and spread of alien species, such as the brown tree snake, and alien plants that alter the structure and diversity of forested areas and competition with introduced birds. Small total population size, limited distribution, and population fragmentation make this taxon particularly vulnerable to reduced reproductive vigor and the effects of naturally occurring events. Because the O'ahu 'elepaio is in danger of extinction throughout all or a significant portion of its range, it fits the definition of endangered as defined in the Act. Therefore, the determination of endangered status for the O'ahu 'elepaio is appropriate.

Critical Habitat

Critical habitat is defined in section 3, paragraph (5)(A) of the Act as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection; and specific areas outside the geographical area occupied by a species at the time it is listed in accordance with the provisions of section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Critical habitat designation, by definition, directly affects only Federal agency actions through consultation under section 7(a)(2) of the Act. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, we designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) the species is threatened by

taking or other activity and the identification of critical habitat can be expected to increase the degree of threat to the species or (2) such designation of critical habitat would not be beneficial to the species.

In the proposed rule, we indicated that designation of critical habitat for this species was not prudent because we believed a critical habitat designation would not provide any additional benefit beyond that provided through listing as endangered.

In this final rule, however, we find that designation of critical habitat is prudent for the O'ahu 'elepaio (*Chasiempis sandwichensis ibidis*). In the last few years, a series of court decisions have overturned Service determinations regarding a variety of species that designation of critical habitat would not be prudent (e.g., *Natural Resources Defense Council* v. *U.S. Department of the Interior*, 113 F. 3d 1121 (9th Cir. 1997); *Conservation Council for Hawai'i* v. *Babbitt,* 2 F. Supp. 2d 1280 (D. Hawai'i 1998)). Based on the standards applied in those judicial opinions, we believe that the designation of critical habitat for this species would be prudent.

In the absence of a finding that critical habitat would increase threats to a species, if any benefits would result from critical habitat designation, then a prudent finding is warranted. In the case of this species, some benefits may result from designation of critical habitat. The primary regulatory effect of critical habitat is the section 7 requirement that Federal agencies refrain from taking any action that destroys or adversely modifies critical habitat. While a critical habitat designation for habitat currently occupied by this species would not be likely to change the section 7 consultation outcome because an action that destroys or adversely modifies such critical habitat would also be likely to result in jeopardy to the species, in some instances section 7 consultation might be triggered only if critical habitat is designated. Examples could include unoccupied habitat or occupied habitat that may become unoccupied in the future. Designating critical habitat may also provide some educational or informational benefits. Therefore, we find that critical habitat is prudent for the O'ahu 'elepaio.

However, we cannot propose critical habitat designations for this subspecies at this time. Our Hawaiian field office, which would have the lead for such a proposal, is in the process of complying with the court order in *Conservation Council for Hawai'i* v. *Babbitt,* CIV NO. 97–00098 ACK (D. Haw. Mar. 9 and Aug. 10, 1998). In that case, the United States District Court for the District of Hawai'i remanded to the Service its ''not prudent'' findings on critical habitat designation for 245 species of Hawaiian plants. The court ordered us not only to reconsider these findings, but also to designate critical habitat for any species for which we determine on remand that critical habitat designation is prudent. Proposed designations or nondesignations for 100 species are to be published by November 30, 2000. Proposed designations or nondesignations for the remaining 145 species are to be published by April 30, 2002. Final designations or nondesignations are to be published within 1 year of each proposal. Compliance with this court order is a huge undertaking involving critical habitat determinations for over one-fifth of all species that have ever been listed under the Endangered Species Act, and over one-third of all listed plant species. In addition, we have agreed to include in this effort critical habitat designations for an additional 10 plants that are the subject of another lawsuit. See *Conservation Council for Hawai'i* v. *Babbitt,* CIV. NO. 99–00283 HG. We cannot develop proposed critical habitat designations for the Oahu elepaio without significant disruption of the field office's intensive efforts to comply with the *Conservation Council for Hawai'i* v. *Babbitt* remand.

To attempt to do so could also affect the listing program Region-wide. Administratively, the Service is divided into seven geographic regions. This subspecies is under the jurisdiction of Region 1, which includes California, Oregon, Washington, Idaho, Nevada, Hawaii, and other Pacific Islands. About one-half of all listed species occur in Region 1. Region 1 receives by far the largest share of listing funds of any Service region because it has the heaviest listing workload. Region 1 must also expend its listing resources to comply with existing court orders or settlement agreements. In fact, in the last fiscal year, all of the Region's funding allocation for critical habitat actions was expended to comply with court orders. If we were to immediately prepare proposed critical habitat designations for this subspecies notwithstanding the court order pertaining to 245 Hawaiian plant species, efforts to provide protection to many other species that are not yet listed would be delayed. While we believe some benefits may result from designating critical habitat for this subspecies, these benefits are significantly fewer in comparison to the benefits of listing a species under the Endangered Species Act because, as discussed above, the primary regulatory effect of critical habitat is limited to the section 7 requirement that Federal agencies refrain from taking any action that destroys or adversely modifies critical habitat.

As explained in detail in the Final Listing Priority Guidance for FY2000 (64 FR 57114), our listing budget is currently insufficient to allow us to immediately complete all of the listing actions required by the Act. We plan to employ a priority system for deciding which outstanding critical habitat designations should be addressed first. We will focus our efforts on those designations that will provide the most conservation benefit, taking into consideration the efficacy of critical habitat designation in addressing the threats to the species, and the magnitude and immediacy of those threats. Deferral of a proposal to designate critical habitat for the Oahu elepaio will allow us to concentrate our limited resources on higher priority critical habitat and other listing actions, while allowing us to put in place protections needed for the conservation of the Oahu elepaio without further delay. Therefore, given the current workload in Region 1 and, particularly, the Hawaiian field office, we expect that we will be unable to develop a proposal to designate critical habitat for the Oahu elepaio until FY2004.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages public awareness and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the State and requires that recovery actions be carried out for all listed species. Funding may be available through section 6 of the Act for the State to conduct recovery activities. The protection required of Federal agencies and the prohibitions against certain activities involving listed animals are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing

this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with us, under section 7(a)(2) of the Act.

Federal agency actions that may require conference and/or consultation as described in the preceding paragraph include military activities, such as military training and troop movements, taking place on federally owned or leased lands; the involvement of the Army Corps of Engineers in projects subject to section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899, such as the construction of roads and bridges and dredging projects; U.S. Environmental Protection Agency-authorized discharges under the National Pollutant Discharge Elimination System; U.S. Department of Agriculture/Natural Resources Conservation Service projects; U.S. Department of Housing and Urban Development projects; and other activities with a possible Federal nexus, such as golf course and firebreak construction.

Several of the remaining populations of this bird are located on State land utilized for military training, particularly by the U.S. Army. In the Wai'anae Mountains, those populations are found in the following areas: Pahole to Makaha, including both leeward and windward sides, and Schofield to Palehua, on the windward side. In the Ko'olau Mountains, only a fraction of the area occupied by one 'elepaio population (Aiea ridge south to the Kahauiki Stream) is under military control. Therefore, section 7 consultation will be required before any military activities that may impact the O'ahu 'elepaio , such as military training and troop movements, may take place.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.21 for endangered species, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in the course of otherwise lawful activities. Requests for copies of the regulations regarding listed wildlife and inquiries about permits and prohibitions may be addressed to the U.S. Fish and Wildlife Service, Endangered Species Permits, 911 Northeast 11th Avenue, Portland, Oregon 97232–4181 (telephone 503–231–6241; facsimile 503–231–6243).

As published in the **Federal Register** on July 1, 1994, (59 FR 34272), our policy is to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not be likely to constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of the listing on proposed and ongoing activities within a species' range. Likely activities that we believe could potentially result in a violation of section 9 of the Act include, but are not limited to, the following: road or firebreak construction, military troop training, or other activities that disturb the normal behavior (*e.g.,* breeding, nesting, feeding) of O'ahu 'elepaio or damage habitat used by the species. Activities that we believe would not likely result in a violation of section 9 of the Act include, but are not limited to, nondestructive activities in areas occupied by O'ahu 'elepaio, such as hiking, collecting plants for cultural usage (*e.g.,* hula halau), and hunting game animals. Activities that occur under a valid incidental take permit or in accordance with a section 7 consultation would not violate section 9.

Questions regarding whether specific activities will constitute a violation of section 9 of the Act should be directed to the Manager of the Pacific Islands Ecoregion (see **ADDRESSES** section).

By giving the O'ahu 'elepaio Federal protection under the Act, the State of Hawai'i Endangered Species Act (HRS, Sect. 195D–4(a)) is automatically invoked, prohibiting taking and encouraging conservation by State government agencies. Hawai'i's Endangered Species law states, ''Any species of aquatic life, wildlife, or land plant that has been determined to be an endangered species pursuant to the Act shall be deemed to be an endangered species under the provisions of this chapter and any indigenous species of aquatic life, wildlife, or land plant that has been determined to be a threatened species pursuant to the Act shall be deemed to be a threatened species under the provisions of this chapter.'' Further, the State may enter into agreements with Federal agencies to administer and manage any area required for the conservation, management, enhancement, or protection of endangered species (HRS, Sect. 195D–5(c)). Funds for these activities could be made available under section 6 of the Act (State Cooperative Agreements). Thus, the Federal protection afforded to the O'ahu 'elepaio by listing as an endangered species will be reinforced and supplemented by protection under State law.

National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

This rule does not contain any new collections of information other than those already approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned Office of Management and Budget clearance number 1018–0094. 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. For additional information concerning permit and associated requirements for endangered species, see 50 CFR 17.22.

References Cited

A complete list of all references cited herein is available upon request from the Pacific Islands Ecoregion (see **ADDRESSES** section).

Author

The primary author of this final rule is Leila Gibson, U.S. Fish and Wildlife Service (see **ADDRESSES** section). Recent data regarding the O'ahu 'elepaio were provided by Eric VanderWerf of the University of Hawai'i.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order under BIRDS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
BIRDS							
*	*	*	*	*	*	*	
'Elepaio, O'ahu	Chasiempis sandwichensis ibidis.	U.S.A. (HI)	Entire	E		NA	NA
*	*	*	*	*	*	*	

Dated: April 5, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00–9684 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–55–U

Proposed Rules

Federal Register
Vol. 65, No. 75
Tuesday, April 18, 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 AGRICULTURE

Office of the Secretary

7 CFR Part 6

RIN 0551–AA59

Licensing for Certain Sugar-Containing Products Under Tariff-Rate Quota

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: The proposed rule, published in the **Federal Register** on March 17, 2000, (65 FR 14478–14484) provides for licensing of imports of sugar-containing products which enter under the tariff-rate quota (TRQ) provided for in Additional U.S. Note 8 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS). Public comments were requested by April 17, 2000. The Department is extending the public comment period to May 17, 2000.

DATES: The comment period has been extended and will expire on May 17, 2000. Comments should be received on or before this date to be assured of consideration.

ADDRESSES: Comments should be mailed or delivered to Diana Wanamaker, Import Policies and Programs Division, Foreign Agricultural Service, 1400 Independence Avenue SW, STOP 1021, U.S. Department of Agriculture, Washington, DC 20250–1021. Comments received may be inspected between 10:00 a.m. and 4:00 p.m. at room 5541–S, 1400 Independence Avenue SW, Washington, DC 20250–1021.

FOR FURTHER INFORMATION CONTACT: Diana Wanamaker at the address above, or telephone at 202–720–2916, or e-mail at *Wanamaker@fas.usda.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule was published in the **Federal Register** on March 17, 2000 (65 FR 14478–14484) and public comments were requested on or before April 17, 2000, to be assured of consideration. In view of private sector and foreign government requests that the comment period be extended in order to more fully assess the proposed import licensing requirement and its effects on business operations, the Department has decided that a 30-day extension of the comment period to May 17, 2000 would be reasonable.

Signed at Washington, D.C. on April 13, 2000.

Timothy J. Galvin,

Administrator, Foreign Agricultural Service.

[FR Doc. 00–9728 Filed 4–17–00; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–077–1]

RIN 0579–AB17

Karnal Bunt; Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We propose to amend the Karnal bunt regulations by removing from regulated areas any noninfected acreage that is more than 3 miles from a field or area associated with a bunted wheat kernel. This action would reduce the size of the areas that are regulated because of Karnal bunt in La Paz, Maricopa, and Pinal Counties of Arizona. We also propose to specify that mechanized harvesting equipment must be cleaned and disinfected before leaving a regulated area only if it has been used to harvest host crops that test positive for Karnal bunt. This action would relieve restrictions on the movement of mechanized harvesting equipment from all areas regulated because of Karnal bunt. We believe these actions would not result in a significant risk of spreading Karnal bunt.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by June 19, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–077–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–077–1.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Vedpal S. Malik, National Karnal Bunt Coordinator, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301)734–6774.

SUPPLEMENTARY INFORMATION:

Background

Karnal bunt is a fungal disease of wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), and triticale (*Triticum aestivum* X *Secale cereale*), a hybrid of wheat and rye. Karnal bunt is caused by the fungus *Tilletia indica* (Mitra) Mundkur and is spread through the movement of infected seed. In the absence of measures taken by the U.S. Department of Agriculture (USDA) to prevent its spread, the establishment of Karnal bunt in the United States could have significant consequences with regard to the export of wheat to international markets. The regulations regarding Karnal bunt are set forth in 7 CFR 301.89–1 through 301.89–14 (referred to below as the regulations).

Regulated Areas in Arizona

The regulations in § 301.89–3(e) provide the criteria for classifying a field or area as a regulated area for Karnal bunt. Under those criteria, a field or area would be classified as a regulated area when it is:

- A field planted with seed from a lot found to contain a bunted wheat kernel;
- A distinct definable area that contains at least one field that was found during survey to contain a bunted

wheat kernel (the distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to a field found during survey to contain a bunted kernel); or

• A distinct definable area that contains at least one field that was found during survey to contain spores consistent with Karnal bunt and has been determined to be associated with grain at a handling facility containing a bunted wheat kernel (the distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to a field that has been associated with grain at a handling facility containing a bunted kernel).

The boundaries of distinct definable areas are determined using the criteria in paragraphs (b) through (d) of § 301.89–3, which provide for the regulation of less than an entire State, the inclusion of noninfected acreage in a regulated area, and the temporary designation of nonregulated areas as regulated areas. Paragraph (c) of § 301.89 states that the Administrator may include noninfected acreage within a regulated area due to its proximity to an infestation or inseparability from the infected locality for regulatory purposes, as determined by:

• Projections of the spread of Karnal bunt along the periphery of the infestation;

• The availability of natural habitats and host materials within the noninfected acreage that are suitable for establishment and survival of Karnal bunt; and

• The necessity of including noninfected acreage within the regulated area in order to establish readily identifiable boundaries.

When we include noninfected acreage in a regulated area for one or more of these reasons, the noninfected acreage, along with the rest of the acreage in the regulated area, is intensively surveyed. Negative results from surveys of the noninfected acreage provide assurance that all infected acreage is within the regulated area. In effect, the noninfected acreage serves as a buffer zone between fields or areas associated with a bunted kernel and areas outside of the regulated area.

Based on 4 years of experience surveying noninfected acreage included in regulated areas, we have determined that a buffer zone of no more than 3 miles around a field or area associated with a bunted kernel is sufficient.

The regulations at § 301.89–3(f) set the boundaries for regulated areas in Arizona, California, New Mexico, and Texas. Certain regulated areas in Arizona, California, and Texas include noninfected acreage. In those regulated areas in California and Texas, the buffer zone does not extend more than 3 miles. However, in Arizona, regulated areas include additional noninfected acreage—in some cases up to 6 miles from a field or area associated with a bunted kernel—when the area is within contiguous agricultural acreage.

We propose to reduce the size of the regulated areas in Arizona by removing noninfected acreage that is more than 3 miles from a field or area associated with a bunted wheat kernel. This action would reduce the size of the areas in La Paz, Maricopa, and Pinal Counties of Arizona that are regulated because of Karnal bunt and would create a uniform and consistent standard for setting the boundaries of regulated areas in all affected States.

As a result of our proposal to reduce the size of the regulated areas in Maricopa and Pinal Counties so that they include only a 3-mile buffer zone around a field or area associated with a bunted kernel, we also propose to add 10 fields in Maricopa County and 5 fields in Pinal County to the respective county lists of individual fields classified as regulated areas. These 15 fields are currently part of larger regulated areas in Pinal and Maricopa Counties that would be broken up by our removing some noninfected acreage from regulation. These fields were planted in 1995 with lots of seed that contained bunted wheat kernels, so we believe it necessary to continue to regulate these fields. However, because crops from these fields have never tested positive for Karnal bunt, we see no need to establish a buffer zone around these fields.

The areas in La Paz, Maricopa, and Pinal Counties of Arizona that we propose to designate as regulated areas are described in § 301.89(f) in the rule portion of this document.

Mechanized Harvesting Equipment

Section 301.89–12 of the regulations requires cleaning and disinfection of mechanized harvesting equipment and seed conditioning equipment. Currently, mechanized harvesting equipment and seed conditioning equipment must be cleaned and disinfected before leaving a regulated area after harvesting any Karnal bunt host crops in regulated areas.

We propose to amend the regulations to require that mechanized harvesting equipment be cleaned and disinfected before leaving a regulated area only if it has been used to harvest host crops that test positive for Karnal bunt.

Our regulations concerning the testing of Karnal bunt host crops (see § 301.89–6) require that harvested host crops be tested for the presence of Karnal bunt prior to movement from the field or before commingling with other grains. This testing occurs before, or while, harvesting equipment is in the field. Harvesting equipment presents a risk only if contaminated by positive host crops. Therefore, instead of requiring all mechanized harvesting equipment to be cleaned and disinfected before leaving the regulated area, we can focus requirements on that equipment that presents a risk of spreading Karnal bunt without causing delays for the operators of mechanized harvesting equipment. This action would reduce the use of corrosive chemicals for cleaning and disinfection in regulated areas and relieve restrictions on the movement of mechanized harvesting equipment from areas regulated because of Karnal bunt.

In connection with this change, we also propose to amend § 301.89–2(i), which lists mechanized harvesting equipment as a regulated article. We would specify that mechanized harvesting equipment is a regulated article only if it has been used to harvest host crops that test positive for Karnal bunt.

The cleaning and disinfection requirements for seed conditioning equipment would remain unchanged because that equipment handles only seed, which presents a greater risk for the artificial spread of Karnal bunt.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

We have prepared an economic analysis for this action, which is set forth below. The analysis addresses the effects on small entities, as required by the Regulatory Flexibility Act, and serves as the cost-benefit analysis required by Executive Order 12866.

We propose to amend the Karnal bunt regulations by removing from regulated areas any noninfected acreage that is more than 3 miles from a field or area associated with a bunted wheat kernel. This action would reduce the size of the areas that are regulated because of Karnal bunt in La Paz, Maricopa, and Pinal Counties of Arizona. We also propose to specify that mechanized harvesting equipment must be cleaned

and disinfected before leaving a regulated area only if it has been used to harvest host crops that test positive for Karnal bunt. This action would relieve restrictions on the movement of mechanized harvesting equipment from all areas regulated because of Karnal bunt.

Regulated Areas in Arizona

As a result of the proposed reduction of regulated areas in La Paz, Maricopa, and Pinal Counties of Arizona, the regulated agricultural acreage in central Arizona would decline by about 131,000 acres, reducing the regulated acreage in Arizona as a whole by about one-third, from 389,000 acres to 258,000 acres. The total regulated agricultural acreage in Arizona, California, New Mexico, and Texas would decline by about 25 percent, from approximately 484,000 acres to 353,000 acres.

This change would benefit an estimated five wheat producers operating in the areas that would no longer be regulated. These five producers would benefit because they would be able to move their wheat without restriction. Currently, wheat grain may be moved from a regulated area only if it tests negative for bunted kernels, and commercial wheat seed may not be moved from a regulated area.

However, the benefits for these producers are not likely to be significant for two reasons. First, grain is tested for Karnal bunt at no cost to producers in all regulated areas. For producers who would be affected by this change, the elimination of the current testing requirement would remove an inconvenience only, not a financial burden. Second, very little commercial wheat seed is, or is expected to be, grown in the areas that would be removed from regulation. Because of that, the elimination of the current restriction on moving commercial seed would have only a minimal economic effect on producers in the affected areas.

It is possible that, by giving affected producers new status as deregulated growers, the rule could serve to enhance the perception of the quality of the producers' wheat crop. This could, in turn, lead to higher wheat prices. However, even if producers were to benefit from higher prices for their wheat, those prices are not likely to increase significantly.

Mechanized Harvesting Equipment

The proposed change to the requirements for cleaning and disinfecting mechanized harvesting equipment would primarily benefit custom combine harvesters, who routinely move their machines into and out of regulated areas in the course of harvesting wheat for multiple producers. They would benefit because they would no longer be required to clean and disinfect their combines prior to moving them out of the regulated area, as long as the machines had not been used to harvest host crops that tested positive for Karnal bunt.

Currently, there are about 67 harvesters, including both custom operators and producers who use their own combines, operating 124 combines in regulated areas. Many of these 67 harvesters could benefit from this rule. However, the exact number who would benefit—and the extent to which each would benefit—is unknown, since the information needed to make that determination (*i.e.,* the operating characteristics for each of the harvesters) is not available. It is not uncommon, for example, for custom harvesters to move the same combine into and out of the regulated area several times in the same crop season, a situation that occurs when cutting wheat that matures at different times.

The regulations allow for several different cleaning methods, but most combine operators choose a steam treatment, which takes a minimum of 8 hours and costs from about $500 to $600 per cleaning. In addition to the cost of cleaning itself, combine operators also incur an indirect cost of approximately $2,000 for each steam cleaning, representing lost income associated with the cleaning down time. For a combine harvester, therefore, each steam cleaning can cost up to about $2,600.

The economic effect of the proposed change to the regulations would vary depending on the operator's business practices and other factors. Incurring the cost of five cleanings per year for certain individual operators is not uncommon, although some operators must clean their equipment more than five times and some fewer than five times. Certain operators in the regulated area would not benefit at all from this proposed rule because they do not move their equipment from regulated areas. However, if a custom harvester avoided the cost of five cleanings per year as a result of this proposed rule, the savings would amount to approximately $13,000.

Effects on Small Entities

Virtually all of the wheat producers and firms that would be affected by this proposed rule are likely to be categorized as small according to the Small Business Administration (SBA) size classification. Economic impacts resulting from this proposed rule would therefore largely affect small entities.

The wheat producers that could be affected by the proposed changes to the regulations are all assumed to be small entities. This assumption is based on composite data for providers of the same and similar services. There were a total of 6,135 farms in Arizona in 1997. Of those 6,135 farms, which include wheat farms, 89 percent had annual sales of less than $0.5 million, the SBA's small entity threshold for wheat farms. However, for the reasons discussed above, we do not expect this proposed rule to have a significant economic effect on these entities.

The combine operators that could be affected by the proposed changes to the regulations are also all assumed to be small entities. In 1996, there were 282 U.S. firms primarily engaged in mechanical harvesting and related activities (SIC 0722), including combining of crops. Of the 282 firms, 95 percent (or 268) had less than $5.0 million in annual sales, the SBA's small entity threshold for businesses in that SIC category. Further, in 1996, the per firm average sales for all of the 268 firms in SIC 0722 that met the SBA's definition of a small entity was $551,571. Therefore, based on our calculation of $13,000 in potential savings for many of these firms, the economic benefits of this proposal would represent 2 percent of annual sales, which would not amount to a significant economic effect on these firms.

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

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

Lists of Subjects in Part 301

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

Accordingly, we propose to amend 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

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

2. In § 301.89–2, paragraph (i) would be revised to read as follows:

§ 301.89–2 Regulated articles.

* * * * *

(i) Mechanized harvesting equipment used in the production of wheat, durum wheat, and triticale that test positive from Karnal bunt;

* * * * *

3. In § 301.89–3, paragraph (f), the entry for Arizona would be revised to read as follows:

§ 301.89–3 Regulated areas.

* * * * *

(f) * * *

ARIZONA

La Paz County. Beginning at the southeast corner of sec. 33, T. 5 N., R. 21 W.; then west to the Colorado River; then north along the Colorado River to the west edge of sec. 26, T. 6 N., R. 22 W.; then north to the northwest corner of sec. 26, T. 6 N., R. 22 W.; then east to the northeast corner of sec. 27, T. 6 N., R. 21 W.; then south to the southeast corner of sec. 10, T. 5 N., R. 21 W.; then west to the southwest corner of sec. 10, T. 5 N., R. 21 W.; then south to the point of beginning; and

Beginning at the southeast corner of sec. 36, T. 7 N., R. 21 W.; then west to the southwest corner of sec. 31, T. 7 N., R. 21 W.; then north to the northwest corner of sec. 7, T. 7 N., R. 21 W.; then east to the northwest corner of sec. 8, T. 7 N., R. 21 W.; then north to the northwest corner of sec. 5, T. 7 N., R. 21 W.; then east to the northwest corner of sec. 4, T. 7 N., R. 21 W.; then north to the northwest corner of sec. 33, T. 8 N., R. 21 W.; then east to the northeast corner of sec. 34, T. 8 N., R. 21 W.; then south to the northeast corner of sec. 3, T. 7 N., R. 21 W.; then east to the northeast corner of sec. 2, T. 7 N., R. 21 W.; then south to the northeast corner of sec. 11, T. 7 N., R. 21 W.; then east to the northeast corner of sec. 12, T. 7 N., R. 21 W.; then south to the point of beginning.

Maricopa County. Beginning at the southeast corner of sec. 12, T. 6 S., R. 6 W.; then west to the southwest corner of sec. 7, T. 6 S., R. 6 W.; then north to the northwest corner of sec. 7, T. 6 S., R. 6 W.; then west to the southwest corner of sec. 2, T. 6 S., R. 7 W.; then north to the northwest corner of sec. 14, T. 5 S., R. 7 W.; then east to the northeast corner of sec. 18, T. 5 S., R. 6 W.; then south to the southeast corner of sec. 19, T. 5 S., R. 6 W.; then east to the northeast corner of sec. 25, T. 5 S., R. 6 W.; then south to the point of beginning; and

Beginning at the southeast corner of sec. 14, T. 1 S., R. 4 W.; then west to the southwest corner of sec. 14, T. 1 S., R. 5 W.; then north to the northwest corner of sec. 14, T. 1 N., R. 5 W.; then east to the northeast corner of sec. 14, T. 1 N., R. 4 W.; then south to the point of beginning; and

Beginning at the southeast corner of sec. 6, T. 1 S., R. 2 W.; then west to the southwest corner of sec. 5, T. 1 S., R. 3 W.; then north to the northwest corner of sec. 17, T. 1 N., R. 3 W.; then east to the northeast corner of sec. 18, T. 1 N., R. 2 W.; then north to the northwest corner of sec. 8, T. 1 N., R. 2 W.; then east to the northeast corner of sec. 8, T. 1 N., R. 2 W.; then south to the southeast corner of sec. 32, T. 1 N., R. 2 W.; then west to the northeast corner of sec. 6, T. 1 S., R. 2 W.; then south to the point of beginning; and

Beginning at the southeast corner of sec. 28, T. 1 S., R. 2 E.; then west to the southwest corner of sec. 30, T. 1 S., R. 2 E.; then north to the southwest corner of sec. 18, T. 1 S., R. 2 E.; then west to the southwest corner of sec. 14, T. 1 S., R. 1 E.; then north to the southwest corner of sec. 2, T. 1 S., R. 1 E.; then west to the southwest corner of sec. 4, T. 1 S., R. 1 E.; then north to the northwest corner of sec. 4, T. 1 S., R. 1 E., then west to the southwest corner of sec. 33, T. 1 N., R. 1 W.; then north to the southwest corner of sec. 9, T. 1 N., R. 1 W.; then west to the southwest corner of sec. 12, T. 1 N., R. 2 W.; then north to the southwest corner of sec. 25, T. 2 N., R. 2 W.; then west to the southwest corner of sec. 27, T. 2 N., R. 2 W.; then north to the northwest corner of sec. 3, T. 3 N., R. 2 W.; then east to the northeast corner of sec. 1, T. 3 N., R. 1 W.; then south to the northwest corner of sec. 19, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 23, T. 3 N., R. 1 E.; then south to the southeast corner of sec. 35, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 1, T. 2 N., R. 1 E.; then south to the northwest corner of sec. 18, T. 1 N., R. 2 E.; then east to the northeast corner of sec. 13, T. 1 N., R. 2 E.; then south to the southeast corner of sec. 12, T. 1 S., R. 2 E.; then west to the southeast corner of sec. 9, T. 1 S., R. 2 E.; then south to the point of beginning; and

Beginning at the southeast corner of sec. 34, T. 2 N., R. 5 E.; then west to the southwest corner of sec. 31, T. 2 N., R. 5 E.; then north to the northwest corner of sec. 7, T. 2 N., R. 5 E.; then east to the northeast corner of sec. 10, T. 2 N., R. 5 E.; then south to the point of beginning; and

Beginning at the intersection of the Maricopa/Pinal County line and the southwest corner of sec. 31, T. 2 S., R. 5 E.; then north to the northwest corner of sec. 31, T. 2 S., R. 5 E.; then west to the southwest corner of sec. 25, T. 2 S., R. 4 E.; then north to the southwest corner of sec. 13, T. 2 S., R. 4 E.; then west to the southwest corner of sec. 15, T. 2 S., R. 4 E.; then north to the northwest corner of sec. 3, T. 2 S., R. 4 E.; then east to the southwest corner of sec. 35, T. 1 S., R. 4 E.; then north to the northwest corner of sec. 35, T. 1 S., R. 4 E.; then east to the northwest corner of sec. 34, T. 1 S., R. 5 E.; then north to the northwest corner of sec. 22, T. 1 S., R. 5 E.; then east to the northwest corner of sec. 20, T. 1 S., R. 6 E.; then north to the northwest corner of sec. 8, T. 1 S., R. 6 E.; then east to the northeast corner of sec. 7, T. 1 S., R. 7 E.; then south to the southeast corner of sec. 31, T. 1 S., R. 7 E.; then east to the northeast corner of sec. 5, T. 2 S., R. 7 E.; then south to the southeast corner of sec. 5, T. 2 S., R. 7 E.; then east to the Maricopa/Pinal County line; then south and west along the Maricopa/Pinal County line to the point of beginning.

The following individual fields in Maricopa County are regulated areas:

301060505	304073005	306013222
301060506	304073010	306013231
301060601	304081410	306020404
301060602	304081413	306020501
301060603	304081415	306020601
301060604	304081417	306020623
301102505	304081505	316123301
301102506	304081506	316123302
303111502	304082202	316123303
303111503	304082302	316131901
303113002	304082303	316131904
304031904	304082607	316132302
304031906	304082703	316132604
304073004		

Pinal County. Beginning at the intersection of the Maricopa/Pinal County line and the northwest corner of sec. 7, T. 2 S., R. 8 E.; then east to the

northeast corner of sec. 8, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 8, T. 2 S., R. 8 E.; then east to the northeast corner of sec. 16, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 28, T. 2 S., R. 8 E.; then west to the southeast corner of sec. 29, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 32, T. 2 S., R. 8 E.; then west to the Maricopa/Pinal County line; then north along the Maricopa/Pinal County line to the point of beginning; and

Beginning at the intersection of the Maricopa/Pinal County line and the northeast corner of sec. 5, T. 3 S., R. 6 E.; then south to the southeast corner of sec. 32, T. 3 S., R. 6 E.; then west to the southwest corner of sec. 34, T. 3 S., R. 5 E.; then north to the southwest corner of sec. 3, T. 3 S., R. 5 E.; then west to the southwest corner of sec. 6, T. 3 S., R. 5 E.; then north to the Maricopa/Pinal County line; then east along the Maricopa/Pinal County line to the point of beginning; and

Beginning at the southeast corner of sec. 5, T. 6 S., R. 4 E.; then west to the southwest corner of sec. 5, T. 6 S., R. 3 E.; then north to the southwest corner of sec. 28, T. 5 S., R. 3 E.; then west to the southwest corner of sec. 25, T. 5 S., R. 2 E.; then north to the southwest corner of sec. 24, T. 5 S., R. 2 E.; then west to the southwest corner of sec. 23, T. 5 S., R. 2 E.; then north to the northwest corner of sec. 35, T. 4 S., R. 2 E.; then east to the northwest corner of sec. 36, T. 4 S., R. 2 E.; then north to the northwest corner of sec. 25, T. 4 S., R. 2 E.; then east to the northwest corner of sec. 29, T. 4 S., R. 3 E.; then north to the northwest corner of sec. 20, T. 4 S., R. 3 E.; then east to the northeast corner of sec. 21, T. 4 S., R. 4 E.; then south to the northeast corner of sec. 4, T. 5 S., R. 4 E.; then east to the northeast corner of sec. 3, T. 5 S., R. 4 E.; then south to the southeast corner of sec. 22, T. 5 S., R. 4 E.; then west to the southeast corner of sec. 21, T. 5 S., R. 4 E.; then south to the point of beginning.

The following individual fields in Pinal County are regulated areas:

307012207	309033507	309042621
308102604	309042544	309050104
308102605	309042545	309050109
309021801	309042601	309050122
309021804	309042607	309050207
309021812	309042619	309050209
309031304	309042620	

Yuma County. The following individual fields in Yuma County are regulated areas:

321010208	321040405	323030401
321010210	321040911	323030402
321010211	321040912	323030403
321010224	321040915	323030404
321010301	321040917	323030405
321010302	321040918	323030406
321011103	321040921	323030501
321033501	321040922	323030502
321033502	321041903	323030512
321033503	321041904	323030513
321033516	321041908	323030514
321033517	321041919	323030515
321033518	321042903	323030521
321033519		

* * * * *

4. In § 301.89–12, paragraph (a) would be revised to read as follows:

§ 301.89–12 Cleaning and disinfection.

(a) Mechanized harvesting equipment that has been used to harvest host crops that test positive for Karnal bunt and seed conditioning equipment that has been used in the production of any host crops must be cleaned and disinfected in accordance with § 301.89–13(a) prior to movement from a regulated area.

* * * * *

Done in Washington, DC, this 12th day of April 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–9670 Filed 4–17–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 210, 211, 820, and 1271

[Docket No. 97N–484S]

Suitability Determination for Donors of Human Cellular and Tissue-Based Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening for 90 days the comment period for the proposed rule concerning suitability determinations for donors of human cellular and tissue-based products. The proposed rule was published in the **Federal Register** of September 30, 1999 (64 FR 52696). This action is being taken in response to requests for an extension to allow interested parties, including State and local officials, additional time for review and to submit comments.

DATES: Submit written comments on the proposed rule by July 17, 2000.

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

FOR FURTHER INFORMATION CONTACT: Paula S. McKeever, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 30, 1999 (64 FR 52696), FDA published a proposed rule to require manufacturers of human cellular and tissue-based products to screen and test the donors of cells and tissue used in those products for risk factors for and clinical evidence of relevant communicable disease agents and diseases. As part of that regulatory action, the agency proposed to amend the current good manufacturing practice regulations that apply to human cellular and tissue-based products regulated as drugs, medical devices, and/or biological products to incorporate the new donor-suitability procedures into existing good manufacturing practice regulations. Interested persons were given until December 29, 1999, to submit written comments on the proposed rule.

On November 19, 1999, a comment was submitted to the docket by a professional association requesting a 60-day extension of the comment period on the proposed rule. The comment requests additional time to allow an ad hoc group of experts assembled by the organization to complete the collection and analysis of scientific data on transmissible spongiform encephalopathies and Creutzfeld-Jakob Disease. The association also noted the recent publication of the proposed rule entitled ''Standards for Privacy of Individually Identifiable Health Information'' by the Department of Health and Human Services (64 FR 59918, November 3, 1999), and requested an opportunity to evaluate the potential impact of that proposed rule in relation to the September 30, 1999, proposed rule. On December 1, 1999, a second comment requested an extension to at least January 31, 2000.

In addition, FDA has learned that the State of California and other jurisdictions have enacted legislation and issued regulations governing tissue donor suitability. Because those laws might conflict with provisions in the September 30, 1999, proposed rule, FDA has invited State officials to participate in this rulemaking. The agency would appreciate comment on: (1) The need for uniform national standards for donor suitability determinations to prevent communicable disease transmission

through human cellular and tissue-based products, (2) the scope of such proposed national requirements and their impact upon State laws, (3) FDA's proposal not to preempt State laws on legislative consent for cornea transplants, and (4) any issues raised by this proposed rule possibly affecting State laws and authorities. To allow sufficient time for this to occur, as well as to allow all interested persons additional time to evaluate information and submit meaningful comments, the agency is reopening the comment period for 90 days.

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding the proposed rule by July 17, 2000. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The proposed rule and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 10, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–9581 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 70

RIN 1076–AD98

Certificate of Degree of Indian or Alaska Native Blood

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: This rule will establish documentation requirements and standards for filing, processing, and issuing a Certificate of Degree of Indian or Alaska Native Blood (CDIB) by the Bureau of Indian Affairs (Bureau). This rule will provide the policies and standards that will allow the Bureau to issue, amend, or invalidate CDIBs. The Bureau issues CDIBs to assist individuals in establishing their eligibility for programs and services based upon their status as American Indians and/or Alaska Natives.

DATES: Send your comments to reach us on or before July 17, 2000.

We plan to hold consultations on this proposed rule. The dates of the consultations are:

April 14, 2000, in Anchorage, Alaska;

May 10, 2000, in Rapid City, South Dakota; and

May 24, 2000, in Albuquerque, New Mexico.

See **SUPPLEMENTARY INFORMATION** for the addresses of the consultations. Each meeting will begin at 9:00 a.m. and end at 4:00 p.m (local time).

ADDRESSES: You may mail comments to Karen Ketcher, Branch of Tribal Operations, Eastern Oklahoma Region, Department of the Interior, Bureau of Indian Affairs, 101 North 5th Street, Muskogee, OK 74401. You may also hand-deliver comments to us at Room 426, at the same address. For information about filing comments electronically, see the **SUPPLEMENTARY INFORMATION** section under ''Electronic access and filing address.'' Comments will be available for inspection at this electronic address from 9:00 a.m. to 3:00 p.m. Central Standard time, Monday through Friday beginning approximately two weeks after publication of this proposed rule in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Karen Ketcher, Tribal Operations, Eastern Oklahoma Region, Bureau of Indian Affairs, 918–687–2313. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8:00 a.m. and 4:00 p.m. Central Standard time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION

I. Public Comment Procedures

Electronic Access and Filing Address

You may access an electronic version of this proposed rule through our home page (www.doi.gov/bia/otshome.html). You may also comment via the Internet to: Karen Ketcher@bia.gov. Please also include ''Attention: 1076–AD98'' and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at 918–687–2313.

Written Comments

Written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any change you recommend. Where possible, you should reference the specific section or paragraph of the proposal you are addressing. We may not consider or include in the Administrative Record for the final rule comments which we receive after the close of the comment period (See **DATES**) or comments delivered to an address other than those listed above (See **ADDRESSES**). Comments, including names, street addresses, and other contact information of respondents, will be available for public review at this address during regular business hours (7:45 a.m. to 4:15 p.m. Central Standard time), Monday through Friday, except Federal holidays. We will also post all comments on the regulation's Internet page at the end of the comment period. Individual respondents may request confidentiality. If you wish to request that we consider withholding your name, street address, and other contact information (such as Internet address, FAX or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. We will make available for public inspection in their entirety all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

Consultations

We will hold consultations at the following locations on the dates and times specified:

April 14, 2000, in Anchorage, Alaska, at the Holiday Inn, 239 W. 4th Avenue, Anchorage, Alaska 99501;

May 10, 2000, in Rapid City, South Dakota at the Best Western Ramkota Hotel, 2111 North LaCrosse Street, Rapid City, South Dakota 57701; and,

May 24, 2000, in Albuquerque, New Mexico at the Best Western Winrock Inn, 18 Winrock Center, Albuquerque, New Mexico 87110.

Any person who wants to participate in a particular consultation should notify Karen Ketcher, the person identified under **FOR FURTHER INFORMATION CONTACT** at least one week before the consultation. If no one expresses an interest in participating in a consultation at a given location by that date, we will not hold that consultation. If only one person expresses an interest, we may hold a public meeting rather than a consultation, and we will include the results in the Administrative Record. If we hold a consultation, we will continue the consultation until everyone who wants to testify has done so. In order to assist the transcriber and to ensure an accurate record, we request that you give the transcriber a copy of your testimony. In order to assist us in preparing appropriate responses/answers to your questions, we also ask that if you plan to testify, please submit

an advance copy of your testimony to us at the address previously specified (See **ADDRESSES**). However, this submission of the advance copy of your testimony is not required.

The meeting sites are accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the consultation, such as interpreting service, assistive listening device, or materials in an alternate format, must notify Karen Ketcher, the person listed under **FOR FURTHER INFORMATION CONTACT** two weeks before the scheduled consultation date. Although we will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

II. Background

A Certificate of Degree of Indian or Alaska Native Blood (CDIB) certifies that an individual possesses a specific degree of Indian blood of a federally recognized Indian tribe(s). A deciding Bureau official issues the CDIB. We issue CDIBs so that individuals may establish their eligibility for those programs and services based upon their status as American Indians and/or Alaska Natives. A CDIB does not establish membership in a federally recognized Indian tribe, and does not prevent an Indian tribe from making a separate and independent determination of blood degree for tribal purposes.

In reviewing the Bureau's practices, the Interior Board of Indian Appeals (IBIA) ruled that the degree of Indian blood of an individual Indian cannot be changed by the Bureau on the basis of ''the evidentiary standards set forth in *unwritten* policy statements'' and advised the Bureau to develop and issue regulations, *Underwood* v. *Deputy Assistant Secretary-Indian Affairs,* 93 I.D. 13, 14 IBIA 3, January 31, 1986. In the absence of regulations, the Bureau has been without the authority to invalidate or amend CDIBs issued in error. As a result, there are individuals who do not receive services for which they may qualify and individuals who receive services for which they do not qualify.

Some early Bureau and tribal records do not indicate degrees of Indian blood or are inconsistent. Changes and corrections have been made to these records without an indication of who made the change or the basis upon which they were made. Errors occurred when individuals submitted delayed or amended birth certificates and delayed death certificates as documentation for Indian blood certification. Amended birth documents often contain unreliable birth data, or data that was received long after the original birth certification had been issued. For example, some birth fathers do not recognize their children until later in life or when ordered to do so by a court having jurisdiction, long after a birth certification may have first been issued. Adoption records often contain limited birth data. Only extensive research provides additional birth data. Corrections are required when birth certificates and death certificates are amended, adoption and paternity records become available, or complete family history information and/or documents not initially submitted are received.

The rolls of federally recognized Indian tribes may be used as the basis for issuing CDIBs. The base rolls of some tribes are deemed to be correct by statute, even if errors exist. For example, the 1906 Federal rolls for the Cherokee, Chickasaw, Choctaw, Creek, and Seminole were prepared for purposes of allotment of tribal lands, and persons of two or more of these tribes were enrolled only with the tribe of the territory of his/her residence and only with that tribe's blood degree listed. Subsequently, the Act of August 4, 1947, 61 Stat. 731, declared that the base rolls of these tribes are conclusive as to blood degree when determining the restricted status of inherited, allotted lands.

Existing federal laws and regulations require some form of proof of Indian blood for various purposes. Some of these regulations even expressly refer to Certifications of Degree of Indian Blood. Unless these laws and regulations are amended to eliminate the need for a method of proving Indian blood or Indian blood degree, uniform standards for issuance, amendments and denials of Certificates of Degree of Indian Blood are essential for compliance with the law.

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 sections 463 and 465 of the Revised Statutes, and 25 U.S.C. 2 and 9. Publication of the proposed rule by the Department provides the public an opportunity to participate in the rule making process. Interested persons may submit written comments regarding the proposed rule to the location identified in the **ADDRESSES** section of this document.

III. Procedural Matters

Executive Order 12866

In accordance with the criteria in Executive Order 12866, this proposed rule is not a significant regulatory action. This proposed rule will not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. Nor does this proposed rule create inconsistencies with other agencies' actions; affect entitlements, grants user fees, loan programs, or their recipients; or raise novel legal or policy issues.

Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Neither a Regulatory Flexibility Analysis or a Small Entity Compliance Guide is required.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act, this proposed rule will not ''significantly or uniquely'' affect small governments nor does it produce a Federal mandate of $100 million or more in any year.

Executive Order 12630

In accordance with Executive Order 12630, this proposed rule does not have ''significant takings'' implications. This rule does not pertain to ''taking'' of private property interests, nor does it impact private property.

Executive Order 13132

In accordance with Executive Order 13132, this proposed rule does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of States.

Executive Order 12988

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this proposed rule does not unduly burden the judicial system.

National Environmental Protection Act

In accordance with the National Environmental Protection Act and 318 DM 2.2(G) and 6.3(D), this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment.

Paperwork Reduction Act

Sections 70.11, 70.22, 70.23, 70.24, 70.30, and 70.34 contain information collection and submission requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted a copy of the proposed regulations to the Office of

Management and Budget (OMB) for review. The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. We will not require collection of this information until OMB has given its approval.

1. Information Collection Request

Type of Review: New.

Title: Request for Certificate of Degree of Indian or Alaska Native Blood.

Affected Entities: Individual Indians who may be eligible to receive program services based upon their status and/or degree of Indian or Alaska Native blood.

Abstract: The purpose of this collection is to assist in determining the eligibility of individuals for various programs and services available to American Indians and Alaska Natives. Disclosure of information may be given to the Department of the Interior and the Department of Justice when required for litigation or anticipated litigation. Notification of inquiries or access must be addressed to the appropriate Regional Director, Bureau of Indian Affairs.

Submission of this information is voluntary. However, not providing information may result in a determination that an individual is not eligible to receive program services based upon his/her status as an American Indian or Alaska Native. The information to be collected includes: certificates of birth and death, probate determinations, court orders, affidavits, Federal or tribal census records, and Social Security records.

All information and documentation is to be collected once from each Requester. The reporting and record keeping burden for this collection of information is estimated to average 1.5 hours for each response for an estimated 285,000 requests per year or 427,000 hours, including the time for reviewing instructions, searching existing data sources and gathering needed data. Collection of information and documentation for the appeals procedures is expected to involve 12 regions receiving 2,400 appeals. The reporting and record keeping burden for this collection of information is estimated to average 2.5 hours for each appeal for an estimated 6,000 hours per year, including the time for reviewing instructions, searching existing data sources and gathering needed data. Thus, the estimated total annual reporting and record keeping burden for this entire collection is estimated to be 433,000 hours.

Individuals will be required to sign, under penalty of perjury, a statement verifying the truth of all of the information provided in the CDIB packet.

2. We consider comments by the public on this proposed collection of information in:

(a) Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(b) Evaluating the accuracy of the agency's estimates of burden of the proposed collection of information, including the methodology and assumptions used.

(c) Enhancing the quality, utility, and clarity of the information to be collected.

(d) Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

Tribes, organizations and individuals desiring to submit comments on the information collection requirement should direct them to Attention: Desk Officer for the Department of the Interior, Office of Information & Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Room 10102, Washington, DC 20503. A copy should be sent to Karen Ketcher, Branch of Tribal Operations, Eastern Oklahoma Region, Department of the Interior, Bureau of Indian Affairs, 101 North 5th Street, Muskogee, OK 74401, or hand deliver them to Room 426, at the same address. Comments will be available for inspection at this address from 9:00 a.m. to 3:00 p.m., Central Standard Time, Monday through Friday beginning approximately two weeks after publication of this proposed rule in the **Federal Register**. Please note, these comments on the proposed form are in addition to comments you may have on the proposed regulation itself.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulations.

Small Business Regulatory Enforcement Fairness Act

This proposed rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). This proposed rule does not have an annual effect on the economy of $100 million or more nor will it cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This proposed rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 13084

Executive Order 13084 requires each agency to have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities. On January 31, 1986, the Interior Board of Indian Appeals (IBIA) ruled that the degree of Indian blood of an individual Indian cannot be changed by the Bureau on the basis of ''the evidentiary standards set forth in unwritten policy statements'' and advised the Bureau to develop and issue regulations, *Underwood* v. *Deputy Assistant Secretary-Indian Affairs*, IBIA 93 I.D. 13, 14, IBIA 3. This IBIA decision affected tribes in eastern Oklahoma.

As a result, representatives from the Bureau Central Office, the Eastern Oklahoma Region, the Tulsa Office of the Field Solicitor, and the tribes which contracted the CDIB function under the Self-Determination and Education Assistance Act, P.L.93–638, met on August 11–13, 1987, at the Chickasaw Motor Inn, Sulphur, Oklahoma, to develop CDIB regulations for eastern Oklahoma. Ten of the twenty-seven individuals attending this meeting represented various tribes in eastern Oklahoma. On September 13–14, 1988, this same work group met again for a second meeting in Muskogee, Oklahoma, to continue the work on these CDIB regulations. A Central Office Enrollment staff member attended this meeting and recommended that the CDIB regulations be written as nation-wide regulations for the Bureau. The work group accepted this recommendation and held nine additional meetings beginning May 10, 1989, through June 15, 1992, when a draft was forwarded to Central Office,

Division of Tribal Government Services, Washington, D.C. On September 13–16, 1994, two members of the work group (one tribal and one Bureau) traveled to Washington, D.C. to prepare the draft for publishing in the **Federal Register**.

In the mean time, the Inter-Tribal Council for the Five Civilized Tribes (Cherokee, Chickasaw, Choctaw, Creek, and Seminole) passed Resolution No. 97–13, on April 11, 1997, requesting that the proposed regulations drafted by the Bureau and Tribal personnel be published. A second request, Resolution No. 97–18, enacted on July 11, 1997, urged publication of the proposed CDIB regulation. On December 2–3, 1999, the Eastern Oklahoma Region conducted a CDIB technical assistance workshop to train approximately 45 individuals (30 being tribal enrollment staff), who are involved with the CDIB function. They fully supported the publication of the proposed CDIB regulations.

OMB Control #1076–01____

Expiration Date: ____

Bureau of Indian Affairs Certificate of Degree of Indian or Alaska Native Blood Instructions

All portions of the Request for Certificate of Degree of Indian or Alaska Native Blood (CDIB) must be completed. You must show your relationship to an enrolled member(s) of a federally recognized Indian tribe, whether it is through your birth mother or birth father, or both. A federally recognized Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community which appears on the list of recognized tribes published in the **Federal Register** by the Secretary of the Interior (25 U.S.C. § 479a–1(a)).

- Your degree of Indian blood is computed from lineal ancestors of Indian blood who were enrolled with a federally recognized Indian tribe or whose names appear on the designated base rolls of a federally recognized Indian tribe.
- You must give the maiden names of all women listed on the Request for CDIB, unless they were enrolled by their married names.
- A *Certified Copy of a Birth Certificate* is required to establish your relationship to a parent(s) enrolled with a federally recognized Indian tribe(s).
- If your parent is not enrolled with a federally recognized Indian tribe, a *Certified Copy of your parent's Birth or Death Certificate* is required to establish your parent's relationship to an enrolled member of a federally recognized Indian tribe(s). If your grandparent(s) were not enrolled members of a federally recognized Indian tribe(s), a *Certified Copy of the Birth or Death Certificate for each grandparent* who was the child of an enrolled member of a federally recognized Indian tribe is required.
- Certified copies of Birth Certificates, Delayed Birth Certificates, and Death Certificates may be obtained from the State Department of Health or Bureau of Vital Statistics in the State where the person was born or died.
- In cases of adoption, the degree of Indian blood of the natural (birth) parent must be proven.
- Refer to 25 CFR Part 70, CDIB to determine what documents are acceptable.

1. Your request and supporting documents should be returned to the Agency from whom you receive services.

2. Incomplete requests will be returned with a request for further information. No action will be taken until the request is complete.

BILLING CODE 4310–02–P

OMB Control #1076-01___
Expiration Date: ___
Page: 1

BUREAU OF INDIAN AFFAIRS
REQUEST FOR CERTIFICATE OF DEGREE OF INDIAN OR ALASKA NATIVE BLOOD

Requester's Name (list all names by which Requester is or has been known):	**Requester's Address (including zip code):**	Date Received by Bureau of Indian Affairs:

<table>
<tr>
<td rowspan="2">Requester's Date of Birth:

Requester's Place of Birth:

Is Requester Adopted?
☐ Yes ☐ No

Are Requester's Parents Adopted?
☐ Yes ☐ No

If Yes, list natural (birth) parents: (If known)

Tribe(s) with which Requester is enrolled:

Roll Nos:</td>
<td>Father's name:

Tribe:

Roll No.:

DOB:

Deceased ☐ Yes ☐ No
Year____</td>
<td>Paternal Grandfather's Name:

Tribe:
Roll No:
DOB: Deceased/Year____

Paternal Grandmother's Name:

Tribe:
Roll No:
DOB: Deceased/Year____</td>
<td>Paternal Great Grandfather's Name:
Tribe:
Roll No:
DOB: Deceased/Year____

Paternal Great Grandmother's Name:
Tribe:
Roll No:
DOB: Deceased/Year____

Paternal Great Grandfather's Name:
Tribe:
Roll No:
DOB: Deceased/Year____

Paternal Great Grandmother's Name:
Tribe:
Roll No:
DOB: Deceased/Year____</td>
</tr>
<tr>
<td>Mother's Name:

Tribe:

Roll No.:

DOB:

Deceased ☐ Yes ☐ No
Year____</td>
<td>Maternal Grandfather's Name:

Tribe:
Roll No:
DOB: Deceased/Year____

Maternal Grandmother's Name:

Tribe:
Roll No:
DOB: Deceased/Year____</td>
<td>Maternal Great Grandfather's Name:
Tribe:
Roll No:
DOB: Deceased/Year____

Maternal Great Grandmother's Name:
Tribe:
Roll No:
DOB: Deceased/Year____

Maternal Great Grandfather's Name:
Tribe:
Roll No:
DOB: Deceased/Year____

Maternal Great Grandmother's Name:
Tribe:
Roll No:
DOB: Deceased/Year____</td>
</tr>
</table>

NOTICES AND CERTIFICATION

NOTICE OF APPEAL RIGHTS.

- When you receive your CDIB, you must review it for the correct name spelling, birth dates, and blood degrees. If you believe that there are any mistakes on the CDIB, you must give a written request for corrections and provide supporting documentation to the issuing officer within 45 days (60 for Alaska tribes) of the date on the letter. If you fail to meet this deadline, appeal rights will be lost. If the issuing officer decides that corrections are not needed, he or she will send a written determination with an explanation through certified mail to you and provide you with a copy of the appeals procedures contained in 25 CFR §§ 70.30 - 70.37.

- If you are denied a CDIB, you will be given a written determination with an explanation for the denial and a copy of the appeal procedures.

NOTICE OF PAPERWORK REDUCTION ACT.

The information collection requirement contained in 25 CFR § 70.11 and this request have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), and assigned clearance number _____. The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Information is collected when individuals seek certification that they possess sufficient Indian blood to receive Federal program services based upon their status as American Indians or Alaska Natives. The information collected will be used to assist in determining eligibility of the individual to receive Federal program services. The information is supplied by a respondent to obtain a Certificate of Degree of Indian or Alaska Native Blood. It is estimated that responding to the request will take an average of 1.5 hours to complete. This includes the amount of time it takes to gather the information and fill out the form. If you wish to make comments on the form, please send them to the Information Collection Control Officer, Bureau of Indian Affairs, 1849 C Street NW, MS 4657-MIB, Washington, DC 20240. Note: comments, names and addresses of commentatators are available for public review during regular business hours. If you wish us to withhold this information, you must state this prominently at the beginning of your comment. We will honor your request to the extent allowable by law. In compliance with the Paperwork Reduction Act of 1995, as amended, the collection has been reviewed by the Office of Management and Budget and assigned a number and expiration date. The number and expiration date are at the top right corner of the form. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless there is a valid OMB clearance number.

NOTICE OF PRIVACY ACT STATEMENT.

This information is collected as provided pursuant to the Privacy Act, 5 U.S.C. 552a. The Bureau of Indian Affairs will not disclose any record containing such information without the written consent of the respondent unless the requestor uses the information to perform assigned duties. The primary use of this information is to certify that an individual possesses Indian blood to receive Federal program services. Examples of others who may request the information are U.S. Department of Justice or in a proceeding before a court or adjudicative body; Federal, state, local, or foreign law enforcement agency; Members of Congress; Department of Treasury to effect payment; a Federal agency for collecting a debt; and other Federal agencies to detect and eliminate fraud.

NOTICE OF EFFECTS OF NON-DISCLOSURE.

Disclosure of the information on this CDIB request is voluntary. However, proof of Indian blood is required to receive Federal program services.

NOTICE OF STATEMENTS AND SUBMISSIONS.

Falsification or misrepresentation of information provided on this request is punishable under Federal Law, 18 U.S.C. 1001. Conviction may result in a fine and/or imprisonment of not more than 5 years.

I request a CDIB, and certify that I have read the instructions, and above notices about my request for a CDIB. I further certify that the information which I have provided with this request to the Bureau of Indian Affairs is true and correct.

_____ _____

(Requester's signature) (date)

Drafting Information

The primary authors of this document are Karen Ketcher, Tribal Operations Specialist, Eastern Oklahoma Region; Suzanne Chaney, Tribal Government Specialist, Southern Plains Region; Timothy DeAsis, Tribal Government Officer, Alaska Region; Donna Peterson, Tribal Government Specialist, Western Region; De Springer, Tribal Government Officer, Midwest Region; James Vallie, Tribal Government Specialist, Southern Pueblos Agency; Susan Work, Attorney, Tulsa Field Solicitor's Office; Dorson Zunie, Tribal Government Officer, Pacific Region; Duane Bird Bear, Chief, Division of Tribal Government Services, Central Office; R. Lee Fleming, Chief, Branch of Acknowledgment and Research, Central Office; Carolyn Newman, Tribal Enrollment Specialist, Central Office.

List of Subjects in 25 CFR Part 70

Alaska Natives, Indians, Indians-Federal certification.

For the reasons given in the preamble, the Bureau of Indian Affairs proposes to add a new Part 70 to Title 25, Chapter I, Subchapter F—Tribal Government, of the Code of Federal Regulations as set forth below.

PART 70—CERTIFICATE OF DEGREE OF INDIAN OR ALASKA NATIVE BLOOD

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70.26 What steps do I follow if I possess Indian or Alaska Native blood from more than one federally recognized Indian tribe?
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70.28 Do I become a member of an Indian Tribe when the Bureau issues me a Certificate of Degree of Indian or Alaska Native Blood?
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70.34 Can I submit additional information if I choose to file an appeal and what is the burden of proof?
70.35 What action can I expect from the Bureau's Regional Director if I file an appeal?
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70.38 Can my Certificate of Degree of Indian or Alaska Native Blood be sent to an authorized third party?

Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9.

Subpart A—General Information

§ 70.1 What is the purpose of this part?

This part specifies the requirements for the documentation of degree of Indian blood and uniform standards by which we may issue, amend, or invalidate a Certificate of Degree of Indian or Alaska Native Blood. The Bureau issues CDIBs to assist individuals in establishing their eligibility for programs and services based upon their status as American Indians and/or Alaska Natives.

(a) CDIBs do not establish membership in federally recognized Indian tribes.

(b) CDIBs may not be used for purposes of determining restricted or trust status of Indian lands if the blood degree on the CDIB is inconsistent with a determination of blood degree based on any federal law containing special standards for determination of the landowner's Indian blood degree or for probate purposes.

§ 70.2 What terms do I need to know?

As used in this part:

Adopted person means a person who has been permanently placed for adoption with a substitute parent(s) pursuant to tribal or state law.

Authorized representative means any properly designated person, including the parent of a child (under 18 years), the legal guardian, lawyer, and/or the parent who has legal custody, who files a request or an appeal on behalf of the person.

Base roll means the specified allotment, annuity, census, or other roll upon which membership in a federally recognized Indian tribe is based, as designated by a federal statute, by the Secretary, or by the tribe's written governing document, such as a constitution, enrollment ordinance, or resolution; or the Alaska Native Claims Settlement Act roll established pursuant to 43 U.S.C. 1604.

Bureau means Bureau of Indian Affairs, Department of the Interior.

CDIB means Certificate of Degree of Indian (or Alaska Native) Blood.

Commissioner means the Commissioner of Indian Affairs or the Deputy Commissioner of Indian Affairs.

Deciding Bureau Official means the Regional Director, Superintendent/Field Representative or the Secretary's designee with delegated administrative jurisdiction for the federally recognized Indian tribe(s) from which your Indian blood is derived.

Department means the Department of the Interior.

Indian means any person of Indian or Alaska Native blood who is a member

of those tribes listed or eligible to be listed in the **Federal Register** pursuant to 25 U.S.C. 479a–1(a); or any descendant of such person who was residing within its boundaries of any Indian reservation on June 1, 1934; or any person not a member of one of the listed or eligible to be listed tribes who possesses at least one-half degree of Indian blood. For purposes of these regulations, Eskimos and other aboriginal peoples of Alaska shall be considered Indians.

Indian blood means Indian or Alaska Native blood of a Federally recognized Indian tribe.

Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community which appears on the list of recognized tribes published in the **Federal Register** by the Secretary of the Interior (25 U.S.C. 479a–1(a)).

Lineal ancestor means a direct ancestor, such as a parent, grandparent or great-grandparent. Collateral relatives such as aunts, uncles, brothers, and sisters, are not considered lineal ancestors.

Maternal refers to the mother's side.

Paternal refers to the father's side.

Regional Director means the director of a specific Bureau region, or his/her designee, who has delegated administrative jurisdiction over the local field office(s) responsible for administering the affairs of a federally recognized Indian tribe(s).

Requester means the individual or the authorized representative making the formal request for a CDIB.

Secretary means the Secretary of the Department of the Interior, or his/her designee.

Superintendent/Field Representative means the Bureau official in charge of the agency/field office, or his/her designee, who has immediate delegated administrative responsibility for the affairs of a federally recognized Indian tribe.

§ 70.3 What is a Certificate of Degree of Indian or Alaska Native Blood?

A CDIB is an official document that certifies an individual possesses a specific degree of Indian blood of a federally recognized Indian tribe.

§ 70.4 Who issues, amends, invalidates a Certificate of Degree of Indian or Alaska Native Blood; or denies issuance of a Certificate of Degree of Indian or Alaska Native Blood?

Only one of the following deciding Bureau officials with delegated administrative jurisdiction for the federally recognized Indian tribe(s) from which your Indian blood is derived may sign, issue, amend, or invalidate the CDIB, or deny issuance of the CDIB:

(a) The Regional Director;

(b) The Superintendent/Field Representative; or

(c) The Secretary's designee.

§ 70.5 Is the information and documentation I submit with my Certificate of Degree of Indian or Alaska Native Blood request available to the public?

(a) CDIB records are protected from disclosure under the Privacy Act, 5 U.S.C. 552a. Personal information contained in the CDIB file will not be available to the public.

(b) A statement may be provided to a Federal, State, or local agency that your CDIB has been amended or that your CDIB has been invalidated, if a request is made by a Federal, State, or local agency where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

§ 70.6 Information collection.

The information collection requirement contained in § 70.11 has been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), and assigned clearance number _____. Information is collected when individuals seek certification that they possess Indian blood to receive Federal program services based upon their status as American Indians.

Subpart B—Determining Eligibility

§ 70.10 How do I know if I am eligible to receive a Certificate of Degree of Indian or Alaska Native Blood?

You are eligible to receive a CDIB if your name or the name of your lineal ancestor appears as an Indian by blood on a base roll of a federally recognized Indian tribe.

§ 70.11 How do I establish my eligibility to receive a Certificate of Degree of Indian or Alaska Native Blood?

You have the burden of proving you are eligible to receive a CDIB. To establish your eligibility, you must do one of the following:

(a) You must be listed as an Indian by blood on a designated base roll.

(b) You must furnish proof of your relationship to your closest lineal ancestor who has received a CDIB. Your proof must meet the requirements of §§ 70.22 and 70.23. We will presume that your ancestor's CDIB contains an accurate statement of degree of Indian blood unless we find that the blood degree in the CDIB is inaccurate or unless you challenge the accuracy of the blood degree as stated on that CDIB.

(c) You must furnish proof of your relationship with a lineal ancestor listed as an Indian by blood on the base roll(s). This proof must meet the requirements of §§ 70.22 and 70.23. This paragraph applies only if:

(1) We or you challenge the accuracy of the blood degree contained in the CDIB of your closest lineal ancestor; or

(2) There is no CDIB for your closest lineal ancestor.

§ 70.12 How does the Bureau compute my degree of Indian blood and does the Bureau compute Indian or Alaska Native blood of an adoptive parent?

Your degree of Indian blood is computed from the Indian blood degree of your lineal ancestors. Lineal ancestry and blood degree are based on birth parentage as explained in this section.

(a) You obtain one-half of the Indian blood of each of your birth parents.

(1) You obtain one-half of the Indian blood of your birth mother. For example, if your grandmother was full blood, your mother obtained one-half Indian blood from your grandmother. Using that example, if your mother obtained no Indian blood through her father, then you obtained one-fourth Indian blood from your mother.

(2) You obtain one-half of the Indian blood from your birth father. If you were born out of wedlock, then you will obtain one-half of the Indian blood from your birth father only if his identity is proven under § 70.13.

(3) To calculate your total Indian blood degree, add together your blood degree obtained from your birth mother and your blood degree obtained from your proven birth father. As an example, if you obtain one-fourth degree Indian blood from your mother and one-fourth degree of Indian blood from your father, your degree of Indian blood is one-half ($\frac{1}{4}+\frac{1}{4}=\frac{1}{2}$).

(b) An adoptive parent is not a lineal ancestor and blood degree cannot be derived from an adoptive parent.

§ 70.13 How can I prove my descent if I or an ancestor was born out of wedlock?

This section applies to you if you or one of your ancestors was born out of wedlock. For purposes of blood degree computation, you can prove the identity of your or your ancestor's birth father if you can provide any one of the following for each person born out of wedlock:

(a) The person's certified birth certificate listing the name of the father;

(b) A written document in which the birth father acknowledged paternity of the person born out of wedlock. The document must have been:

(1) Filed in a state court child custody proceeding as defined by the Indian Child Welfare Act, 25 U.S.C. 1903; or

(2) Recorded with an Office of Vital Statistics or other state agency authorized by law to receive paternity acknowledgments in the state where the person was born;

(c) A final court order that contains a finding establishing paternity. The court issuing the order must have jurisdiction in a paternity determination, child support case, parental rights termination, adoption, determination of heirship as described in § 70.23, or other judicial proceeding in which paternity is an essential element; or

(d) A final decision of an administrative law judge in an Indian probate proceeding filed under 43 CFR part 4 that establishes paternity.

Subpart C—Obtaining a Certificate of Degree of Indian or Alaska Native Blood

§ 70.20 What steps do I need to follow to obtain a Certificate of Degree of Indian or Alaska Native Blood?

To obtain a CDIB you must follow the procedures in this section.

(a) You must request a CDIB form from the local Bureau office.

(b) You must complete the request, including verification that you have read the summary describing your rights if you disagree with any decisions concerning your request.

(c) You must sign the request unless you meet one of the following exceptions:

(1) If you are a minor under the age of 18, only your custodial parent may complete and sign the request for you. A custodial parent includes:

(i) An adoptive parent;

(ii) A court-appointed legal guardian; or

(iii) An Indian custodian as defined by the Indian Child Welfare Act, 25 U.S.C. 1903.

(2) If you are physically incapacitated, one of the following may complete the request for you:

(i) A court-appointed legal guardian;

(ii) A court-appointed conservator; or

(iii) A person to whom you have given a written power of attorney.

(3) Only a court-appointed legal guardian may complete the request for an adult who has been declared mentally incompetent by a court having jurisdiction.

(d) After completing and signing the request, you must submit it and any required documents to the Bureau official who has delegated administrative jurisdiction over the federally recognized Indian tribe(s) from which your Indian blood is derived.

§ 70.21 Are there penalties for filing false information?

Yes. Under 18 U.S.C. 1001, Bureau personnel are required to report any person who knowingly files false or fraudulent information. Persons convicted of this offense may be fined and/or imprisoned not more than five (5) years.

§ 70.22 What documents must I submit with my request?

When you submit your request for a CDIB, you must also submit the documents required by this section.

(a) If you are listed on an officially approved base roll, the only thing you must submit is a request with an original signature.

(b) If you are not on a base roll, you must submit at least one of the primary records required by § 70.23. The record that you submit must establish your relationship to your closest lineal ancestor who either:

(1) Has received a CDIB which contains an accurate statement of degree of Indian blood, or

(2) Is listed on a base roll.

(c) Depending upon which of the documents listed in § 70.23 you submit, you may also have to submit additional documents required by § 70.24.

§ 70.23 What primary documents can I submit to establish my relationship to a lineal ancestor who is listed on a base roll?

To meet the requirement in § 70.22(b) for establishing your relationship to an ancestor, you must submit at least one of the documents listed in the following table. Each document that you submit must meet the conditions shown in the table.

If you submit a primary document such as . . .	It must . . .	And . . .	And . . .
(a) Birth certificate	Be certified by the state where you and/or your lineal ancestor were born.	You must submit the original reproduction of the birth certificate that contains the person's parentage, the state seal, the state registrar's signature, and the state file number.[1]	
(b) Delayed certificate of birth	Be certified by the state where you and/or your lineal ancestor were born.	You must submit the original reproduction of the delayed birth certificate that contains the person's parentage, the state seal, the state registrar's signature, and the state file number.	You must verify the birth parent information by submitting at least one of the supporting documents listed in § 70.24.[1]
(c) Record showing that you or your ancestor were born outside the United States.	Be a certified copy of the official U.S. Department of State record of birth or a certified copy or translation of the record of birth on file with the foreign agency responsible for recording vital records.	If the Department of State record is not available, you may submit the Department of State's Notice of No Record on File and a certified copy or translation of the record on file with the foreign agency responsible for recording vital records.	
(d) A replacement birth certificate due to adoption.	Show your new name and the name(s) of your adoptive parent(s).	You must also submit one of the documents identified in § 70.24(b).	
(e) A certificate of death or a delayed certificate of death for your lineal ancestor.	Show the ancestor's parentage	You must submit the original reproduction of the death record, showing parentage, the state seal, the state registrar's signature, and the state file number.	You must also verify the ''parent's names'' by submitting at least one of the documents listed in § 70.24.

If you submit a primary document such as . . .	It must . . .	And . . .	And . . .
(f) A determination of heirship	Be issued by order of a court having jurisdiction in a determination of heirship proceeding.	Filed under Federal statute, an administration of estate or probate proceeding; or issued by order of an administrative law judge in an Indian probate proceeding filed under 43 CFR part 4.[2]	You must submit at least one of the supporting documents listed in § 70.24(a)(2)–(5).

[1] If state law prohibits the release of a full photocopy of the birth certificate or delayed birth certificate without a court order, you may submit a computer generated or transcriptional record. The record must be verified by the sworn statement or affidavit of your Indian parent, family member (if Indian parent(s) is deceased), or other person familiar with your family ancestry (if Indian parent(s) or other family member(s) are deceased). A sworn statement or affidavit must follow the requirements of § 70.24(a)(4).

[2] The order must identify the heirs of the decedent who is the subject of the proceeding. The order will only be used to prove family relationships; no specific recitation or finding of blood degree contained in the order may be used as evidence of blood degree. An order determining heirs in a quiet title, partition or other civil action may not be used as a primary document.

§ 70.24 What supporting documents must I submit to establish my relationship to a lineal ancestor listed on a base roll?

(a) If you submit one of the primary documents listed in § 70.23(b), (e), or (f), you must also submit at least one of the supporting documents specified in the following table.

You can submit a supporting document such as . . .	But . . .
(1) A determination of heirship court order or administrative law judge order as described in § 70.23(f) as a supporting document.	If you use a determination of heirship or administrative law judge order as a primary document, you cannot use another determination of heirship or administrative law judge order as a supporting document.
(2) The hospital birth certificate as a record of birth to support a primary document.	It does not necessarily establish parentage.
(3) A certified transcription issued by the Bureau of Census, proof of death and heirship records and per capita payment records, Federal and tribal census records, and Social Security records..	
(4) An affidavit or an original written declaration made under oath before a notary public may be used to support a primary document to identify or clarify discrepancies in names and to verify facts.	You must follow the rules in § 70.24(c).[1]

[1] If identification is not questioned, minor variations, such as in spelling of names, may not require further proof.

(b) If you or one of your lineal ancestors was adopted and you submitted a replacement birth certificate as a primary document under § 70.23(d), you must submit one of the documents specified in the following table.

If . . .	And . . .	Then . . .
(1) The adoption occurred after November 8, 1978.	We received adequate documents from the adoption court or attorney of record under the Indian Child Welfare Act (25 U.S.C. 1951).	Ask us to use all of the documents that identify the adoptee's birth parents.[1]
(2) The adoption occurred after November 8, 1978.	We received documents under the Indian Child Welfare Act but they are not sufficient to establish the identity of the adoptee's birth parents.	You must submit one of the documents specified in paragraph (d) of this section.
(3) The adoption occurred after November 8, 1978.	We received no documents on the adoption under the Indian Child Welfare Act.	You must either ask us to request this information from the court which entered the final decree, or submit one of the documents specified in paragraph (d) of this section.
(4) The adoption occurred before November 8, 1978.		You must submit one of the documents specified in paragraph (d) of this section.

[1] We will keep this information in a restricted file that is not accessible to the adopted person or anyone not involved in the certification process.

(c) If you submit an affidavit as a supporting document under § 70.24(a)(4), it must meet all of the following criteria:

(1) The affidavit must be executed by someone who has personal knowledge of facts or events, such as a relative;

(2) You cannot execute the affidavit;

(3) The affidavit must include a statement advising the individual signing the affidavit that he or she is subject to criminal penalties for knowingly filing false or fraudulent information to an agency of the United States Government; and

(4) The affidavit must be notarized.

(d) To meet the requirements of paragraphs (b)(2) through (b)(4) of this section, you must submit all of the documents specified in any one of the following paragraphs.

(1) A certified copy of a document or documents which identify the adoptee and the adoptee's birth parents, filed

with the court in the adoption case, such as a consent to adoption, a consent to termination of parental rights, an order terminating parental rights, or an adoption decree;

(2) Any statement, letter or other document provided and executed by a judge of the court which entered the final decree, upon request of the adoptee, which identifies the adoptee and the adoptee's birth parents and tribal affiliation, as authorized by the Indian Child Welfare Act (25 U.S.C. 1917); or

(3) A certified copy of a document which identifies the adoptee by his or her original name, which was filed with the court in the adoption case, together with one of the following:

(i) An original birth certificate established at the adoptee's birth; or

(ii) A hospital birth certificate listing the name(s) of the adoptee's birth parent(s).

Subpart D—Information on Bureau Actions on Certificate of Degree of Indian or Alaska Native Blood Requests

§ 70.25 How will I know what information the deciding Bureau official will rely upon to determine whether I receive a Certificate of Degree of Indian or Alaska Native Blood?

We will base the decision to issue a CDIB on the standard in § 70.11, using information contained in Bureau and tribal records and additional information that you provide under §§ 70.23 and 70.24.

§ 70.26 What steps do I follow if I possess Indian or Alaska Native blood from more than one federally recognized Indian tribe?

If you possess Indian blood derived from more than one federally recognized Indian tribe, you may ask the Bureau official to issue a CDIB that confirms your total degree of Indian blood.

(a) If you make this request, you must send a certified copy of any previously issued CDIB documenting blood degree of other federally recognized Indian tribes to the address of the Bureau official.

(b) If you do not have a CDIB showing the tribal blood you possess, you must:

(1) Request a CDIB from the Bureau Office with administrative jurisdiction over the tribe from which your Indian blood is derived; and

(2) If more than one Bureau office is involved, you must submit the CDIBs that you received under this paragraph to the Bureau office under paragraph (a) of this section that you designated to issue the CDIB showing your total blood degree.

§ 70.27 What information is shown on the Certificate of Degree of Indian or Alaska Native Blood which the Bureau issued to me?

The CDIB that we issue under this part contains all of the information shown in this section.

(a) Your full name as it appears on the state certified reproduction of your birth record or replacement birth record;

(b) Your date of birth;

(c) The date the CDIB is issued;

(d) Your documented blood degree;

(e) The names of the federally recognized Indian tribe(s) from which your blood degree is derived;

(f) The base roll is identified;

(g) The deciding Bureau officer's signature and title;

(h) The issuing office and address; and

(i) The following statement: This CDIB is the property of the U.S. Government. It may not be used to determine restricted or trust status of lands owned by a CDIB holder who is subject to any Federal law containing special standards for determining blood degree for purposes of identifying restricted or trust land status. This document does not constitute membership in the referenced tribe(s). The tribe is the sole determiner of tribal membership and should be contacted for further information. Counterfeiting, altering, or misusing this CDIB is a violation of 18 U.S.C. 499 and 701. The Bureau of Indian Affairs may recall this CDIB upon issuing a final decision to recall after exhaustion of appeal rights.

§ 70.28 Do I become a member of an Indian Tribe when the Bureau issues me a Certificate of Degree of Indian or Alaska Native Blood?

No.

(a) A CDIB issued by the Bureau does not establish membership in a federally recognized Indian tribe. Only a tribe may determine membership.

(b) The issuance of a CDIB is not an enrollment action and 25 CFR 62.4 is not applicable to actions related to CDIBs.

§ 70.29 What response can I expect from the Bureau when I make a request for a Certificate of Degree of Indian or Alaska Native Blood?

(a) The deciding Bureau official may determine your degree of Indian blood and issue a CDIB within 45 to 60 days. The deciding Bureau official will notify the requester if more time is needed to process the request.

(1) We will either:

(i) Send you the CDIB by regular mail at the address on your request or change of address received by the deciding Bureau official, or

(ii) Give you the CDIB in person with the letter under § 70.20(a)(2). You will be required to sign and date an acknowledgment that you received both the CDIB and this letter. You will be provided a copy of this acknowledgment as a receipt.

(2) We will include a letter with the CDIB that:

(i) Tells you to carefully review the information on the CDIB to be sure that it is accurate;

(ii) States that if you disagree with any of the information on the CDIB, you should take the steps described in the letter; and

(iii) Describes the steps in § 70.30 of these regulations.

(b) The deciding Bureau official may deny your CDIB request, if you fail to establish that you have Indian blood under the eligibility requirements of § 70.10.

(1) We will either:

(i) Send you the denial in writing by certified mail at the address appearing on your request or change of address received by the deciding Bureau official, or

(ii) Give you the denial in person with the letter under § 70.20(b)(2). You will be required to sign and date an acknowledgment that you received both the denial and this letter. You will be provided a copy of this acknowledgment as a receipt.

(2) The denial letter will:

(i) Explain the reason(s) for the denial; and

(ii) Contain a statement of your appeal rights and enclose a copy of subpart E of this part.

Subpart E—Appeal Procedures

§ 70.30 What can I do if I do not agree with the deciding Bureau official who issued the degree of Indian blood or other information contained on my Certificate of Degree of Indian or Alaska Native Blood?

(a) If you do not agree with the degree of Indian blood or other information on the CDIB, you must notify the deciding Bureau official in writing within 45 days of the date of the letter (60 days for Alaska tribes) that transmitted the CDIB. Your notification must:

(1) State that you believe there has been a mistake;

(2) Describe the mistake which you believe has been made; and

(3) Include any additional documentation to show why you believe a correction is needed.

(b) The deciding Bureau official will:

(1) Review your letter and make corrections on the CDIB, if he or she determines that a mistake was made.

(2) Send you a letter containing:

(i) His or her response decision, including a corrected or new CDIB, or an explanation about why his or her decision has not been changed; and

(ii) A statement of your appeal rights and an enclosed copy of this subpart E.

(c) The deciding Bureau official's response decision must be delivered to you either:

(1) By certified mail, return receipt requested, at the address appearing on your request or change of address received by the deciding Bureau official; or

(2) In person, by giving you the response decision and having you sign and date an acknowledgment that you received the response decision and also the corrected or new CDIB, if a corrected or new CDIB is given to you.

(d) If you disagree with the deciding Bureau official's response decision, you may file an appeal if you are the person named in the CDIB. You may also have your authorized representative or an attorney file an appeal on your behalf.

§ 70.31 What can I do if my request for a Certificate of Degree of Indian or Alaska Native Blood is denied?

If your request for a CDIB is denied, you may file an appeal if you are the person named in the denial. You may also have your authorized representative or an attorney file an appeal on your behalf.

§ 70.32 What is the deadline for filing my appeal, and what will happen if I do not meet the deadline?

(a) You must appeal any decision made under this part within 45 days of receiving the decision (60 days for Alaska tribes). (Decisions made under this part are: a denial decision described in § 70.29(b), a response decision described in § 70.30 or a decision to invalidate or amend your CDIB as described in § 70.37.)

(1) The 45-day appeal period begins on the day of delivery indicated on the return receipt of certified mail, or on the date our records indicate you personally received the letter.

(2) The date of filing your notice of appeal is the date it is postmarked or the date it is personally delivered to the Regional Director's office.

(3) If the 45th day (60th day for Alaska tribes) falls on a Saturday, Sunday, legal holiday, or other nonbusiness day, the appeal period will end on the following working day.

(b) If you do not appeal the decision within the 45-day appeal period (60-day for Alaska tribes), the decision becomes final for the Department and is not subject to reconsideration. No extension of time will be granted for filing a notice of appeal.

§ 70.33 What are the steps for filing an appeal when I disagree with the information on the Certificate of Degree of Indian or Alaska Native Blood which the deciding Bureau official provided?

You must file your appeal, by mail or by personal delivery, with the Regional Director named in the decision you are appealing.

(a) You may file an appeal on behalf of more than one person. Each appealing party must meet the requirements for appeals and must be listed in the appeal.

(b) Your address and the address of each appealing party must appear in the appeal. You must promptly notify the Regional Director of any change of address, otherwise the address you furnish in the appeal shall be the address of record.

(c) You may request additional time to submit supporting evidence. The Regional Director may grant you a reasonable period to submit your evidence. However, you will not be granted additional time to file your appeal.

(d) If you allow an authorized representative to file your appeal, we will recognize the authorized representative as fully controlling the appeal on your behalf.

(1) We will serve any document relating to the appeal on the authorized representative and consider the document to be served on you.

(2) If you have more than one authorized representative, service upon one of your authorized representatives is sufficient.

§ 70.34 Can I submit additional information if I choose to file an appeal and what is the burden of proof?

You should include any supporting evidence not previously furnished and you may include a copy or reference to any Bureau or tribal records having a direct bearing on the action. The burden of proof is on you or your authorized representative.

§ 70.35 What action can I expect from the Bureau's Regional Director if I file an appeal?

(a) The Regional Director must acknowledge in writing the receipt of your appeal.

(b) The Regional Director will consider the material that you submit together with whatever additional information he/she considers pertinent. If the Regional Director relies upon any additional information, he/she must identify it in the decision.

(c) The Regional Director may issue special instructions to facilitate his/her work. These instructions must not conflict with this part.

(d) The Regional Director must issue a written decision on your appeal within 60 days after:

(1) Receipt of the appeal; or

(2) Timely submission of any additional documents, if you were given an extension to submit additional documents.

(e) If you are appealing the action of the Regional Director or the Regional Director recuses for cause his/her authority to make a final decision, he/she must forward the appeal to the Commissioner for final action together with any relevant information or records and his/her recommendations.

§ 70.36 What action can I expect if I appeal the Regional Director's decision?

If you appeal the Regional Director's decision, the Commissioner must issue a written decision on your appeal within 60 days after:

(a) Receiving your appeal; or

(b) Timely submission of any additional documents, if you were given an extension to submit additional documents.

Subpart F—Other

§ 70.37 Can my Certificate of Degree of Indian or Alaska Native Blood be invalidated or amended to change my degree of Indian blood? If so, under what circumstances?

(a) Under some circumstances, we can invalidate or amend your CDIB without you asking.

(1) The deciding Bureau official may amend your CDIB if there was a mathematical error in computing degree of Indian blood. For example, if your mother's CDIB shows her degree of Indian blood as 4/4, your father's shows his degree of Indian blood as 3/4, and your CDIB shows your degree of Indian blood as 5/8, the deciding Bureau official will issue a decision that your degree of Indian blood will be increased to 7/8.

(2) The deciding Bureau official may invalidate or amend your CDIB if it contains a substantial error in your degree of Indian blood that results in a manifest injustice to you or to the public interest. For example, if someone obtains a CDIB based on fraudulent proof of descendancy from someone on the base rolls or based on a substantial mistake of fact, the CDIB may be invalidated or amended.

(b) At your request, the deciding Bureau official may amend the degree of Indian blood on your CDIB.

(1) Your request should cite a mathematical error on the base roll or a substantial error related to the determination of your degree of Indian

blood accompanied by any necessary supporting documentation.

(2) If your request does not meet these requirements, the deciding Bureau official may deny the request without further review. If your request meets these requirements, the deciding Bureau official will examine the Bureau records and any other information that you provide, and will make a decision.

(c) The deciding Bureau official must notify you in writing of a decision issued under this section. The notification must:

(1) Include a statement that the decision may be appealed under 25 CFR part 70;

(2) Identify the official to whom you may appeal; and

(3) Enclose a copy of subpart E of this part.

(d) The deciding Bureau official's decision must be delivered to you by certified mail, return receipt requested, at the address appearing on your request or change of address received by the deciding Bureau official, or in person. If the notification of the decision is delivered in person, you will be required to sign and date an acknowledgment that you received both the notification and a copy of subpart E. You will be provided a copy of this acknowledgment as a receipt.

(e) If you disagree with a decision made under this section, you may file an appeal if you are named in the CDIB or the amendment or invalidation of the CDIB. You may authorize a representative, including an attorney, to file an appeal in your behalf.

§ 70.38 Can my Certificate of Degree of Indian or Alaska Native Blood be sent to an authorized third party?

Yes. Upon your request, the CDIB may be sent or released to an authorized representative or other designated third party.

Dated: April 7, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–9421 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AJ49

Outer Burial Receptacles

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: By statute the Department of Veterans Affairs (VA) is authorized to provide a monetary allowance for each new burial in a VA national cemetery where a privately-purchased outer burial receptacle is used in lieu of a government-furnished graveliner. This document proposes to establish a mechanism for implementing these provisions.

DATES: Comments must be received on or before June 19, 2000.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to ''OGCRegulations@mail.va.gov''. Comments should indicate that they are submitted in response to ''RIN 2900–AJ49.'' All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Ken Greenberg, Staff Assistant, Office of Operations Support (402), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Telephone: 202–273–5179 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Public Law 100–322 authorizes VA to provide a graveliner at no cost to the family for the casketed remains of individuals buried in open national cemeteries. Typically, a graveliner is pre-cast concrete or thermoplastic in the form of a box with a removable lid. The casket is placed inside the graveliner which assist in maintaining the integrity of the soil around the grave by reducing the likelihood of a sunken grave.

Public Law 104–275 was enacted on October 9, 1996. The Public Law allowed VA to provide a monetary allowance for each new burial in a VA national cemetery where a privately-purchased outer burial receptacle is used in lieu of a government-furnished graveliner.

Under the Public Law, the monetary allowance is equal to the average cost of the government-furnished graveliner which would have been furnished, minus any administrative costs incurred by VA. As an example, if it costs VA an average of $125 to purchase a graveliner and the administrative cost to process an allowance for a privately-purchased outer burial receptacle is $10, VA would pay a monetary allowance of $115 toward the cost of the privately-purchased outer burial receptacle. VA would update the allowance annually by notice in the **Federal Register** to reflect the current average cost of purchasing graveliners by VA minus the administrative cost for VA to process the allowance. Under the proposed rule, the next allowance payable for interments occurring during the period from October 9, 1996, through December 31, 1999, would be the rate determined for fiscal year 1999. This would reduce the administrative burden required to calculate allowances, and would expedite payment to recipients. Further, this is warranted since the average cost to the government to purchase graveliners has not varied significant since 1996.

The average cost of graveliners would not include graveliners procured and pre-placed in gravesites as part of cemetery gravesite development projects or double depth graveliners. The costs of these two types of graveliners purchased are not representative of the cost of a single-depth graveliner purchased for installation at the time of interment. The double depth liners hold two caskets, whereas the single depth liners hold one casket. Pre-placed liners are procured as part of a larger gravesite development construction project.

The proposed rule provides that an application for payment of the monetary allowance would not be required. Currently, all information necessary for identifying the individual entitled to payment of the monetary allowance is included in information already being collected under the National Cemetery Administration's Burial Operation Support System (BOSS).

Further, we have a method for determining in almost all cases those individuals entitled to the allowance for purchasing outer burial receptacles prior to January 1, 2000. In almost all cases when an outer burial receptacle was purchased, the person listed as the next of kin paid for it. Accordingly, we believe there is a basis for a presumption that such person paid for the outer burial receptacle. Accordingly, for burials during the period October 9, 1996, through December 31, 1999, the allowance would be paid to the person identified as the next of kin in records contained in the BOSS. However, if a person who is not listed as the next of kin provides evidence that he or she paid for the outer burial receptacle, the allowance would be paid instead to that person.

In burials where a casket already exists in a grave with or without a graveliner, placement of a second casket in an outer burial receptacle would not be permitted in the same grave unless the national cemetery director

determines that the already interred casket would not be damaged.

Regulatory Flexibility Act

The Secretary certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The proposed rule would not affect the sale of outer burial receptacles. Further, the basic provisions of the proposed rule reflect statutory requirements. Accordingly, pursuant to 5 U.S.C. 605(b), the proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Number for programs affected by this regulation is 64.201.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Flags, Freedom of information, Government contracts, Government employees, Government property, Infants and children, Inventions and patents, Investigations, Parking, Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, wages.

Approved: March 13, 2000.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is proposed to be amended as follows:

PART 1—GENERAL PROVISIONS

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

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

2. Section 1.629 is added to read as follows:

§ 1.629 Monetary allowance in lieu of a government-furnished outer burial receptacle.

(a) *Definitions. Outer Burial Receptacle.* For the purpose of this section, an outer burial receptacle means a graveliner, burial vault, or other similar type of container for a casket.

(b) *Purpose.* This section provides for payment of a monetary allowance for an outer burial receptacle for any interment in a VA national cemetery where a privately-purchased outer burial receptacle has been used in lieu of a government-furnished graveliner.

(c) *Second Interments.* In burials where a casket already exists in a grave with or without a graveliner, placement of a second casket in an outer burial receptacle will not be permitted in the same grave unless the national cemetery director determines that the already interred casket will not be damaged.

(d) *Payment of monetary allowance.* VA will pay a monetary allowance for each burial in a VA national cemetery where a privately-purchased outer burial receptacle was used on and after October 9, 1996. For burials on or after January 1, 2000, the person identified in records contained in the National Cemetery Administration Burial Operations Support System as the person who privately purchased the outer burial receptacle will be paid the monetary allowance. For burials during the period October 9, 1996, through December 31, 1999, the allowance will be paid to the person identified as the next of kin in records contained in the National Cemetery Administration Burial Operations Support System based on the presumption that such person privately purchased the outer burial receptacles (however, if a person who is not listed as the next of kin provides evidence that he or she privately purchased the outer burial receptacle, the allowance will be paid instead to that person). No application is required to receive payment of a monetary allowance.

(e) *Amount of the allowance.* (1) For calendar year 2000 and each calendar year thereafter, the allowance will be the average cost, as determined by VA, of government-furnished graveliners, less the administrative costs incurred by VA in processing and paying the allowance.

(i) The average cost of government-furnished graveliners will be based upon the actual average cost to the government of such graveliners during the most recent fiscal year ending prior to the start of the calendar year for which the amount of the allowance will be used. This average cost will be determined by taking VA's total cost during that fiscal year for single-depth graveliners which were procured for placement at the time of interment and dividing it by the total number of such graveliners procured by VA during that fiscal year. The calculation shall exclude both graveliners procured and pre-placed in gravesites as part of cemetery gravesite development projects and all double-depth graveliners.

(ii) The administrative costs incurred by VA will consist of those costs that relate to processing and paying an allowance, as determined by VA, for the calendar year ending prior to the start of the calendar year for which the amount of the allowance will be used.

(2) For calendar year 2000 and each calendar year thereafter, the amount of the allowance for each calendar year will be published in the ''Notices'' section of the **Federal Register**. The **Federal Register** Notice will also provide, as information, the determined average cost of government-furnished graveliners and the determined amount of the administrative costs to be deducted.

(3) The published allowance amount for interments which occur during calendar year 2000 will also be used for payment of any allowances for interments which occurred during the period from October 9, 1996, through December 31, 1999.

(Authority: 38 U.S.C. 2306(d)).

[FR Doc. 00–9602 Filed 4–17–00; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 4091b; FRL–6569–1]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions impose reasonably available control technology (RACT) on twenty-six major sources of volatile organic compounds (VOC) and nitrogen oxides (NOx) located in Pennsylvania. EPA is proposing these revisions to establish RACT requirements in accordance with the Clean Air Act. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in the Technical Support Documents (TSD) prepared in support of this rulemaking action. A copy of the TSD's are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA

receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received by May 18, 2000.

ADDRESSES: Written comments on this action should be addressed to Kathleen Henry, Chief, Permits and Technical Assessment Branch, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker at (215) 814–2177, for information on sources #1–18 (or via e-mail at bunker.kelly@epa.gov) or Melik Spain at (215) 814–2299 for information on sources #19–26 (or via e-mail at spain.melik@epa.gov). While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: For further information concerning this action to propose approval of VOC and NOx RACT determinations for twenty-six individual sources in Pennsylvania as a revision to the Commonwealth's SIP, please see the information provided in the direct final action, of the same Title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: March 19, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

[FR Doc. 00–9383 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME–003–01–7004b; A–1–FRL–6572–7]

Approval and Promulgation of Air Quality Implementation Plans; Maine; RACT for VOC sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve several State Implementation Plan (SIP) revisions submitted by the State of Maine. EPA is also proposing a limited approval of one regulation submitted as a SIP revision by the State of Maine. These SIP revisions establish requirements for certain facilities which emit volatile organic compounds (VOCs). In the Final Rules section of this **Federal Register**, EPA is approving these SIP revisions as a direct final rule without prior proposal because the Agency anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

DATES: Comments must be received on or before May 18, 2000.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning Unit (mail code CAQ), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 918–1047, arnold.anne@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

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

Dated: March 24, 2000.

Mindy S. Lubber,

Regional Administrator, EPA New England.

[FR Doc. 00–9538 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 435

[FRL–6581–1]

Effluent Limitations Guidelines for the Oil and Gas Extraction Point Source Category; Announcement of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of meeting.

SUMMARY: EPA will conduct a public meeting on the upcoming Synthetic-based Drilling Fluids (SBFs) rulemaking on Tuesday, April 25, 2000, from 1 p.m. to 5:30 p.m. Central Standard Time.

The Office of Science and Technology within EPA's Office of Water is holding the public meeting to inform all interested parties of the current status of the SBF effluent guideline. EPA intends to finalize effluent limitations guidelines and standards regarding these fluids (used in the oil and gas extraction industrial category) in December 2000. EPA plans to publish a Notice of Data Availability for this rulemaking very shortly. At the meeting on April 25, EPA will report on the status of the rulemaking; new data submissions available for public comment; revised economic and engineering models and results incorporating the new data; descriptions of ''best management practices'' (BMPs) as potential alternative requirements to reduce the discharges of toxic and hazardous pollutants; and paperwork requirements associated with implementation of the BMP alternative compliance methods. EPA will use this meeting to solicit public comment on any of the issues or information presented in the notice of data availability and in the administrative record supporting the notice.

DATES: EPA will conduct the SBF public meeting on Tuesday, April 25, 2000, from 1 p.m. to 5:30 p.m. Central Standard Time.

ADDRESSES: The SBF public meeting will be held at the Minerals Management Service (MMS), Gulf of Mexico OCS Region Office, Room 111,

1201 Elmwood Park Boulevard, New Orleans, LA, 70123–2394.

FOR FURTHER INFORMATION CONTACT: Mr. Carey A. Johnston, Office of Water (4303), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 260–7186; e-mail address: johnston.carey@epa.gov.

SUPPLEMENTARY INFORMATION: On February 3, 1999 (64 FR 5488), EPA proposed technology-based effluent limitations guidelines and standards under the Clean Water Act (33 U.S.C. 1251 *et seq.*) for the discharge of pollutants from oil and gas drilling operations associated with the use of SBFs and other non-aqueous drilling fluids into waters of the United States. This proposed rule applies to certain existing and new facilities in the offshore subcategory (*i.e.,* facilities seaward of the inner territorial boundary) and the Cook Inlet, Alaska, portion of the coastal subcategory of the oil and gas extraction point source category.

The SBF meeting on April 25, 2000 is open to the public, and limited seating for the public is available on a first-come, first-served basis. For information on the location, see the **ADDRESSES** section above. Visitors attending the SBF public meeting will need to sign in at the MMS guard booth and obtain a visitors badge.

If you wish to present formal comments at the public meeting you should have a written copy for submittal. No meeting materials will be distributed in advance of the public meeting; all materials will be distributed at the meeting. Limited teleconferencing capability will be available for the meeting. Persons wishing to participate via telephone or who have special audio-visual needs should contact Mr. Carey A. Johnston, (202) 260–7186. For those unable to attend the meeting, a document summary will be available following the meeting and can be obtained by an e-mail or telephone request to Mr. Carey A. Johnston at the above address.

Dated: April 12, 2000.

James Hanlon,

Acting Director, Office of Science and Technology.

[FR Doc. 00–9656 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–701; MM Docket No. 97–169; RM–9121 and RM–9170]

Radio Broadcasting Services; Coon Valley and Westby, WI and Lanesboro, MN

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration, denial.

SUMMARY: This document denies a petition for reconsideration of a *Report and Order Order,* 63 FR 30145 (June 3, 1998), that allotted Channel 280A to both Westby, Wisconsin, and Lanesboro, Minnesota. These allotments provide first local aural transmission services to two communities that are more populous than Coon Valley, Wisconsin.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 97–169, adopted on March 22, 2000, and released on March 31, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW, Washington, DC. 20554. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–9614 Filed 4–17–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–736, MM Docket No. 00–59, RM–9734]

Radio Broadcasting Services; Cloverdale, Point Arena, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Point Broadcasting, permittee of unbuilt station on Channel 296B1, Point Arena, CA, requesting to substitute Channel 296A for Channel 296B1 at Point Arena, reallot Channel 296A from Point Arena to Cloverdale, CA and modify its construction permit to specify the Class A channel. In view of the fact that our resolution of this proceeding may affect the outcome of MM Docket No. 99–180, it may be necessary ultimately to combine these dockets into a single Report and Order. Channel 296A can be allotted to Cloverdale, CA in compliance with the Commission's minimum distance separation requirements at petitioner's specified site 0.8 kilometers (0.5 miles) south of the community at coordinates 38–48–00 and 123–01–00.

DATES: Comments must be filed on or before May 22, 2000, and reply comments on or before June 6, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Jerrold Miller, Miller & Miller, P.C. P.O. Box 33003 Washington, DC 20033 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–59 adopted March 22, 2000, and released March 31, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

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

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

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

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–9613 Filed 4–17–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–700; MM Docket No. 00–57; RM–9825]

Radio Broadcasting Services; Gadsden and Springville, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Capstar Royalty II Corporation, licensee of Station WQEN(FM), Channel 279C1, Gadsden, Alabama, requesting the substitution of Channel 279C for Channel 279C1, the reallotment of Channel 279C to Springville, Alabama, as that locality's first local aural transmission service, and modification of its license accordingly. Coordinates used for this proposal are 33–58–04 NL and 86–12–35 WL. (See **SUPPLEMENTARY INFORMATION,** *infra.*)

DATES: Comments must be filed on or before May 22, 2000, and reply comments on or before June 6, 2000.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Gregory L. Masters and E. Joseph Knoll, III, Wiley, Rein & Fielding, 1776 K Street, NW., Washington, DC 20006.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–57, adopted March 22, 2000, and released March 31, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Station WQEN is currently licensed to operate on Channel 279C1 at Gadsden. However, 47 CFR Part 73, Radio Broadcast Services, § 73.202(b), the Table of FM Allotments, lists Channel 279C at Gadsden. Commission records reflect that Station WQEN filed a one-step application for a construction permit (File No. BPH–19971114IH) to change its channel of operation to Channel 279C1. A license to cover the construction permit (File No. BLH–19980710KE) was granted December 6, 1999.

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

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

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

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–9612 Filed 4–17–00; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1827, 1835 and 1852

Submission of Final Reports Under NASA Research and Development Contracts

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: This is a proposed rule to revise report submission requirements under NASA research and development (R&D) contracts and clarify that contractors cannot release these final reports until NASA has completed its Document Availability Authorization (DAA) review and the availability of the report has been determined.

DATES: Comments should be submitted on or before June 19, 2000.

ADDRESSES: Interested parties should submit written comments to Celeste Dalton, NASA Headquarters Office of Procurement, Contract Management Division (Code HK), Washington, DC, 20546. Comments may also be submitted by email to *cdalton@hq.nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Celeste Dalton (202) 358–1645.

SUPPLEMENTARY INFORMATION:

A. Background

NASA's Center for AeroSpace Information (CASI) serves as a repository of NASA scientific and technical information (STI). This includes information developed under NASA-sponsored research and development efforts. The NFS currently requires that copies of the final report and other progress reports under R&D contracts be submitted to CASI. The need for other progress reports no longer exists. Copies of only the final report required under an R&D contract must be submitted to CASI. Before NASA STI is made available, it is subject to a NASA Document Availability Authorization (DAA) review and release determination. Contractors cannot release final reports resulting from NASA R&D contracts until NASA has completed its Document Availability Authorization (DAA) review (NASA Form 1676).

B. Regulatory Flexibility Act

This proposed rule is not expected 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.*) because it only affects small business entities whose R&D contracts required progress reporting.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any new record keeping or information collection requirements which 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 1827, 1835 and 1852

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1827, 1835, and 1852 are proposed to be amended as follows:

1. The authority citation for 48 CFR parts 1827, 1835, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1827—PATENTS, DATA, AND COPYRIGHTS

2. Revise section 1827.406–70 to read as follows:

1827.406–70 Reports of work.

(a) When considered necessary for monitoring contract performance, contracting officers must require contractors to furnish reports of work performed under research and development contracts (fixed-price and cost reimbursement), interagency agreements, or in cost-reimbursement supply contracts. This purpose may be achieved by including the following general requirements, modified as needed to meet the particular requirements of the contract, in the section of the contract specifying data delivery requirements:

(1) *Monthly progress reports.* Reports should be in narrative form, brief, and informal. They should include a quantitative description of progress, an indication of any current problems that may impede performance, proposed corrective action, and a discussion of the work to be performed during the next monthly reporting period. (Normally, this requirement should not be used in contracts with nonprofit organizations.)

(2) *Quarterly progress reports.* In addition to factual data, these reports should include a separate analysis section interpreting the results obtained, recommending further action, and relating occurrences to the ultimate objectives of the contract. Sufficient diagrams, sketches, curves, photographs, and drawings should be included to convey the intended meaning.

(3) *Final report.* This report should summarize the results of the entire contract, including recommendations and conclusions based on the experience and results obtained. The final report should include tables, graphs, diagrams, curves, sketches, photo graphs, and drawings in sufficient detail to explain comprehensively the results achieved under the contract. The final report must comply with NPG 2200.2A, Guidelines for Documentation, Approval, and Dissemination of NASA Scientific and Technical Information.

(4) *Report Documentation Page.* The final report must include a completed Report Documentation Page, Standard Form (SF) 298 as the final page of the report.

(b) The contracting officer must consider the desirability of providing reports on the completion of significant units or phases of work, in addition to periodic reports and reports on the completion of the contract.

(c) Submission of Final Report. In addition to the original of the final report submitted to the contracting officer, contracts containing the clause at 1852.235–70, Center for AeroSpace Information—Final Scientific and Technical Reports (see 1835.070(a)), must require the concurrent submission of a reproducible copy and a printed or reproduced copy of the final report to the NASA Center for AeroSpace Information (CASI).

(d) NASA Review of Final Report. When required by the contract, final reports submitted to NASA for review, shall be reviewed for technical accuracy, conformance with applicable law, policy and publication standards, and to determine the availability and distribution of NASA-funded documents containing scientific and technical information (STI) (NASA Form 1676, NASA Scientific and Technical Document Availability Authorization (DAA)). The final report must not be released outside of NASA until NASA's DAA review has been completed and the availability of the document has been determined. The document is considered available when it is accessible through CASI.

PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING

3. In section 1835.070, revise paragraph (a) to read as follows:

1835.070 NASA contract clauses and solicitation provision.

(a) The contracting officer must insert the clause at 1852.235–70, Center for AeroSpace Information—Final Scientific and Technical Reports, in all research and development contracts, interagency agreements, and in cost-reimbursement supply contracts involving research and development work.

* * * * *

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Revise section 1852.235–70 to read as follows:

1852.235–70 Center for AeroSpace Information—Final Scientific and Technical Reports.

As prescribed in 1835.070(a), insert the following clause:

Center for Aerospace Information—Final Scientific and Technical Reports (XXX)

(a) The Contractor should register with and avail itself of the services provided by the NASA Center for AeroSpace Information (CASI) (http://www.sti.nasa.gov) for the conduct of research or research and development required under this contract. CASI provides a variety of services and products as a central NASA repository of research information, which may enhance contract performance. The address is set out in paragraph (d) of this clause.

(b) Should the CASI information or service requested by the Contractor be unavailable or not in the exact form necessary by the Contractor, neither CASI nor NASA is obligated to search for or change the format of the information. A failure to furnish information shall not entitle the Contractor to an equitable adjustment under the terms and conditions of this contract.

(c) In addition to the final report, as defined at 1827.406–70(a)(3), submitted to the contracting officer, a reproducible copy and a printed or reproduced copy of the final report or data shall be concurrently submitted to: Center for AeroSpace Information (CASI), Attn: Document Processing Section, 7121 Standard Drive, Hanover, Maryland 21076–1320, Phone: 301–621–0390, FAX: 301–621–0134.

(d) The last page of the final report submitted to CASI shall be a completed Standard Form (SF) 298, Report Documentation Page. In addition to the copy of the final report, the contractor shall provide, to CASI, a copy of the letter transmitting the final report to NASA for its Document Availability Authorization (DAA) review.

(e) The contractor shall not release the final report, outside of NASA, until the DAA review has been completed by NASA and availability of the report has been determined.

(End of clause)

[FR Doc. 00–9555 Filed 4–17–00; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG02

Endangered and Threatened Wildlife and Plants; Proposed Rule To List the Vermilion Darter as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of petition finding.

SUMMARY: We, the Fish and Wildlife Service (Service), propose to list the vermilion darter (*Etheostoma chermocki*) as endangered under the authority of the Endangered Species Act of 1973, as amended (Act). The vermilion darter is found only in 11.6 kilometers (7.2 miles) of the main-stem of Turkey Creek, and the lowermost reaches of Dry Creek and Beaver Creek,

within the Turkey Creek drainage, a tributary of the Locust Fork of the Black Warrior River, northeast Jefferson County, Alabama. Impoundments within the upper mainstem of Turkey Creek and its tributaries, along with water quality degradation, have altered the stream's dynamics and reduced the darter's range significantly. The surviving population is currently threatened by pollutants (*i.e.,* sediment, nutrients, pesticide and fertilizer runoff) that wash into the streams from the land surfaces. Since the vermilion darter has such a restricted range, it is also threatened by potential catastrophic events (*e.g.,* toxic chemical spill). This proposed rule, if made final, will extend the protection of the Act to the vermilion darter. We are seeking data and comments from the public.

DATES: Comments from all interested parties must be received by June 19, 2000. Requests for public hearings must be received by June 2, 2000.

ADDRESSES: If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods. (1) You may submit written comments to the Field Supervisor, U.S. Fish and Wildlife Service, Mississippi Field Office, 6578 Dogwood View Parkway, Jackson, Mississippi 39213.

(2) You may send comments by e-mail to daniel__drennen@fws.gov. Please submit these comments as an ASCII file and avoid the use of special characters and any form of encryption. Please also include ''Attn: [RIN number]'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly at the above address or by telephone at 601/965–4900.

(3) You may hand-deliver comments to the above address. Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel J. Drennen at the above address, or telephone 601/965–4900; facsimile 601/965–4340.

SUPPLEMENTARY INFORMATION:

Background

Boschung *et al.* (1992) formally described the vermilion darter (*Etheostoma chermocki* (Teleostei: Percidae)) from the Black Warrior River drainage of Alabama. This fish is a medium-sized darter reaching about 7.1 centimeters (2.8 inches) total length (length from tip of snout to longest portion of tail fin) (Boschung *et al.* 1992, Suttkus and Bailey 1993, Mettee *et al.* 1996). The vermilion darter belongs to the subgenus Ulocentra (''snub-nosed darters''), which includes fish that are slightly laterally compressed, have complete lateral lines, broadly connected gill membranes, a short head, and a small pronounced mouth. The vermilion darter is distinguished by extensive vermilion (reddish-orange) pigmentation on the fins and body, especially on the belly. Males have a bright red spot on the membrane between the first spines of the spinous dorsal (upper) fin. During breeding, the males have red blotches along the side of the body (Boschung *et al.* 1992, Suttkus and Baily 1993, and Metee *et al.* 1996). The female's red spots are smaller.

Currently, the vermilion darter is found only in the Turkey Creek drainage, a tributary of the Locust Fork of the Black Warrior River, Jefferson County, Alabama. The current range of the vermilion darter is 11.6 kilometers (km) (7.2 miles (mi)) of the mainstem of Turkey Creek and the lowermost reaches (0.8 km (0.5 mi) total) of Dry and Beaver Creeks. Extensive surveys in similar habitats have failed to locate this species outside of its current drainage (Boschung *et al.* 1992, Blanco *et al.* 1995, Mettee *et al.* 1996, Shepard *et al.* 1998, Blanco and Mayden 1999). The Turkey Creek drainage is primarily owned by private landowners, with only approximately 1.6 km (1 mi) of stream bank owned by Jefferson County.

The historic population size of the vermilion darter within the Turkey Creek drainage is unknown. In the 1960s and 1970s, the vermilion darter was common at the Highway 79 bridge site, which roughly bisects the fish's range, but by 1992, occurrences of the darter had become very rare at that site (Boschung *et al.* 1992; K. Marion, University of Alabama in Birmingham, pers. comm. 1998). Currently, populations of vermilion darters are meager and isolated within certain areas of Turkey Creek, due to natural or manmade barriers, like a waterfall and several impoundments. Dispersal beyond the current range of this species is not likely (Blanco and Mayden 1997) because of these barriers and increasing point-source pollution (pollution created from a single source, like sewage effluent) and nonpoint-source pollution (pollution created from larger processes and not from one concentrated point source, like excess sediment washing into a stream after a rain). Blanco and Mayden (1999) estimated the population size at more than 1,800 individuals, based on the number of vermilion darters caught per fishing attempts and amount of time within the Turkey Creek mainstem and the tributaries of Dry and Beaver Creeks.

Habitat for the vermilion darter is similar to that of other snub-nosed darters found in small to medium-sized clear streams, with gravel riffles and moderate currents (Kuehne and Barbour 1983, Etnier and Starnes 1993). Boschung *et al.* (1992) described the stream habitat for vermilion darters as 3 to 20 meters (m) (10 to 65 feet (ft)) wide, 0.01 to more than 0.5 m (0.03 to more than 1.64 ft) in depth, with pools of moderate current alternating with riffles of moderately swift current, and low water turbidity. Blanco and Mayden (1999) found this species primarily in areas dominated by fine gravel with some coarse gravel or cobble. This species is absent in habitats with only a bedrock bottom, but has been found on bedrock with sand and gravel. Vermilion darters have been found in habitats with consistent water velocity, within run habitats (stream zones with faster water), upstream at the foot of a run, and in the transition zone between a run/riffle (fast water) and pool (slow water) habitat (Blanco and Mayden 1999). This species is generally not found in deeper pool habitats. Vermilion darters are associated with aquatic vegetation such as *Potamogeton* spp., *Ceratophyllum* spp., and *Myriophyllum* spp. (Boshung *et al.* 1992). Vermilion darters are absent from habitats immediately downstream of impoundments and areas of point-source pollution (Blanco and Mayden 1999).

The only known spawning habitat for vermilion darters, at the confluence of Turkey Creek and the runoff from Tapawingo Springs (near the Highway 79 bridge), consists of a mixture of fine silt on small gravel interspersed with larger gravel, cobble, small boulders, vegetation, and occasional filamentous algae. Clean rock surfaces, as found here, are necessary for egg laying (Stiles, Samford University, Birmingham, Alabama, pers. comm. 1999). There are also small sticks and limbs on the bottom substrate and within the water column (Stiles, pers. comm. 1999). Little is known about the life-history of the vermilion darter; however, most Ulocentra species live 2 to 3 years and feed primarily on snails and aquatic insects (Carlander 1997).

Previous Federal Action

We have been monitoring the status of the species since the early 1990s and have funded several status surveys (Blanco *et al.* 1995 and Blanco and

Mayden 1997). We received a petition to emergency-list the vermilion darter as endangered on July 23, 1998, from Robert Reid, Jr., of Birmingham, Alabama. On August 18, 1998, we received supplemental information on the species and a request to be copetitioner from Dr. Paul Blanchard of Samford University, Birmingham, Alabama. The petition stated that the vermilion darter was limited in range and imminently threatened with extinction. We found that the petition presented substantial information indicating that listing the species may be warranted, but that emergency listing was not warranted. We published a notice announcing our 90-day finding and initiation of the species' status review in the **Federal Register** on January 26, 1999 (64 FR 3913).

Section 4(b)(3)(B) of the Act requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information, we make a finding within 12 months of the date of the receipt of the petition, on whether the action requested is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. This proposed rule constitutes our 12-month finding on the petitioned action.

The processing of this proposed rule conforms with our Listing Priority Guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of this proposed rule is a Priority 3 action.

Summary of Factors Affecting the Species

The procedures for adding species to the Federal Lists are found in section 4 of the Act (16 U.S.C. 1531 *et seq.*) and the accompanying regulations (50 CFR part 424). A species may be determined to be an endangered or a threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the vermilion darter (*Etheostoma chermocki* Boschung) are as follows.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The primary threats to the vermilion darter within the Turkey Creek watershed are nonpoint-source pollution and alteration of flow regimes. Restricted and localized in range, the vermilion darter is vulnerable to human-induced impacts to its habitat, such as siltation (excess sediments suspended or deposited in a stream), nutrification (excessive nutrients, such as nitrogen and phosphorus, present), and impoundments.

Excessive siltation renders the habitat unsuitable for feeding and reproduction of vermilion darters and associated fish species. Sediment has been shown to wear away and/or suffocate periphyton (organisms that live attached to objects underwater), disrupt aquatic insect communities, and negatively impact fish growth, survival, and reproduction (Waters 1995). Sediment is the most abundant pollutant produced in the Mobile River Basin (Alabama Department of Environmental Management 1996). Potential sediment sources within a watershed include virtually all activities that disturb the land surface. The amount and impact of sedimentation on the vermilion darter's habitat may be locally correlated with the land use practices such as construction, urbanization, and silviculture. Turkey Creek has been noted to be brown-orange from sediment and completely turbid after heavy to even medium rainfalls (Blanchard pers. comm. 1998). Four major soil types occur within the Turkey Creek watershed (Gorgas, Leesburg, Montevallo, and Nauvoo), and all are considered highly erodible due to the steep topography (R. Goode, Natural Resources Conservation Service, Birmingham, Alabama, pers. comm. 1988). Urbanization has contributed significantly to siltation within the Turkey Creek watershed. The approximately 91-square kilometer (sq km) (35-square mile (sq mi)) Turkey Creek watershed drains 22,149 hectares (54,731 acres) of Jefferson County, the most populous county in the State. Blanchard *et al.* (1998) identified five specific nonpoint-source siltation sites that are currently impacting the Turkey Creek watershed, including a major road extension within 0.3 km (1,000 ft) of Turkey Creek and four sites affecting Beaver Creek, a major tributary to Turkey Creek (*i.e.,* a bridge, road and sewer line construction, and a wood pallet plant). A proposed expansion of the Jefferson County landfill, if implemented, would likely contribute to increased sedimentation of Turkey Creek.

Nutrification is a major problem in Turkey Creek. Water quality data for Turkey Creek taken between September 1996 and February 1997 upstream of the Turkey Creek Waste Water Treatment Plant (TCWWTP), located within the range of the darter, showed high values for conductivity (Blanco and Mayden 1999). Similarly, water quality data for Turkey Creek taken along Turkey Creek Road, also within the darter's range, in June 1997 indicated high values for conductivity (Shepard *et al.* 1998). High conductivity values are an indicator of hardness and alkalinity and may denote water nutrification (Hackney *et al.* 1992, Tennessee Valley Authority 1992). Domestic pollution (septic and grey water) and excessive use of fertilizers and pesticides on lawns and along roadsides result in the concentration of nutrients and toxic chemicals within watersheds such as Turkey Creek. Nutrification promotes heavy algal growth that covers and eliminates clean rock or gravel habitats necessary for vermilion darter feeding and spawning. Shepard *et al.* (1998) noted a thin veneer of algae, indicating eutrophic conditions (increased levels of nitrogen and phosphorus) in Turkey Creek at the town of Morris, downstream of the range of the darter. Blanco *et al.* (1995) also noted increased levels of filamentous algae in Dry Creek and above the Turkey Creek Falls, within the range of the darter. The vermilion darter habitat along Turkey Creek Road was given a poor general index of biological integrity score (a numerical evaluation of the biological health of a stream) in 1997 because of domestic pollution (Shepard *et al.* 1998).

The Alabama Department of Environmental Management has reported seven violations for the TCWWTP between April 1995 and March 1998 (Blanchard *in litt.* 1998). These violations were for daily maximum fecal coliform values of almost 2 to 4 times more than permit limits. With local human population growing in the area, the TCWWTP is expected to be at full capacity soon, discharging 11,355 cubic meters per day (3,000,000 gallons per day) (Blanchard, pers. comm. 1999). A fish kill in Turkey Creek in 1997 may have been caused by raw sewage released into the creek following a sewage line break and repair (Moss 1997). Blanco and Mayden (1999) attributed the absence of darters immediately downstream of the TCWWTP to chlorine in treated wastewater overflows. However,

chlorine sterilization of effluent (wastewater outflows) was recently replaced with ultraviolet light sterilization.

There are six impoundments in Turkey and Dry Creeks (*i.e.,* Turkey Creek Lakes, Shadow Lake, Strip-mine Lake, Innsbrook Lake, Pinson Valley High Pond, and Horse Ranch Pond) (Blanco and Mayden 1999). These impoundments serve as dispersal barriers, affect water quality by reducing water flow and concentrating pollutants, and contribute to the isolation and separation of the vermilion darter populations (Blanco and Mayden 1999). Blanco and Mayden (1999) noted a 40-percent decline of vermilion darters collected between 1995 and 1998 at two sites directly affected by impoundments. Population density estimates, expressed as the number of vermilion darters caught per fishing attempts and vermilion darters caught per amount of time spent fishing, declined by approximately 42 percent and 71 percent, respectively (Blanco and Mayden 1997). However, since historical population information is unknown, Blanco and Mayden (1997) were unclear if the decline represented a long- or short-term decline. Blanco and Mayden (1999) noted a 71-percent decline of vermilion darter habitat within the species' 11.6-km (7.2-mi) range in the Turkey Creek drainage between 1995 and 1998. Approximately 8.2 km (5.1 mi) of the lost vermilion darter habitat was associated with the TCWWTP; two impoundments, a housing development, and pond dredging along Turkey Creek and Dry Creek; and increased siltation due to road maintenance along Beaver Creek (Blanco *et al.* 1995, Blanco and Mayden 1997, Blanco and Mayden 1999).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

In general, small species of fish such as the vermilion darter, which are not utilized for either sport or bait purposes, are unknown to the general public. However, listing the vermilion darter may make it more attractive to collectors through recognition of its rarity. Vermilion darters are found in shallow riffles and pools in restricted portions of Turkey Creek. These areas are easily accessible from public roads or bridges. The darter is also sensitive to a variety of easily obtained chemicals and products. These factors would make vandalism virtually undetectable and uncontrollable. Collection for scientific and educational purposes is not currently identified as a threat, but it must be regulated based on this species' restricted range and deteriorating habitat.

C. Disease or Predation

Disease or natural predators do not present any known threats to the vermilion darter. To the extent that disease or predation occurs, these factors become a more important consideration as the total population decreases in number.

D. The Inadequacy of Existing Regulatory Mechanisms

No environmental laws require persons to specifically consider the vermilion darter or ensure that a project will not jeopardize its continued existence. The vermilion darter has been designated an endangered species by Alabama and is protected under Alabama's Nongame Species Regulation 220–2–.92–.90ER, which protects the species from overcollecting. Application of current State and Federal water quality regulations have not adequately protected the vermilion darter habitat from point- and nonpoint-source pollution.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The current range of the vermilion darter is restricted to localized sites within the mainstem of Turkey Creek and the lowermost reaches of Dry Creek and Beaver Creek, within the Turkey Creek drainage. Subsequently, genetic diversity has likely declined due to fragmentation, separation, and destruction of vermilion darter populations. Potential genetic variation and diversity within a species are essential for recovery, adaptation to environmental change, and long-term viability (capability to live, reproduce, and develop) (Noss and Cooperrider 1994, Harris 1984). The long-term viability of a species is founded on conservation of numerous interbreeding local populations throughout the range of the species (Harris 1984). Interbreeding populations of vermilion darters are becoming increasingly separated.

The limited distribution of the vermilion darter makes populations vulnerable to extirpation (elimination) from catastrophic events such as an accidental toxic chemical spill, heavy pesticide or contaminant runoff, increased siltation, vandalism, or changes in flow regimes. A major highway (State Highway 79) divides the watershed. Eastward (upstream), the watershed is experiencing rapid residential and business growth; while to the west (downstream), there are numerous commercial, residential, and reclaimed strip-mining sites.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the vermilion darter in determining to propose this rule. Based on this evaluation, the preferred action is to list the vermilion darter as endangered. The Act defines an endangered species as one that is in danger of extinction throughout all, or a significant portion, of its range. A threatened species is one that is likely to become endangered in the foreseeable future throughout all or a significant portion of its range. Endangered status is appropriate for the vermilion darter due to its occurrence as isolated meager populations within a very limited range, segmented by barriers (*i.e.,* impoundments). The escalation of nonpoint-source pollution from siltation and nutrification within the species' habitat further threatens this species' survival. Isolated population segments are also subject to declining genetic diversity, reducing their chances for long-term viability. The possibility for catastrophic events (*e.g.,* discharges, toxic chemical spills) also poses a threat to the survival of the vermilion darter.

Critical Habitat

Critical habitat is defined in section 3, paragraph (5)(A) of the Act as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection; and specific areas outside the geographical area occupied by a species at the time it is listed in accordance with the provisions of section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Critical habitat designation directly affects only Federal agency actions through consultation under section 7(a)(2) of the Act. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat.

Section 4(a)(3) of the Act, as amended, and implementing regulations

(50 CFR 424.12) require that, to the maximum extent prudent and determinable, we designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) the species is threatened by taking or other activity and the identification of critical habitat can be expected to increase the degree of threat to the species or (2) such designation of critical habitat would not be beneficial to the species.

We propose that critical habitat is prudent for the vermilion darter. In the last few years, a series of court decisions have overturned Service determinations regarding a variety of species that designation of critical habitat would not be prudent (*e.g., Natural Resources Defense Council* v. *U.S. Department of the Interior* 113 F. 3d 1121 (9th Cir. 1997); *Conservation Council for Hawaii* v. *Babbitt,* 2 F. Supp. 2d 1280 (D. Hawaii 1998)). Based on the standards applied in those judicial opinions, we believe that the designation of critical habitat for this species would be prudent.

Due to the small number of populations, the vermilion darter is vulnerable to unrestricted collection, vandalism, or other disturbance. We remain concerned that these threats might be exacerbated by the publication of critical habitat maps and further dissemination of locational information. However, we have examined the evidence available and have not found specific evidence of taking, vandalism, collection, or trade of this species or any similarly situated species. Consequently, consistent with applicable regulations (50 CFR 424.12(a)(1)(i)) and recent case law, we do not expect that the identification of critical habitat will increase the degree of threat to this species of taking or other human activity.

In the absence of a finding that critical habitat would increase threats to a species, if any benefits would result from critical habitat designation, then a prudent finding is warranted. In the case of this species, designation of critical habitat may provide some benefits. The primary regulatory effect of critical habitat is the section 7 requirement that Federal agencies refrain from taking any action that destroys or adversely modifies critical habitat. While a critical habitat designation for habitat currently occupied by this species would not be likely to change the section 7 consultation outcome because an action that destroys or adversely modifies such critical habitat would also be likely to result in jeopardy to the species, in some instances, section 7 consultation might be triggered only if critical habitat is designated. Examples could include unoccupied habitat or occupied habitat that may become unoccupied in the future. Some educational or informational benefits may result from designating critical habitat. Therefore, we find that critical habitat is prudent for the vermilion darter.

As explained in detail in the Final Listing Priority Guidance for FY2000 (64 FR 57114), our listing budget is currently insufficient to allow us to immediately complete all of the listing actions required by the Act. We anticipate in FY 2000 and beyond giving higher priority to critical habitat designation, including designations deferred pursuant to the Final Listing Priority Guidance for FY2000, such as the designation for this species, than we have in recent fiscal years. We plan to employ a priority system for deciding which outstanding critical habitat designations should be addressed first. We will focus our efforts on those designations that will provide the most conservation benefit, taking into consideration the efficacy of critical habitat designation in addressing the threats to the species, and the magnitude and immediacy of those threats. Deferral of the critical habitat designation for this species will allow us to concentrate our limited resources on higher priority critical habitat and other listing actions, while allowing us to put in place protections needed for the conservation of the vermilion darter without further delay. We will make the final critical habitat determination with the final listing determination for the vermilion darter. If this final critical habitat determination is that critical habitat designation is prudent, we will develop a proposal to designate critical habitat for this species as soon as feasible, considering our workload priorities.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer informally with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with us.

Federal activities that could occur and impact the vermilion darter include, but are not limited to, the carrying out or the issuance of permits for reservoir construction, stream alteration, discharges, wastewater facility development, water withdrawal projects, pesticide registration, mining, and road and bridge construction. Activities affecting water quality may also impact the vermilion darter and are subject to the U.S. Army Corps of Engineers' and the U.S. Environmental Protection Agency's regulations and permit requirements under the authority of the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES). It has been our experience, however, that nearly all section 7 consultations have been resolved so that species are protected and project objectives are met.

Listing the vermilion darter provides for the development and implementation of a recovery plan for the species. This plan will bring together Federal, State, and regional agency efforts for conservation of the species. A recovery plan will establish a framework for agencies to coordinate their recovery efforts. It will also describe the site-specific management actions necessary to achieve conservation and survival of the species.

The Act and its implementing regulations, found at 50 CFR 17.21, set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part,

make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt any such conduct), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to our agents and agents of State conservation agencies.

Our policy, published in the **Federal Register** on July 1, 1994 (59 FR 34272), is to identify, to the maximum extent practicable, those activities that would or would not constitute a violation of section 9 of the Act if this species is listed. The intent of this policy is to increase public awareness as to the effects of the listing on future and ongoing activities within a species' range.

If the species is listed, we believe the following would not be likely to result in a violation of section 9:

(1) Existing discharges into waters supporting this species, which require Federal authorization or permits (*e.g.,* activities subject to sections 402, 404, and 405 of the Clean Water Act and discharges regulated under the NPDES), provided such discharges are in compliance with an incidental take statement and any reasonable and prudent measures issued pursuant to a consultation conducted in accordance with section 7 of the Act;

(2) Normal agricultural and silvicultural practices, including pesticide and herbicide use, that are carried out in accordance with any existing regulations, permit and label requirements, and best management practices;

(3) Development and construction activities designed and implemented pursuant to State and local water quality regulations and implemented using best management practices;

(4) Existing recreational activities such as swimming, wading, canoeing, and fishing; and

(5) Lawful commercial and sport fishing.

Activities that we believe could potentially result in a violation of section 9 of the Act, if the vermilion darter was listed, include, but are not limited to:

(1) The unauthorized collection or capture of this species;

(2) Unauthorized destruction or alteration of the species' habitat (*e.g.,* unpermitted instream dredging, channelization, and discharge of fill material);

(3) Violation of any discharge or water withdrawal permit having an effect on vermilion darter habitat;

(4) Illegal discharge or dumping of toxic chemicals or other pollutants into waters supporting the vermilion darter; and

(5) Use of pesticides and herbicides in violation of label restrictions within the species' watershed.

We will review other activities not identified above on a case-by-case basis to determine if a violation of section 9 of the Act may be likely to result from such activity should the vermilion darter become listed. We do not consider these lists to be exhaustive and provide them as information to the public.

Questions regarding whether specific activities may constitute a violation of section 9 should be directed to the Field Supervisor of our Mississippi Field Office (see **ADDRESSES** section).

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, for incidental take in connection with otherwise lawful activities, and/or economic hardship. Requests for copies of the regulations and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services Division, 1875 Century Blvd., Atlanta, GA, 30345 (telephone 404/679–7313; facsimile 404/679–7081).

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we request comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

We will take into consideration any comments and additional information received on this species when making a final determination regarding this proposal. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

In accordance with interagency policy published on July 1, 1994 (59 FR 34270), upon publication of this proposed rule in the **Federal Register**, we will solicit expert reviews by at least three specialists regarding pertinent scientific or commercial data and assumptions relating to the taxonomic, biological, and ecological information for the vermilion darter. The purpose of such a review is to ensure that listing decisions are based on scientifically sound data, assumptions, and analyses, including the input of appropriate experts. We will summarize the opinions of these reviewers in the final decision document. The final determination may differ from this proposal based upon the information we receive.

You may request a public hearing on this proposal. Your request for a hearing must be made in writing and filed within 45 days of the date of publication of this proposal in the **Federal Register**. Address your requests to the Field Supervisor (see **ADDRESSES** section).

Executive Order 12866

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand including answers to the following: (1) Are the requirements of the rule clear? (2) Is the discussion of the rule in the Supplementary Information section of the preamble helpful to understanding

the rule? (3) What else could we do to make the rule easier to understand?

National Environmental Policy Act

We have determined that an environmental assessment and environmental impact statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

This rule does not contain any new collections of information other than those already approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned Office of Management and Budget clearance number 1018–0094. 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. For additional information concerning permit and associated requirements for endangered species, see 50 CFR 17.22.

References Cited

A complete list of all references cited in this document, as well as others, is available upon request from the Field Supervisor (see **ADDRESSES** section).

Author

The primary author of this document is Daniel J. Drennen (see **ADDRESSES** section) (601/965–4900).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Amend section 17.11(h) by adding the following to the List of Endangered and Threatened Wildlife, in alphabetical order under FISHES:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
*	*	*	*	*	*	*	
Darter, vermilion	*Etheostoma chermocki.*	U.S.A. (AL)	Entire	E		NA	NA
*	*	*	*	*	*	*	

Dated: April 5, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00–9672 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 65, No. 75
Tuesday, April 18, 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

Food and Nutrition Service

Commodity Supplemental Food Program: Elderly Income Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the adjusted income guidelines to be used by State agencies in determining the eligibility of elderly persons applying to participate in the Commodity Supplemental Food Program (CSFP). These guidelines are to be used in conjunction with the CSFP regulations under 7 CFR part 247.

EFFECTIVE DATE: April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Lillie F. Ragan, Assistant Branch Chief, Household Programs Branch, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302–1594, or telephone (703) 305–2662.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act

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

Paperwork Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.565 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, 48 FR 29112).

Description

The Food Security Act of 1985 (Pub. L. 99–198) amended section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) to require that the Secretary permit agencies administering the CSFP to serve low-income elderly persons if such service can be provided without reducing service levels for women, infants, and children. The law also mandates establishment of income eligibility requirements for elderly participation. Prior to enactment of Pub. L. 99–198, elderly participation was restricted by law to three designated pilot projects which served the elderly in accordance with agreements with the Department.

To implement the CSFP mandates of Pub. L. 99–198, the Department published an interim rule on September 17, 1986 at 51 FR 32895 and a final rule on February 18, 1988, at 53 FR 4831. These regulations defined ''elderly persons'' as those who are 60 years of age or older (7 CFR 247.2). The final rule further stipulates that elderly persons certified on or after September 17, 1986 must have ''household income at or below 130 percent of the Federal Poverty Income Guidelines published annually by the Department of Health and Human Services.'' (7 CFR 247.7(a)(3)).

The Federal Poverty Income Guidelines are revised annually to reflect changes in the Consumer Price Index. The revision for 2000 was published by the Department of Health and Human Services in the **Federal Register** on February 15, 2000 at 65 FR 7555. To establish income limits of 130 percent, the guidelines were multiplied by 1.30 and the results rounded up to the next whole dollar.

At this time, the Department is publishing the income limits of 130 percent of the poverty income guidelines. The table in this notice contains the income limits by household size to be used for elderly certification in the CSFP. In past years, we have made the revised guidelines effective from July 1 to the following June 30, to conform to the effective period used in USDA child nutrition programs. Beginning this year, we are making the guidelines effective on the date that they are published in the **Federal Register** in order to diminish the time gap between CSFP adjustments and cost-of-living adjustments in Social Security benefits, which are made in January each year. These guidelines will remain in effect until publication of a notice with revised guidelines in 2001.

FNS INCOME ELIGIBILITY GUIDELINES FOR THE ELDERLY IN CSFP (130 PERCENT OF POVERTY INCOME GUIDELINES)

[Effective April 18, 2000]

Family size	Annual	Month	Week
1	10,855	905	209
2	14,625	1,219	282
3	18,395	1,533	354
4	22,165	1,848	427
5	25,935	2,162	499
6	29,705	2,476	572
7	33,475	2,790	644
8	37,245	3,104	717
For each additional family member add	+3,770	+315	+73

Authority: Pub. L. 93–86 (7 U.S.C. 612c note)

Dated: April 12, 2000.

George A. Braley,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 00–9644 Filed 4–17–00; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–605, A–588–609, A–580–605, A–559–601]

Revocation of Antidumping Duty Orders: Color Picture Tubes From Canada, Japan, the Republic of Korea, and Singapore

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

ACTION: Notice of revocation of antidumping duty orders: Color picture tubes from Canada, Japan, the Republic of Korea, and Singapore.

SUMMARY: Pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the United States International Trade Commission (''the Commission'') determined that revocation of the

antidumping duty orders on color picture tubes (''CPTs'') from Canada, Japan, the Republic of Korea (''Korea''), and Singapore, is not likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (65 FR 17901 (April 5, 2000)). Therefore, pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(1), the Department of Commerce (''the Department'') is revoking the antidumping duty orders on CPTs from Canada, Japan, Korea, and Singapore. Pursuant to section 751(c)(6)(A)(iv) of the Act and 19 CFR 351.222(i)(2), the effective date of revocation is January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Darla D. Brown, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3207.

EFFECTIVE DATE: January 1, 2000.

Background

On March 1, 1999, the Department initiated, and the Commission instituted, sunset reviews (64 FR 9970 and 64 FR 10014, respectively) of the antidumping duty orders on CPTs from Canada, Japan, Korea, and Singapore, pursuant to section 751(c) of the Act. As a result of these reviews, the Department found that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the antidumping orders revoked (*see Final Results of Expedited Sunset Reviews: Color Picture Tubes from Canada, Japan, the Republic of Korea, and Singapore,* 64 FR 48354 (September 3, 1999)).

On April 5, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on CPTs from Canada, Japan, Korea, and Singapore would not likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (*see Color Picture Tubes from Canada, Japan, Korea and Singapore,* 65 FR 17901 (April 5, 2000)).

Scope

The merchandise subject to these antidumping duty orders is color picture tubes from Canada, Japan, Korea, and Singapore. The subject merchandise is defined as cathode ray tubes suitable for use in the manufacture of color television receivers or other color entertainment display devices intended for television viewing. Where a CPT is shipped and imported together with all parts necessary for assembly into a complete television receiver (*i.e.*, as a ''kit''), the CPT is excluded from the scope of these orders. In other words, a kit and a fully assembled television are a separate class or kind of merchandise from the CPT. Accordingly, the Department determined that, when CPTs are shipped together with other parts as television receiver kits, they are excluded from the scope of the order. With respect to CPTs which are imported for customs purposes as incomplete televison assemblies, we determined that these entries are included within the scope of these investigations unless both of the following criteria are met: (1) The CPT is ''physically integrated'' with other television receiver components in such a manner as to constitute one inseparable amalgam and (2) the CPT does not constitute a significant portion of the cost or value of the items being imported.[1] Such merchandise was classifiable under Harmonized Tariff Schedule (HTS) item numbers 8540.11.00.10, 8540.11.00.20, 8540.11.00.30, 8540.11.00.40, 8540.11.00.50 and 8540.11.00.60. However, due to changes in the HTS, the subject merchandise is currently classifiable under HTS items 8540.11.10, 8540.11.24, 8540.11.28, 8540.11.30, 8540.11.44, 8540.11.48, and 8540.11.50. The HTS item numbers are provided for convenience and customs purposes only. The written description remains dispositive.

Determination

As a result of the determination by the Commission that revocation of these antidumping duty orders is not likely to lead to continuation or recurrence of material injury to an industry in the United States, the Department, pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(1), is revoking the antidumping duty orders on CPTs from Canada, Japan, Korea, and Singapore. Pursuant to section 751(c)(6)(A)(iv) of the Act and 19 CFR 351.222(i)(2)(ii), this revocation is effective January 1, 2000. The Department will instruct the U.S. Customs Service to discontinue the suspension of liquidation and collection of cash deposit rates on entries of the subject merchandise entered or withdrawn from warehouse on or after January 1, 2000 (the effective date). The Department will complete any pending administrative reviews of these orders and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Dated: April 12, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–9686 Filed 4–17–00; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value; Color Picture Tubes From Japan,* 53 FR 430 (January 7, 1988).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–504]

Notice of Extension of Time Limit for Antidumping Duty Administrative Review: Petroleum Wax Candles From the People's Republic of China

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

ACTION: Extension of time limit.

EFFECTIVE DATE: April 18, 2000.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the administrative review of the antidumping duty order on petroleum wax candles from the People's Republic of China. This review involves four respondents (Universal Candle Company, Ltd., Liaoning Native Product Import & Export Corporation, Tianjin Native Produce Import and Export Group Corporation, Ltd., and Rich Talent Trading, Ltd.) and covers the period August 1, 1998–July 31, 1999.

FOR FURTHER INFORMATION CONTACT: Martin Odenyo at (202) 482–5254 or Robert James at (202) 482–0649, Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff Act), the Department is extending the time limit for completion of the preliminary results until Wednesday, August 30, 2000. See April 6, 2000 Memorandum from Richard O. Weible to Joseph A. Spetrini, on file in Room B–099 of the main Commerce building. The final

results of this administrative review will continue to be due no later than 120 days after the date on which the preliminary results are published.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act, as amended.

Dated: April 6, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 00–9688 Filed 4–17–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–827]

Static Random Access Memory Semiconductors From Taiwan; Amended Final Results of Antidumping Duty New Shipper Review

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

EFFECTIVE DATE: April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Irina Itkin, AD/CVD Enforcement Group I, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–1776 or (202) 482–0656, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1999).

Amendment to Final Results

In accordance with section 751(a) of the Act, on March 8, 2000, the Department published the final results of the 1997–1998 new shipper review on static random access memory semiconductors (SRAMs) from Taiwan, in which we determined that U.S. sales of SRAMs from Taiwan were made at less than normal value (65 FR 12214). On March 13, 2000, we received an allegation, timely filed pursuant to 19 CFR 351.224(c)(2), from the petitioner, Micron Technology, Inc. (Micron), that the Department made a ministerial error in its final results. We did not receive comments from GSI Technology, Inc. (GSI Technology), the sole respondent.

After analyzing Micron's submission, we have determined, in accordance with 19 CFR 351.224, that a ministerial error was made in our final margin calculation for GSI Technology. Specifically, we find that we failed to properly apply the hierarchy for defining contemporaneous sales as set forth in 19 CFR 351.414(e)(2) when matching U.S. and home market sales. This resulted in our making certain non-contemporaneous comparisons for purposes of the final results.

In addition to the alleged error identified by Micron, we find that our calculations contained two additional ministerial errors which were not identified by any party to this proceeding. Specifically, we find that we overstated general and administrative (G&A) expenses by including research and development expenses in the costs to which the G&A rate was applied, and our calculation of the import value used to compute the assessment rate contained a mathematical error.

For a detailed discussion of the ministerial errors noted above, as well as the Department's analysis, see the memorandum to Louis Apple from the Team, dated April 11, 2000.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final results of the 1997–1998 antidumping duty new shipper review on SRAMs from Taiwan. The revised weight-averaged dumping margin is as follows:

Exporter/manufacturer	Original final margin percentage	Revised final margin percentage
GSI Technology	7.38	9.05

Scope of the Review

The products covered by this review are synchronous, asynchronous, and specialty SRAMs from Taiwan, whether assembled or unassembled. Assembled SRAMs include all package types. Unassembled SRAMs include processed wafers or die, uncut die and cut die. Processed wafers produced in Taiwan, but packaged, or assembled into memory modules, in a third country, are included in the scope; processed wafers produced in a third country and assembled or packaged in Taiwan are not included in the scope. The scope of this review includes modules containing SRAMs. Such modules include single in-line processing modules, single in-line memory modules, dual in-line memory modules, memory cards, or other collections of SRAMs, whether unmounted or mounted on a circuit board. The scope of this review does not include SRAMs that are physically integrated with other components of a motherboard in such a manner as to constitute one inseparable amalgam (*i.e.,* SRAMs soldered onto motherboards). The SRAMs within the scope of this review are currently classifiable under the subheadings 8542.13.8037 through 8542.13.8049, 8473.30.10 through 8473.30.90, and 8542.13.8005 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this review is dispositive.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: April 11, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–9687 Filed 4–17–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–603, C–583–604, A–580–601, C–580–602]

Continuation of Antidumping Duty Orders and Countervailing Duty Orders: Top-of-the-Stove Stainless Steel Cooking Ware From Taiwan and Korea

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

ACTION: Notice of continuation of antidumping orders and countervailing duty orders: Top-of-the-stove stainless steel cooking ware from Taiwan and Korea.

SUMMARY: On July 27, 1999, and September 3, 1999, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty orders and countervailing duty orders on top-of-the-stove stainless steel cooking ware (''TOS cookware'') from Taiwan and the Republic of Korea (''Korea'') would likely lead to continuation or recurrence of dumping and countervailable subsidies (64 FR 40570 (July 27, 1999) and 64 FR 48372 and 48374 (September 3, 1999)). On April 5, 2000, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty orders and countervailing duty orders

on TOS cookware from Taiwan and Korea would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (65 FR 17902 (April 5, 2000)). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing this notice of the continuation of the antidumping duty orders and countervailing duty orders on TOS cookware from Taiwan and Korea.

EFFECTIVE DATE: April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Darla D. Brown, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3207.

Background

On February 1, 1999, the Department initiated, and the Commission instituted, sunset reviews (64 FR 4840 and 64 FR 4896, respectively) of the antidumping duty orders and countervailing duty orders on TOS cookware from Taiwan and Korea pursuant to section 751(c) of the Act. As a result of these reviews, the Department found that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the orders revoked. [1] In addition, the Department found that revocation of the countervailing duty orders would likely lead to continuation or recurrence of a countervailable subsidy and notified the Commission of the net subsidy likely to prevail, as well as the nature of the subsidy. [2]

On April 5, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders and countervailing duty orders on TOS cookware from Taiwan and Korea would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. [3]

[1] *See Final Results of Expedited Sunset Reviews: Top-of-the-Stove Stainless Steel Cookware from the Republic of Korea and Taiwan,* 64 FR 40570 (July 27, 1990).

[2] *See Final Results of Expedited Sunset Review: Top-of-the-Stove Stainless Steel Cookware from Taiwan,* 64 FR 48372 (September 3, 1999); and *Final Results of Expedited Sunset Review: Top-of-the-Stove Stainless Steel Cookware from the Republic of Korea,* 64 FR 48374 (September 3, 1999).

[3] *See Porcelain-on-Steel Cooking Ware from China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware from Korea and Taiwan,* 65 FR 17902 (April 5, 2000).

Scope

The merchandise subject to these antidumping duty orders and countervailing duty orders is TOS cookware from Korea and Taiwan. The subject merchandise is all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. The subject merchandise includes skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers. Excluded from the scope of the order are stainless steel oven ware and stainless steel kitchen ware. The Department has issued several scope clarifications for these two orders. For imports of the subject merchandise from South Korea, certain stainless steel pasta and steamer inserts are within the scope (63 FR 41545 (August 4, 1998)), certain stainless steel eight-cup coffee percolators are within the scope (58 FR 11209; February 24, 1993), and certain stainless steel stock pots and covers are within the scope of the order (57 FR 57420 (December 4, 1992)). For imports of the subject merchandise from Taiwan, ''universal pan lids'' are not within the scope of the order (57 FR 57420 (December 4, 1992)) and Max Burton's StoveTop Smoker is within the scope of the order (60 FR 36782 (July 18, 1995)). Moreover, as a result of a changed circumstances review, the Department revoked the order on Korea with regards to certain stainless steel camping ware (1) made of single-ply stainless steel having a thickness no greater than 6.0 millimeters; and (2) consists of 1.0, 1.5, and 2.0 quart saucepans without handles and with lids that also serve as fry pans (62 FR 3662 (January 24, 1997)). Subject merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7323.93.00 and 9604.00.00. The HTS item numbers are provided for convenience and customs purposes only. The written description remains dispositive.

Determination

As a result of the determinations by the Department and the Commission that revocation of these antidumping duty orders and countervailing duty orders would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders and countervailing duty orders on TOS cookware from Taiwan and Korea. The Department will instruct the U.S. Customs Service to continue to collect duty deposits at the rate in effect at the time of entry for all imports of subject merchandise.

As a result, pursuant to section 751(c)(6)(A) of the Act, the Department intends to initiate the next five-year review of these orders not later than March 2005.

Dated: April 12, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–9685 Filed 4–17–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged

or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230, or transmit by E-mail at oetca@ita.doc.gov. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 00–00003.'' A summary of the application follows.

Summary of the Application

Applicant: North America Fruit Trading Alliance, L.L.C. (''NAFTA''), PO Box 574, Frankfort, Michigan 49635.

Contact: Donald W. Nugent, President, Telephone: (231) 352–7181.

Application No.: 00–00003.

Date Deemed Submitted: April 10, 2000.

Members (in addition to applicant): Graceland Fruit, Inc., Frankfort, MI; Burnette Foods, Inc., Elk Rapids, MI; Milne Fruit Products, Inc., Prosser, WA (Controlling Entity: Ocean Spray Cranberries, Inc., Lakeville, MA); and Northern Michigan Fruit Co., Omena, MI.

NAFTA seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade

1. Products

Processed red cherries (prunus cerasus); cherry products including but not limited to cherry pie filling, water pack cherries, cherry juice concentrate, dried cherries, frozen pack cherries, individually quick frozen cherries, cherry sausage, cherry jams, jellies an sauces.

Processed sweet cherries including but not limited to individually quick frozen and stored in freezer (IQF); cherries canned in water, light syrup, heavy syrup, extra heavy syrup or as a pie fill; and juice from sweet cherries.

2. Technology Rights

Patents, trademarks, service marks, copyrights, trade secrets, know-how, and semiconductor mask works, involving cherry processing.

3. Export Trade Facilitation Services (as they Relate to the Export of Products and Technology Rights)

Trade promotion, marketing, sales, and transportation services (including packing, transportation, wharfing and handling, trade documentation, freight forwarding, storage, and customs clearance).

Export Markets

The Export Markets include all parts of the world except the United States, (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

The proposed Export Trade Certificate of Review would extend antitrust protection to NAFTA to conduct the following export trade activities:

1. Negotiate and enter into agreements with buyers in the Export Markets;

2. Negotiate and enter into agreements with foreign governments and other persons in the Export Markets regarding the quantities, time periods, prices, terms, and conditions upon which the Members will export Products and/or Technology Rights through NAFTA.

3. Allocate export sales and/or Export Markets among the Members on the basis of each Member's commitment of Products and/or Technology Rights for export;

4. Establish prices and terms of sale for the Export Markets;

5. Use the NAFTA or other common brand or label;

6. Negotiate and enter into agreement, on behalf of and with the advice of the Members, for the provision of Export Trade Facilitation Services (including trade shows, advertising, and contract marketing services);

7. Share among the Members the cost of Export Trade Facilitation Services;

8. Grant exclusive distribution rights in Export Markets for Products and/or Technology Rights to non-Members; ''Exclusive'' means that the non-Member distributor may agree not to represent any person or firms other than NAFTA in the export of Products and/or Technology Rights in any Export Markets; and/or NAFTA may agree not to export Products and/or Technology Rights in any Export Market through any distributor other than that non-Member distributor;

9. Advise and cooperate with the United States Government or any agency of the United States Government in establishing procedures regulating the export of Products and/or Technology Rights; and

10. Conduct product research and design for Products (and develop, obtain, and license associated Technology Rights) only when conducted exclusively for export, including meeting foreign regulatory requirements and foreign buyers specifications, and identifying and designing for foreign buyer preferences; provided, however, that the Export Trade Activities and Methods of Operation do not cover activity that relates to the use of Technology Rights for the U.S. domestic market.

Definition

''Supplier'' means a person, including each member, who produces, provides, or sells Products, Technology Rights, or Export Trade Facilitation Services.

Dated: April 12, 2000.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 00–9493 Filed 4–17–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Overseas Trade Missions

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the following overseas trade missions to be held between August and November 2000. For a more complete description of the trade mission, obtain a copy of the mission statement from the Project Officer indicated below. The recruitment and selection of private sector participants for these missions will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions announced by Secretary Daley on March 3, 1997.

Clean Energy Trade Mission to Indonesia

Jakarta, Indonesia
August 29–30, 2000
Recruitment closes June 1, 2000
For further information contact: Kathryn Hollander, U.S. Department of Commerce, Tel: 202–482–0385, Fax:

482–0170, E-Mail:
Kathryn Hollander@ita.doc.gov

Natural Gas Technology/Power Plant Retrofitting Business Development Mission to Mexico

Mexico City and Monterrey, Mexico
September 10–14, 2000
Recruitment closes June 1, 2000
For further information contact: Samuel Beatty, U.S. Department of Commerce, Tel: 202–482–0179, Fax: 202–482–0170, E-Mail:
Samuel Beatty@ita.doc.gov

District Heating Mission to Russia

Moscow and St. Petersburg, Russia
October 15–21, 2000
Recruitment closes June 1, 2000
For further information contact: Rachel Halpern, U.S. Department of Commerce, Tel: 202–482–4423, Fax: 202–482–0170, E-Mail:
Rachel Halpern@ita.doc.gov

Clean Energy Trade Mission to Saudi Arabia

The United Arab Emirates, Qatar and Oman
October 24–November 1, 2000
Recruitment closes June 1, 2000
For further information contact: Joseph Ayoub, U.S. Department of Commerce, Tel: 202–482–0313, Fax: 202–482–0170, E-Mail:
Joseph Ayoub@ita.doc.gov

Natural Gas and Cogeneration Technologies Business Development Mission

Rio de Janeiro and Sao Paulo, Brazil
November 5–9, 2000
Recruitment closes June 1, 2000
For further information contact: Sam Beatty, U.S. Department of Commerce, Tel: 202–482–4179, Fax: 202–482–0170, E-mail:
Samuel Beatty@ita.doc.gov

Power Plant Renovation & Modernization/Natural Gas Utilization/ Renewable Energy

Trade Mission to South Africa, Pretoria and Johannesburg, South Africa
November 13–17, 2000
Recruitment closes June 1, 2000
For further information contact: John Rasmussen, U.S. Department of Commerce, Tel: 482–1889, Fax: 202–482–0170, E-mail: John Rasmussen@ita.doc.gov

Clean Energy Trade Mission to China

Beijing, Chengdu and Guangzhou, China
November 20–24, 2000
Recruitment closes June 1, 2000
For further information contact: Kathryn Hollander, U.S. Department of Commerce, Tel: 202–482–0385, Fax: 202–482–0170, E-mail:
Kathryn Hollander@ita.doc.gov

Clean Energy Trade Mission to India

New Delhi, Chennai, Calcutta and Mumbai, India
November 26–December 3, 2000
Recruitment closes June, 2000
For further information contact: Nazir Bhagat, U.S. Department of Commerce, Tel: 202–482–3855, Fax: 202–482–5666, E-mail
Nazir Bhagat@ita.doc.gov

FOR FURTHER INFORMATION CONTACT:
Reginald Beckham , U.S. Department of Commerce. Tel: 202–482–5478, Fax: 202–482–1999.

Dated: April 12, 2000.

Tom Nisbet,

Director, Promotion Planning and Support Division, Office of Export Promotion Coordination.

[FR Doc. 00–9689 Filed 4–17–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 000410098–0098–01]

RIN 0660–ZA12

Market for Satellite Communications and the Role of Intergovernmental Satellite Organizations

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice, request for comments.

SUMMARY: The Department of Commerce requests comments regarding the advantages accorded signatories of the International Telecommunications Satellite Organization (INTELSAT), in terms of immunities, market access, or otherwise, in the countries or regions served by INTELSAT, the reason for such advantages, and an assessment of progress toward fulfilling a pro-competitive privatization of that organization.[1] The International Anti-Bribery and Fair Competition Act of 1998, Pub. L. No. 105–366, implements the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the OECD Convention). In that legislation, the U.S. Congress imposed certain reporting requirements for the Department of Commerce to begin in 1999 and to continue annually for each of the next five years. The Secretary of Commerce issued the first report in July 1999. See Addressing the Challenges of International Bribery and Fair Competition—The First Annual Report Under Section 6 of the International Anti-Bribery and Fair Competition Act of 1998, July 1999. The report may be viewed at http://www.ita.doc.gov/legal/master.html.

The House report on the legislation expresses an expectation for extensive fact-findings on the nature of the market for satellite communications and, in particular, the role of the then intergovernmental satellite organizations (ISOs) INTELSAT and Inmarsat. The report required by the legislation monitors the implementation and enforcement of other nations' commitments under the OECD Convention and tracks the reduction of privileges and immunities for the ISOs. This Request for Comments (RFC) will assist the Secretary of Commerce in responding to those reporting requirements.

Moreover, on March 17, 2000, the President signed into law the Open-Market Reorganization for the Betterment of International Telecommunications (ORBIT) Act, Pub. L. No. 106–180. This legislation seeks to ''promote a fully competitive global market for satellite communications services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.'' *Id.* at sec. 2. In addition, the ORBIT Act requires the President to provide an annual report to Congress on the progress of privatization in relation to the objectives, purposes, and provisions of the Act, including the ''(v)iews of the industry and consumers on privatization'' and the ''[i]mpact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace.'' *See id.* at sec. 646(b)(3) and (4). By this public notice and RFC, we are also soliciting the views of the industry and consumers on such privatization.

DATES: Comments must be received by May 8, 2000.

ADDRESSES: The Department invites the public to submit written comments in paper or electronic form. Comments may be mailed to Milton Brown, National Telecommunications and Information Administration (NTIA), Room 4713, U.S. Department of Commerce, 14th and Constitution

[1] The Department notes that Inmarsat privatized on April 15, 1999 and therefore this section of the RFC is limited to INTELSAT.

Avenue, NW, Washington, DC 20230. Paper submissions should include a version on diskette in ASCII, Word Perfect (please specify version), or Microsoft Word (please specify version) format.

Comments submitted in electronic form may be sent to privatization@ntia.doc.gov. Electronic comments should be submitted in the formats specified above.

FOR FURTHER INFORMATION CONTACT: Milton Brown, NTIA/OCC, (202) 482–1816.

SUPPLEMENTARY INFORMATION:

Background

INTELSAT is a treaty-based global communications satellite cooperative with 143 member countries. INTELSAT was created to enhance global communications and to spread the risks of creating a global satellite system across telephone operating companies from many countries.[2] Inmarsat was created to improve the global maritime communications satellite system that would provide distress, safety, and communications services to seafaring nations in a cooperative, cost-sharing entity. Inmarsat privatized on April 15, 1999.

As an intergovernmental satellite organization, INTELSAT is governed by ''Parties'' and managed by ''signatories.'' The Parties are the national government members of the organizations who have signed the INTELSAT Agreement. Signatories are designated by each party to participate in the commercial operations of the organization. They hold ownership interests in varying degrees. They also assist with the operation and management of the systems and are distributors of ISO services in their own countries. Signatories may be government-owned or controlled telecommunications monopolies or other telecommunications service providers. The publically traded Comsat Corporation (Comsat) is the U.S. Signatory to INTELSAT.[3] INTELSAT is subject to oversight by the Assembly of Parties, and signatories are subject to oversight by their respective governments.

To implement public service obligations effectively and as part of INTELSAT's unique treaty status as an international organization, it benefits from certain privileges and immunities. As such, it is generally immune from suit, including private or public prosecution on antitrust charges.[4] Moreover, INTELSAT does not pay taxes on revenues, and exemptions extend to import duties and taxes, communications and property taxes. Signatories, however, are subject to national taxes, including taxes on their share of the organization's distributed returns.

The International Anti-Bribery and Fair Competition Act of 1998, Pub. L. 105–366, requires the Secretary of Commerce to submit a report to the House of Representatives and the Senate that contains information regarding the OECD Convention including the following: (1) A list of countries that have ratified the Convention; (2) a description of the domestic laws enacted by each party to the Convention that implements commitments under the Convention; and (3) an assessment of the measures taken by each party to the Convention during the previous year to fulfill its obligations under the Convention. See Pub. L. 105–366, sec. 6(a). Accordingly, the Secretary of Commerce is required to report, *inter alia,* on the ''terms of market access, government ownership, government contracts or connections, privileges and immunities, favorable treatment by national regulatory authorities or tax treatment * * * in the countries or regions served by the (INTELSAT), and the reasons for such advantages.'' H.R. Rep. No. 105–802, at 9 (1998). In preparation for this report, the Secretary of Commerce is required to seek and incorporate comments from the private sector, including competing satellite companies and satellite services users. *Id.* The Secretary of Commerce issued the first report in July 1999. See Addressing the Challenges of International Bribery and Fair Competition—The First Annual Report Under Section 6 of the International Anti-Bribery and Fair Competition Act of 1998, July 1999. The report may be viewed at http://www.ita.doc.gov/legal/master.html.

We are now formally soliciting public comment for the Secretary's second annual report on the advantages, in terms of immunities, market access, or otherwise, in the countries or regions served by INTELSAT, the reasons for such advantages, and an assessment of progress toward fulfilling a pro-competitive privatization of this organization. ''Pro-competitive privatization'' is defined as ''privatization that the President determines to be consistent with the United States policy of obtaining full and open competition to such organizations (or their successors), and nondiscriminatory market access, in the provision of satellite services.'' See Pub. L. 105–366, sec. 5(a)(2). Respondents may find it useful to review the full text of the International Anti-Bribery and Fair Competition Act of 1998.

On March 17, 2000, the President signed into law the Open-market Reorganization for the Betterment of International Telecommunications (ORBIT) Act. Pub. L. 106–180. The purpose of the ORBIT Act is ''to promote a fully competitive global market for satellite communications services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.'' *Id.* at sec. 2. To achieve this goal, the ORBIT Act provides specific criteria for licensing and market access for INTELSAT, Inmarsat and New Skies Satellites, and changes the statutes affecting Comsat. In addition, the ORBIT Act requires the President to provide an annual report to Congress on the progress of privatization in relation to the objectives, purposes, and provisions of the Act including the ''(v)iews of the industry and consumers on privatization'' and the ''(i)mpact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace.'' See *id.* at section 646(b)(3) and (4). By this public notice and RFC, we are also soliciting the views of the industry and consumers on the privatization of INTELSAT and Inmarsat with respect to the goals of achieving a pro-competitive privatization of these organizations. Respondents may find it useful to review the full text of the ORBIT Act.

Kathy Smith,

Chief Counsel.

[FR Doc. 00–9628 Filed 4–17–00; 8:45 am]

BILLING CODE 3510–60–P

[2] *See* Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies.

[3] We note that there is a pending merger between Comsat and Lockheed Martin Corporation.

[4] We also note that the ORBIT Act limits privileges and immunities previously afforded Comsat as the U.S. Signatory to INTELSAT. See Pub. L. 106–180, sec. 642(b).

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Information Collection; Comment Request

AGENCY: Deputy Under Secretary of Defense for Program Integration, DoD.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Deputy Under Secretary of Defense for Program Integration (DUSD(PI)), Department of Defense, hereby announces that it is seeking renewal of the following currently approved information collection activity. Before submitting this information collection requirement for clearance by the Office of Management and Budget (OMB), DUSD (PI) is soliciting public comment on specific aspects of the activity identified below.

DATES: Comments are due no later than June 19, 2000.

ADDRESSES: Forward comments to the Office of the Under Secretary of Defense for Personnel & Readiness, Program Integration, Legal Policy, 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: Lt Col Karen J. Kinlin, OUSD (P&R) PI–LP, 4000 Defense Pentagon, Room 4C763, Washington, DC 20301–4000; telephone (703) 697–3387; facsimile (703) 693–6708.

SUPPLEMENTARY INFORMATION: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. 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 burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Under Title 10 U.S.C. 1552, the Secretary of a Military Department may correct any military record within their Department when the Secretary considers it necessary to correct an error or remove an injustice. The DD Form 149, ''Application for Correction of Military Records Under the Provisions of Title 10 U.S. Code, section 1552,'' allows and applicant to request correction of a military record. The form provides an avenue for active duty Service members and former Service personnel who believe an error is contained in their military records and/or they have suffered an injustice to request relief.

Title: Application for Correction of Military Records Under the Provisions of Title 10, United States Code, section 1552.

Applicable Form: DD Form 149.

OMB Control Number: 0704–0003.

Affected Public: Individuals or households.

Annual Burden Hours: 14,000.

Number of Respondents: 28,000

Responses Per Respondent: 1.

Average Burden Per Response: 30 minutes.

Frequency: One-time.

Dated: April 12, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–9568 Filed 4–17–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Defense Intelligence Agency, Department of Defense.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board has been scheduled as follows:

DATES: April 25, 2000 (8 a.m. to 4 p.m.).

ADDRESSES: The Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340.

FOR FURTHER INFORMATION CONTACT: Maj. Donald R. Culp, Jr., USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: April 12, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–9567 Filed 4–17–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee Meeting Notice

AGENCY: U.S. Army Training and Doctrine Command (TRADOC).

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10 (a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following meeting:

Name of Committee: Distance Learning/Training Technology Subcommittee of the Army Education Advisory Committee.

Dates: 3–4 May 2000.

Place: University of California at Los Angeles (UCLA).

Time: 0830–1630 on 3 May 2000; 0830–1600 on 4 May 2000.

Proposed Agenda: On May 3rd, Dr. Maha Ashour-Abdalla, Director of Science and Technology for UCLA's Center for Digital Innovation (CDI), will conduct presentations that focus on UCLA's initiatives in interactive education, administration and management of courses, and discussions of future programs planned for the CDI. Updates on The Army Distance Learning Program (TADLP) and discussions of Student Management and Adult Learning will complete the 2 day program.

Purpose of the Meeting: The members will advise the Assistant Deputy Chief of Staff (ADCST), HQ Training and Doctrine Command (TRADOC), on matters pertaining to education and training technologies.

FOR FURTHER INFORMATION CONTACT: All communications regarding this subcommittee should be addressed to Mr. Richard Karpinski, at Commander, Headquarters TRADOC, ATTN: ATTG–CF (Mr. Karpinski), Fort Monroe, VA 23651–5000; telephone number (757) 728–5531.

SUPPLEMENTARY INFORMATION: Meeting of the advisory committee is open to the public. Because of restricted meeting space, attendance will be limited to those persons who have notified the Advisory Committee Management Office in writing at least five days prior to the meeting of their intention to attend. Contact Mr. Karpinski (757–728–5531) for meeting agenda and specific locations.

Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public

presentations or oral statement at the meeting.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–9694 Filed 4–17–00; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Withdrawal of Preparation of Draft Environmental Impact Statement for the Anacostia River and Tributaries, District of Columbia and Maryland, Northwest Branch Watershed, Montgomery County, Maryland, Draft Ecosystem Restoration Report and Integrated Environmental Assessment

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of withdrawal.

SUMMARY: The U.S. Army Corps of Engineers, Baltimore District, is withdrawing its intent to prepare a Draft Environmental Impact Statement (DEIS) for environmental restoration in the Northwest Branch watershed. Montgomery County, Maryland. The Corps' environmental analyses have not identified any significant impacts associated with the proposed action, therefore, intent to prepare a DEIS is hereby terminated. The Corps is preparing a draft Environmental Assessment (EA) for the proposed environmental restoration. The draft EA will evaluate environmental effects of restoring riverine, wetland, and riparian habitat at eleven sites in the Northwest Branch watershed. Montgomery County and the Maryland-National Capital Park and Planning Commission are the cost-sharing partners and are participating in the feasibility study and draft EA development. The goal of this project is to provide site-specific restoration measures to enhance, preserve, and restore portions of the watershed that have been degraded by urban development pressures. Formulation of the restoration measures focuses on examining existing conditions and determining the feasibility of restoring portions of degraded ecosystem structure, function, and dynamic processes to a less degraded condition.

FOR FURTHER INFORMATION CONTACT: Questions about the termination of the DEIS can be addressed to Ms. Nancy Jedziniak, Study Manager, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB–PL–P, P.O. Box 1715, Baltimore, Maryland 21203–1715, telephone (410) 962–2926. E-mail address: nancy.e.jedziniak@usace.army.mil.

SUPPLEMENTARY INFORMATION: A DEIS was in the process of being prepared by the Corps. During the National Environmental Policy Act (NEPA) process, it became apparent that the set of alternatives chosen as the final restoration plan did not produce any significant, long-term, or adverse impacts to the environment or its surroundings. Therefore, the DEIS process has been terminated. A draft ecosystem restoration report and draft EA have been prepared, and will be available for public review and comment in March 2000.

John A. Hall,

Alternative Army Federal Register Liaison Officer.

[FR Doc. 00–9692 Filed 4–17–00; 8:45 am]

BILLING CODE 3710–41–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Withdrawal of Preparation of a Draft Environmental Impact Statement (DEIS) for the Upper North Branch Potomac Environmental Resources Study Draft Integrated Feasibility Report and Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of withdrawal.

SUMMARY: The U.S. Army Corps of Engineers, Baltimore District (Corps), is withdrawing its intent to prepare a DEIS for environmental restoration in the Upper North Branch Potomac watershed, Garrett County, Maryland, and portions of Grant and Mineral Counties, West Virginia. The Corps'' environmental analyses have not identified any significant impacts associated with the proposed action, therefore, intent to prepare a DEIS is hereby terminated. The Corps is preparing a draft Environmental Assessment (EA) for the proposed environmental restoration. The draft EA will evaluate environmental effects of restoring riverine, wetland, and riparian habitat at three sites in the Upper North Branch Potomac watershed. The Maryland Department of the Environment is the cost-sharing partner and is participating in the Environmental Restoration Report and draft EA development. The West Virginia sponsors have decided to withdraw from the study at this time. The goal of this project is to provide site specific restoration measures to enhance, preserve, and restore portions of the watershed that have been degraded by abandoned mine lands. Formulation of the restoration measures focuses on examining existing conditions and determining the feasibility of restoring portions of degraded ecosystem structure, function, and dynamic processes to a less degraded condition.

FOR FURTHER INFORMATION CONTACT: Questions about the termination of the DEIS can be addressed to Mr. Peter Noy, Study Manager, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB–PL–P, PO Box 1715, Baltimore, Maryland 21203–1715, telephone (410) 962–6100. E-mail address: peter.m.noy@usace.army.mil.

SUPPLEMENTARY INFORMATION: A DEIS was in the process of being prepared by the Corps. During the National Environmental Policy Act (NEPA) process, it became apparent that the set of alternatives chosen as the final restoration plan for the sites within Maryland did not produce any significant, long-term, or adverse impacts to the environment or its surroundings. Therefore, the DEIS process has been terminated. A draft feasibility report and draft EA have been prepared, and will be available for public review and comment.

John A. Hall,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 00–9693 Filed 4–17–00; 8:45 am]

BILLING CODE 3710–41–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 19, 2000.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public

participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 12, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Extension.

Title: Lender's Application for Payment of Insurance Claims, ED Form 1207.

Frequency: On Occasion.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden: Responses: 2,588; Burden Hours: 699.

Abstract: The ED Form 1207—Lender's Application for Payment of Insurance Claim—is completed for each borrower for whom the lender is filing a Federal claim. Lenders must file for payment within 90 days of the default, depending on the type of claim filed. There have been no changes made to this collection since the last clearance process.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO IMG Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–9610 Filed 4–17–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 18, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV. Interested persons can access this document on the Internet:

(1) Go to IFAP at *www.ifap.ed.gov.*

(2) Click on ''Current SFA Publications''.

(3) Scroll down and click on ''FAFSA and Renewal FAFSA Forms and Instructions''.

(4) Click on ''By 2001–2002 Award Year''.

(5) Click on ''FAFSA Instructions''.

(6) Click on the red icon to open or download the file.

Please note that you will need the free Adobe Acrobat Reader software, version 4.0 or greater, to view this file. This software can be downloaded for free from Adobe's website: www.adobe.com.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 12, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Student Financial Assistance

Type of Review: Revision

Title: Free Application for Federal Student Aid (FAFSA)

Frequency: Annually

Affected Public: Individuals or households

Reporting and Recordkeeping Hour Burden: Responses: 11,134,376; Burden Hours: 7,073,050.

Abstract: Collects identifying and financial information from students applying for Federal student aid for postsecondary education. Used to calculate Expected Family Contribution and determine eligibility for grants and loans, under Title IV of the HEA.

Requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO IMG Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements

should be directed to Patrick Sherrill at (202) 708–9346 (fax). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–9609 Filed 4–17–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–408–037]

Columbia Gas Transmission Corporation; Notice of Filing

April 12, 2000.

Take notice that on April 3, 2000, Columbia Gas Transmission Corporation (Columbia) filed to report on the sharing with its customers of a portion of the profits from the sale of certain base gas as provided in Columbia's Docket No. RP95–408 rate case settlement. (See Stipulation II, Article IV, Sections A through E, in Docket No. RP95–408 approved at Columbia Gas Transmission Corp., 79 FERC ¶ 61,044 (1997)).

Columbia states that the sales of base gas have generated additional profits of $12,454,242 (above a $21.4 million threshold) requiring a sharing of 10 percent of the excess profits with customers and $58,577 (above a $41.5 million threshold) requiring a sharing of 50 percent of the excess profits with customers in accordance with Stipulation II, Article IV, Section C. Consequently, $1,292,013, inclusive of interest, has been allocated to affected customers and credited to their April invoices, which credits remain subject to Commission acceptance of this filing.

Columbia states that copies of its filing have been mailed to all affected customers and state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with § 385.211 of the Commission's rules and regulations. All such protests must be filed on or before April 19, 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–9595 Filed 4–17–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–71–020]

Transcontinental Gas Pipe Line Corporation; Notice of Compliance Filing

April 12, 2000.

Take notice that on April 6, 2000 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing recalculated rates, supporting workpapers and pro forma tariff sheets pursuant to Ordering Paragraph (B) of the Commission's Order on Initial Decision issued on March 17, 2000 (March 17 Order) in Docket No. RP97–71–000.

Transco states that the purpose of the instant compliance filing is to submit recalculated rates and supporting workpapers to adjust the Docket No. RP97–71 rates using the return on equity of 12.40 percent and cost of debt of 8.21 percent approved in the March 17 Order. The period covered by the recalculated rates reflected in the instant filing extends from May 1, 1997 through March 31, 2000.

The March 17 Order also directs Transco to file pro forma tariff sheets reflecting on a prospective basis the elimination of the revenue credit related to a discount given to Tennessee Gas Pipeline Company and Public Service Electric and Gas Company under Transco's Rate Schedule X–15 and reflecting the approved rate of return. Accordingly, Transco submits in the instant filing pro forma tariff sheets containing revised rates that reflect, on a prospective basis, the removal of the effects of the Rate Schedule X–15 rate discount from Transco's billing determinants in its rate design volumes, as well as the rate of return approved in the March 17 Order, and supporting workpapers for such rates.

Transco states that copies of the filing are being mailed to all parties in Docket No. RP97–71–000 and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with § 385.211 of the Commission's rules and regulations. All such protests must be filed on or before April 19, 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be reviewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–9596 Filed 4–17–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–54–000]

Unicom Investments, Inc.; Notice of Filing

April 12, 2000.

Take notice that on March 29, 2000, Unicom Investments, Inc. (UII), on behalf of itself and certain grantor trusts, business trusts or limited liability companies or partnerships of limited liability companies of which UII would be the sole beneficiary or member, filed with the Federal Energy Regulatory Commission a letter clarifying that the facilities leased under the lease/leaseback transactions described in its Petition of March 17, 2000 may include associated step-up transformers and/or interconnecting transmission facilities.

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 April 21, 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. 00–9630 Filed 4–17–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR99–257–006]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

April 12, 2000.

Take notice that on April 6, 2000, Williams Gas Pipelines Central Inc. (Williams) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets to become effective November 1, 1999.

Substitute Second Revised Sheet No. 267.
Sheet No. 268

On December 30, 1999, Williams filed revised tariff sheets and a Reconciliation and Refund report in the above-referenced dockets related to the settlement of all Gas Supply Realignment (GSR) cost issues. That filing is pending before the Commission. In that filing, Williams inadvertently deleted sections 14.4 and 14.5 of the General Terms and Conditions of its tariff. Those sections dealt with Stranded Investment and Exit Fees, respectively, and did not relate to GSR costs in any way. The instant filing proposes to reinstate these sections as sections 14.3 and 14.4 to be consistent with the numbering of preceding sections in Article 14. Williams is not proposing any changes in the language of these sections.

Williams states that copies of the revised tariff sheets are being mailed to all parties on the Commission's official service list as well as to William's jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with § 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–9597 Filed 4–17–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2082–000]

Wisconsin Electric Power Company; Notice of Filing

April 10, 2000.

Take notice that on April 3, 2000, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing a short-term firm Transmission Service Agreement and a non-firm Transmission Service Agreement between itself and The Detroit Edison Company (DTE). The Transmission Service Agreements allow DTE to receive transmission services under Wisconsin Energy Corporation Operating Companies' FERC Electric Tariff, Volume No. 1.

Copies of the filing have been served on DTE, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before April 24, 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. 00–9592 Filed 4–17–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7918–003]

Robert R. Conner; Notice of Availability of Draft Environmental Assessment

April 12, 2000.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, the Office of Energy Projects has reviewed the application dated August 6, 1999, requesting the Commission's authorization to surrender the exemption from licensing for the existing Walker Mill Hydroelectric Project, located on the West Prong of the Little Pigeon River in Sevier County, Tennessee, and has prepared a Draft Environmental Assessment (Draft EA) for the proposed and alternative actions.

Copies of the Draft EA can be viewed at the Commission's Public Reference Room, Room 2A 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. The document also may be viewed on the Web at www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance.

Any comments on the Draft EA should be filed within 30 days from the date of this notice and should be addressed to Dave Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Please affix ''Walker Mill Surrender of Exemption from Licensing, Project No. 7918–003'' to the first page of your comments.

For further information, please contact Jim Haimes, staff environmental protection specialist, at (202) 219–2780 or at his E-mail address, james.haimes@ferc.fed.us.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–9594 Filed 4–17–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2722–008; Utah]

PacifiCorp Power Company; Notice of Availability of Final Environmental Assessment

April 12, 2000.

In accordance with the National Environmental Policy Act of 1969 and

the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a new license for the Pioneer Hydroelectric Project, and has prepared a Final Environmental Assessment (FEA). The project is located on the Ogden River near the City of Ogden, Weber County, Utah. The water to operate the project comes from the Pineview dam, via the Ogden Canyon Conduit. The dam is owned and operated by the Bureau of Reclamation (BOR). However, a portion of the 5.5-mile-long flowline is located within the Cache National Forest, administered by the U.S. Forest Service (FS).

On February 17, 2000, the Commission staff issued a draft environmental assessment (DEA) for the project and requested that comments be filed with the Commission within 30 days. Comments on the DEA were filed by the U.S. Department of the Interior, Fish and Wildlife Service and PacifiCorp and are addressed in the FEA.

The FEA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Room, Room 2A, of the Commission's offices at 888 First Street, NE, Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–9593 Filed 4–17–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Availability of Draft License Application and Preliminary Draft Environmental Assessment

April 12, 2000.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. *Type of Application:* Major New License.

b. *Project No.:* P–271.

c. *Date filed:* April 4, 2000.

d. *Applicant:* Entergy Arkansas, Inc.

e. *Name of Project:* Carpenter-Remmel Hydroelectric Project.

f. *Location:* Located on the Ouachita River in Garland and Hot Spring Counties, Arkansas, and immediately downstream from the U.S. Army Corps of Engineers Blakely Mountain Dam. The Carpenter-Remmel Hydroelectric Project includes the Carpenter development at river mile 461 and the Remmel development at river mile 450.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.A. §§ 791(a)-825(r).

h. *Applicant Contact:* Mr. W. Henry Jones, Entergy Hydro Operations, P.O. Box 218, Jones Mills, AR 72105, (501) 844–2148 or email: wjones7@Entergy.com.

Mr. Gary Liimatainen, Kleinschmidt Associates, 75 Main Street, P.O. Box 576, Pittsfield, ME 04967, (207) 487–3328 or e-mail: Gary@Kassociates.com.

i. *FERC Contact:* Ed Lee at (202) 219–2809 or E-mail address at Ed.Lee.ferc.fed.us.

j. *Status of Project:* With this notice the Commission is soliciting (1) Preliminary terms, conditions, and recommendations on the Preliminary Draft Environmental Assessment (DEA), and (2) comments on the Draft License Application. Entergy Arkansas, Inc. is not claiming preference under Section 7(a) of the Federal Power Act § 16.

k. *Comment Date:* July 17, 2000.

All comments on the Preliminary DEA and Draft License Application should be sent to the addresses noted above in Item (h), with one copy filed with FERC at the following address: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

All comments must include the project name and number and bear the heading ''Preliminary Comments'', ''Preliminary Recommendations'', ''Preliminary Terms and Conditions'', or ''Preliminary Prescriptions''.

l. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.W., Room 2–A, Washington, D.C. 20426, or by calling (202) 219–1271. A copy of the application may also be viewed or printed by accessing the Commission's website on the Internet at http://www.ferc.fed.us/online/rims.htm or call (202) 208–2222 for assistance.

Entergy Arkansas, Inc. has mailed a copy of the Preliminary DEA and Draft License Application to interested entities and parties. Copies of these documents are available for review at Entergy's Public Information File, the Garland and Hot Spring County Public Libraries in Arkansas, or by calling (501) 844–2148 or by e-mailing wjones7@Entergy.com.

m. *With this notice, we are initiating consultation with the Arkansas State Historic Preservation Officer, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–9631 Filed 4–17–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Environmental Impact Statement for the Proposed Big Sandy Project, Arizona

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Intent

SUMMARY: In accordance with Section 102(2) of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4332, Western Area Power Administration (Western), and the Bureau of Land Management (BLM), Kingman Field Office, intend to prepare an Environmental Impact Statement (EIS) regarding the proposal by Caithness Big Sandy, LLC (Caithness), an energy development and operating company, to construct a 720 megawatt (MW) electric generating facility, including a 16-inch, high-pressure natural gas supply pipeline, permanent access road, and water supply wells and pipeline system. Caithness proposes to interconnect the generating facility with the existing Mead-Phoenix Project 500-kilovolt (kV) Transmission Line near Wikieup, Arizona. The generating facility would be constructed on private land in Mohave County, Arizona. The natural gas supply pipeline and access road would be constructed on private and public lands. The Federal public lands are administered by the U.S. Department of the Interior, BLM. Per 40 CFR part 1501.5(b), Western and BLM will serve as joint lead agencies to prepare the EIS.

This notice announces Western's and BLM's intention to prepare an EIS and hold a public scoping meeting for the proposed project. The scoping process will include notifying the general public and Federal, State, local, and tribal agencies of the proposed action. The purpose of scoping is to identify public and agency issues, and alternatives to be considered in the EIS.

DATES: The scoping meeting will be held on May 3, 2000, beginning at 7 p.m., in Wikieup, Arizona. Written comments on the scope of the EIS for the proposed project should be received no later than June 2, 2000. Comments on the project will be accepted throughout the NEPA process.

ADDRESSES: The scoping meeting will be held at Owens Whitney School, 14109 Chicken Springs Road, Wikieup, Arizona. Comments should be addressed to Mr. John Holt, Environment Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005, fax (602) 352–2630, e-mail holt@wapa.gov; or Mr. Don McClure, Planning and Environmental Specialist, Kingman Field Office, Bureau of Land Management, 2475 Beverly Avenue, Kingman, AZ 86401, fax (520) 692–4414, e-mail don mcclure@blm.gov.

FOR FURTHER INFORMATION CONTACT: Mr. John Holt, Environment Manager, Western Area Power Administration at the address or fax above, telephone (602) 352-2592, or Ms. Sally Edwards, BLM Project Manager, 2475 Beverly Avenue, Kingman, AZ 86401, telephone (970) 593–0501, fax (520) 692–4414, e-mail sei@frii.com. For general information on the U.S. Department of Energy's (DOE) NEPA review procedures or status of a NEPA review, contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756. For information related to BLM NEPA compliance, contact Mr. Don McClure, Planning and Environmental Specialist, at address or fax above, telephone (520) 692–4403.

SUPPLEMENTARY INFORMATION: Caithness proposes to construct the Big Sandy Project on private and public lands near Wikieup, Arizona. The project would be a ''merchant plant,'' meaning it would not be owned by a utility nor by a utility affiliate selling power to its utility, nor is it supported by a long-term power purchase agreement with a utility. Caithness would sell power on a short and mid-term basis to customers and the on-the-spot market. Power purchases by customers would be voluntary, and all economic costs would be borne by Caithness.

The project would consist of two phases. The first phase would consist of a 500 MW natural gas-fired, combined cycle power plant and on-site supporting infrastructure including an administration building, warehouse storage, water treatment and storage facilities, cooling towers, water storage/evaporation pond, gas conditioning equipment, and a new access road; a new 500-kV switchyard with electrical equipment to accommodate an interconnection with the Mead-Phoenix Project 500-kV Transmission Line; a 16-inch, high-pressure natural gas supply pipeline between the generating facility and at least one natural gas supply line; and water supply wells and pipeline system. The second phase would consist of an additional 220 MW combined-cycle power plant that would be installed adjacent to the first phase power plant. The generating facility and infrastructure would be built on private property in Section 5, Township 15 North, Range 12 West, about 4 miles southeast of Wikieup, Arizona, and about 2 miles east of the U.S. Highway 93 crossing of the Big Sandy River. The water supply wells would provide potable and cooling water. The project's water requirements would be approximately 3,200 acre-feet annually. A new buried supply pipeline would bring high-pressure gas to the generating facility to fuel the gas-fired turbines from at least one of several natural gas transmission pipelines that are located about 36 miles north of the generating facility. The new gas pipeline would be constructed parallel, within and/or adjacent to rights-of-way for U.S. Highway 93, and Mohave County roads and utility easements. The pipeline would cross private and public lands administered by the BLM and the Arizona State Land Department.

In accordance with DOE policy on open transmission access and Western's Open Access Transmission Tariff, Western proposes to enter into construction and interconnection agreements with Caithness to provide an interconnection with the Mead-Phoenix Project Transmission Line and transmission services to deliver power from the generating facility. The proposal would incorporate new generation into Western's transmission system.

Construction of the project would take about 18 months, beginning in early 2001, with the first phase in commercial operation by summer 2002. The Arizona Department of Transportation is currently conducting an Environmental Assessment on a proposal to widen U.S. Highway 93 between Wikieup and Interstate 40. Caithness proposes to site the natural gas supply pipeline within and/or adjacent to the U.S. Highway 93 rights-of-way. Initial highway widening construction is planned for 2003. Therefore, the proposed natural gas supply pipeline would be installed prior to the highway widening.

Caithness has selected the site for the generating facility on private land based on land and water availability, close proximity to Western's Mead-Phoenix Project 500-kV Transmission Line, and other considerations. State and local agencies are responsible for siting and permitting the proposed generating facility. If the project is approved, the location of the generating facility necessitates that the proposed natural gas supply pipeline, a permanent access road, and a portion of the water pipeline system use BLM-managed lands.

The EIS will be prepared following the requirements of the Council on Environmental Quality's NEPA implementing regulations (40 CFR part 1500–1508). The EIS will include the analysis of effects from constructing and operating of all components of the project. The no action alternative will be analyzed in the EIS. The EIS will address alternate routings for the natural gas supply pipeline, connection locations to existing natural gas supply pipelines, location of worker accommodations, long-term water supply and use, and other issues raised during the scoping process. Full public participation, disclosure, coordination, and involvement with appropriate Federal, State, local, and tribal government agencies are planned for the entire EIS process. The EIS process will include public information/scoping meetings (May 2000), public review of the Draft EIS (September 2000), a public hearing on the Draft EIS (October 2000), distribution of the Final EIS (January 2001), and Western's and BLM's independent Records of Decision (February 2001).

The licensing and permitting for the project is expected to be completed in March 2001 when construction of the first phase would begin. Commercial operation is scheduled to begin in August 2002. The second phase is planned to be completed in December 2003.

Dated: April 6, 2000.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 00–9632 Filed 4–17–00; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6581–6]

Agency Information Collection Activities: Proposed Collection; Comment Request; for ICRs NSPS Subpart G, NSPS Subpart K, NSPS Subpart PP, NSPS Subpart QQQ, MACT–NESHAP Subpart N, MACT–NESHAP Subpart O, MACT–NESHAP Subpart N, MACT–NESHAP Subpart S, MACT–NESHAP Subpart EE, MACT–NESHAP Subpart III, MACT–NESHAP Subpart MMM

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following ten continuing Information Collection Requests (ICR) to the Office of Management and Budget (OMB). Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collections as described at the beginning of **SUPPLEMENTARY INFORMATION.**

DATES: Comments must be submitted on or before June 19, 2000.

ADDRESSES: U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Mail Code 2223A, Washington, DC 20460. A hard copy of an ICR may be obtained without charge by calling the identified information contact individual for each ICR in Section B of the Supplementary Information.

FOR FURTHER INFORMATION CONTACT: For specific information on the individual ICRs see section B of the Supplementary Information.

SUPPLEMENTARY INFORMATION:

For All ICRs

The EPA is charged under section 111 of the Clean Air Act, as amended, to establish standards of performance for new stationary sources (NSPS regulations) that reflect:

* * * application of the best technological system of continuous emissions reduction which (taking into consideration the cost of achieving such emissions reduction, or any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated (Section 111(a)(l)).

The Agency refers to this charge as selecting the best demonstrated technology (BDT). Section 111 also requires that the Administrator review and, if appropriate, revise such standards every four years.

For NESHAP or MACT–NESHAP regulations the EPA is charged under section 112 of the Clean Air Act, as amended, to establish standards of performance for each category or subcategory of major sources and area sources of hazardous air pollutants. These standards are applicable to new or existing sources of hazardous air pollutants and shall require the maximum degree of emission reduction:

In addition, section 114(a) states that the Administrator may require any owner or operator subject to any requirement of this Act to:

* * * (A) establish and maintain such records; (B) make such reports; (C) install, use, and maintain such monitoring equipment, and use such audit procedures, or methods; (D) sample such emissions (in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as the Administrator shall prescribe); (E) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; (F) submit compliance certifications in accordance with section 114(a)(3); and (G) provide such other information as the Administrator may reasonably require.

In order to ensure compliance with the standards promulgated to protect public health, adequate reporting and recordkeeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR part 9.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The Agency computed the burden for each of the recordkeeping and reporting requirements applicable to the industry for the currently approved Information Collection Request (ICR). Where applicable, the Agency identified specific tasks and made assumptions, while being consistent with the concept of burden under the Paper Work Reduction Act.

A. List of ICRs Planned To Be Submitted

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following ten continuing Information Collection Requests (ICR) to the Office of Management and Budget (OMB):

(1) NSPS Subpart G, Nitric Acid Plants. EPA ICR No. 1056.06. OMB Control No. 2060–0019. Expiration November 30, 2000.

(2) NSPS Subpart K, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and Prior to May 19, 1978. EPA ICR No. 1792. OMB Control No. 2060–0009. Expiration September 30, 2000.

(3) NSPS Subpart PP, Ammonium Sulfate Manufacturing Plants. EPA ICR No 1066.03. OMB Control No. 2060–0032. Expiration November 30, 2000.

(4) NSPS Subpart QQQ, Petroleum Refinery Wastewater Systems. EPA ICR No. 1136.04. OMB Control No. 2060–0172. Expiration December 31, 2000.

(5) MACT–NESHAP Subpart N, Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. EPA ICR No. 1611. OMB Control No. 2060–0327. Expiration December 31, 2000.

(6) MACT–NESHAP Subpart O, Commercial Ethylene Oxide

Sterilization and Fumigation Operations. EPA ICR No. 1666.04. OMB Control No. 2060–0283. Expiration December 31, 2000.

(7) MACT–NESHAP Subpart S, Pulp and Paper Industry. EPA ICR No.1805. OMB Control No. 2060–0377. Expiration December 31, 2000.

(8) MACT–NESHAP Subpart EE, Magnetic Tape Manufacturing Operations. EPA ICR No. 1678.03, OMB Control No. 2060–0326. Expiration December 31, 2000.

(9) MACT–NESHAP Subpart III, Flexible Polyurethane Foam Production. EPA ICR No. 1783.02. OMB Control No. 2060–0357. Expiration January 31, 2000.

(10) MACT–NESHAP Subpart MMM, Pesticide Active Ingredient (PAI) Production. EPA No. 1807.01. OMB Control No. 2060–0370. Expiration November 30, 2000.

B. Contact Individuals for ICRs

(1) NSPS Subpart G, Nitric Acid Plants. Sandi Jones, tel: (202) 564–7038; FAX: (202) 564–0009; e-mail: *jones.sandra@epa.gov.* EPA ICR No. 1056.06. OMB Control No. 2060–0019. Expiration November 30, 2000.

(2) NSPS Subpart K, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and Prior to May 19, 1978. Everett Bishop tel: (202) 564–7032; FAX: (202) 564–0050; e-mail: *bishop.everett@epa.gov.* EPA ICR No. 1792. OMB Control No. 2060–0009. Expiration September 30, 2000.

(3) NSPS Subpart PP, Ammonium Sulfate Manufacturing Plants. Stephen Howie, tel: (202) 564–4146; FAX: (202) 564–0085; e-mail: *howie.stephen@epa.gov.* EPA ICR No 1066.03. OMB Control No. 2060–0032. Expiration November 30, 2000.

(4) NSPS Subpart QQQ, Petroleum Refinery Wastewater Systems. Dan Chadwick, tel: (202) 564–7054, Fax (202) 564–0050, e-mail *chadwick.dan@epa.gov.* EPA ICR No. 1136.04. OMB Control No. 2060–0172. Expiration December 31, 2000.

(5) MACT–NESHAP Subpart N, Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. Scott Throwe, tel: (202) 564–7013, FAX: (202) 564–0050, e-mail: *throwe.scott@epa.gov.* EPA ICR No. 1611. OMB Control No. 2060–0327. Expiration December 31, 2000.

(6) MACT–NESHAP Subpart O, Commercial Ethylene Oxide Sterilization and Fumigation Operations. Jonathan Binder, tel: (202) 564–2516; FAX: (202) 564–0009; e-mail: *binder.jonathan@epa.gov.* EPA ICR No. 1666.04. OMB Control No. 2060–0283. Expiration December 31, 2000.

(7) MACT–NESHAP Subpart S, Pulp and Paper Industry. Belinda Breidenbach, tel: (202) 564–7022; FAX: (202) 564–0050; e-mail: *breidenbach.belinda@epa.gov.* EPA ICR No.1805. OMB Control No. 2060–0377. Expiration December 31, 2000.

(8) MACT–NESHAP Subpart EE, Magnetic Tape Manufacturing Operations. Steven Hoover, tel: (202) 564–7007; FAX: (202) 564–0050; e-mail: *hoover.steven@epa.gov.* EPA ICR No. 1678.03, OMB Control No. 2060–0326. Expiration December 31, 2000.

(9) MACT–NESHAP Subpart III, Flexible Polyurethane Foam Production. Greg Fried, tel: (202) 564–7016; FAX: (202) 564–0050; e-mail: *fried.gregory@epa.gov.* EPA ICR No. 1783.02; OMB Control Number 2060–0357. Expiration April 30, 2000.

(10) MACT–NESHAP Subpart MMM, Pesticide Active Ingredient (PAI) Production. Stephen Howie, tel: (202) 564–4146; FAX: (202) 564–0085; e-mail: *howie.stephen@epa.gov.* EPA No. 1807.01. OMB Control No. 2060–0370. Expiration November 30, 2000.

C. Individual ICRs

Nitric Acid Plants

(1) NSPS Subpart G, Nitric Acid Plants. EPA ICR No. 1056.06. OMB Control No. 2060–0019. Expiration November 30, 2000.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR part 60, subpart G, Standards of Performance for Nitric Acid Plants. This information is used by the Agency to identify sources subject to the standards and to insure that the best demonstrated technology is being properly applied. The standards require periodic recordkeeping to document process information relating to the sources' ability to meet the requirements of the standard and to note the operation conditions under which compliance was achieved.

In the Administrator's judgment, nitrogen oxides and particulate matter emissions from nitric acid plants cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, NSPS were promulgated for this source category.

Owners or operators of the affected facilities described must make the following one-time-only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; notification of demonstration of the continuous monitoring system (CMS); notification of the date of the initial performance test; and the results of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports and records are required, in general, of all sources subject to NSPS.

Monitoring requirements specific to nitric acid plants provide information on nitrogen oxide emissions. The owners or operators are required to record the production rate of nitric acid produced, the hours of operation of the source, and the levels of nitrogen oxides emitted into the atmosphere, and the volumetric flow rate of the effluent gas. Owners or operators of affected facilities are required to install, calibrate, maintain, and operate a continuous monitoring system (CMS) for the measurement and recording of nitrogen oxides. All other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years.

Burden Statement: The estimate was based on the assumption that there are approximately 30 sources subject to the standards and there would be 1 new affected facility each year. That would account for an annual average of 32 affected facilities over each of the next three years covered by the ICR. For new sources, it was estimated that it would take: 1 person hours to read the instructions, 60 person hours to conduct the initial performance tests (assuming that 20% of the tests must be repeated), and 7 person hours to gather the information and write the initial reports. For all sources, it was estimated that it would take: 192 person hours to fill out semiannual reports and 2,664 person hours to enter information for records of operating parameters. The annual average burden to industry for the three-year period covered by this ICR from recordkeeping and reporting requirements has been estimated at 2,941 person hours.

Storage Vessels for Petroleum Liquids

(2) NSPS Subpart K, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and Prior to May 19, 1978. EPA ICR No. 1792. OMB Control No. 2060–0009. Expiration September 30, 2000.

Abstract: The New Source Performance Standards (NSPS) for Storage Vessels for Petroleum Liquids, subpart K was proposed on June 11, 1973 and promulgated on March 8, 1974 (39 FR 9308). These performance standards apply to storage vessels of petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978. Facilities subject to this subpart are those that operate a storage vessel with petroleum liquids which has a storage capacity greater than 151,416 liters (40,000 gallons), and for which construction commenced after June 11, 1973, and prior to May 19, 1978; storage vessel greater than 151,416 liters (40,000 gallons) but not exceeding 246,052 liters (65,000 gallons), and commences construction or modification after March 8, 1974, and prior to May 19, 1978; and storage vessel that has a capacity greater than 246,052 liters (65,000 gallons), and commences construction or modification after June 11, 1973, and prior to May 19, 1978.

There are approximately 220 respondents, reporting on approximately 5,500 petroleum storage vessels that are subject to this standard. The number of respondents was from a data pull of the Aerometric Information Retrieval System (AIRS) Facility Subsystem (AFS), discussions with Environmental Protection Agency (EPA) Regional staff, and members of EPA's CSI project on petroleum refinery. Since the applicability dates for this standard are closed ended, there will be no additional sources subject to the requirements of NSPS subpart K. New, modified, or reconstructed sources would be subject to NSPS subpart Kb. Volatile organic compounds (VOCs) are the pollutants regulated under this standard. The standard limits VOC emissions by maintaining necessary information and the installation of equipment, if required, *i.e.* floating roof, vapor recovery or their equivalents. The equipment is required when the true vapor pressure of the stored petroleum liquid is equal or greater than 78mm Hg (1.5 psia), but not greater than 570mm Hg (11.1psia).

Burden Statement: It is estimated that 150 Respondents are affected by subpart K. The universe of sources subject to this subpart is closed by its applicability dates. The estimated reporting burden is 2.5 hours/respondent/year for recordkeeping. The frequency for collecting this information depends on the number of times in a year the petroleum storage tank is emptied and refilled. The estimate for this is once a year.

Ammonium Sulfate Manufacturing Plants

(3) NSPS Subpart PP, Ammonium Sulfate Manufacturing Plants. EPA ICR No 1066.03. OMB Control No.2060–0032. Expiration November 30, 2000.

Abstract: The Administrator has judged that PM emissions from ammonium sulfate manufacturing plants cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Owners/operators of ammonium sulfate manufacturing plants must make the following one-time-only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; and the notification of the date of the initial performance test. The recordkeeping requirements for ammonium sulfate plants consist of the occurrence and duration of all start-ups and malfunctions, the initial performance tests results, amount of ammonium sulfate feed material, and the pressure drop across the emission control system. Records of startups, shutdowns and malfunctions shall be noted as they occur. Records of the performance test should include information necessary to determine the conditions of the performance test, and performance test measurements (including pressure drop across the emission control system) and results. The CMS shall record pressure drop across the scrubbers continuously and automatically.

Burden Statement: The annual burden per each industry respondent is estimated to consist of 91.25 hours per year which reflects the time needed to record the operating parameters of emissions (flow and pressure drop across the emissions control system). This figure reflects 0.25 hours per day multiplied by 365 days in a year.

No new sources or reconstruction of existing sources are anticipated during the next three years. If any new sources or reconstruction were to occur, the one-time burden per new source is estimated at 129 hours, including: 1 hour to read instructions; 119 hours to perform four Reference Method 9 tests; 2 hours for notification of construction/modification; 2 hours for notification of anticipated startup; 1 hour for notification of actual startup; 2 hours for notification of initial performance test; and 2 hours for notification of demonstration of continuous monitoring system. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 87.5 hours per response.

Petroleum Refinery Wastewater Systems

(4) NSPS Subpart QQQ, Petroleum Refinery Wastewater Systems. EPA ICR No. 1136.04. OMB Control No. 2060–0172. Expiration December 31, 2000.

Abstract: Entities potentially affected by this action are those petroleum refinery wastewater systems located in petroleum refineries for which construction, modification, or reconstruction commenced after May 4, 1987. More specifically affected facilities include individual drain systems, oil-water separators and aggregate facilities (individual drain systems together with downstream sewer lines and oil-water separators). Owners or operators of the affected facilities described must provide EPA, or the delegated State regulatory authority with the following one-time-only reports (specified in 40 CFR 60.698). Notification of construction, modification, startup, shutdown, malfunction, and the date and results of the initial performance test. Owners and operators are also required to keep records of design and operating specifications of all equipment installed to comply with the standards such as water seals, covers, roof seals, and control devices. Owners and operators must submit semiannual certification reports indicating that all emission detection tests and visual inspections required by the standards are carried out. EPA or the delegated State regulatory authority uses this information to ensure that equipment design and operating specifications are met.

Burden Statement: The estimate was based on the assumption that there would be zero new effected facilities subject to subpart QQQ per year. Approximately 200 sources are currently subject to these standards. The annual burden of reporting and recordkeeping for facilities subject to subpart QQQ are summarized by the following information. The reporting requirements for all subpart QQQ affected facilities are as follows: Read instructions (1 person-hour), Notification of construction (2 person-hours), Notification of anticipated start-up (2 person-hours), Notification of actual start-up (2 person-hours), Semiannual report (8 person-hours). The reporting requirements for facilities that have oil-water separators and process drain systems are as follows: Monthly inspection (2 person-hours), Semiannual inspection (8 person-hours), Performance test (330 person-hours), Design specifications and

compliance certifications (40 person-hours). The recordkeeping requirements for all subpart QQQ affected facilities are; Time to enter information (1.5 person-hours).

Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

(5) NESHAP Subpart N, Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. EPA ICR No. 1611. OMB Control No. 2060–0327. Expiration December 31, 2000.

Abstract: Entities potentially affected by this action are owners/operators of hard and decorative chromium electroplating and chromium anodizing operations. The Administrator has judged that chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Owners/operators of affected hard and decorative chromium electroplating and chromium anodizing operations must notify EPA of construction, modification, startups, shut downs, date and results of initial performance test and provide reports of excess emissions. They must also develop startup, shutdown, malfunction plans and develop an operation and maintenance plan for their control system. Affected facilities also must provide notification of compliance status and report monitoring deviations.

Burden Statement: The annual public reporting and record-keeping burden for this collection of information is estimated to average 516,186 person hours. There are 5020 affected entities. The burden estimates for the record keeping and reporting requirements for the Chrome Electroplating and Anodizing NESHAP are initial performance test—350 hours, initial notification for construction/reconstruction, anticipated startup, actual startup, performance test—2 hours each, notification of physical or operational change—8 hours, operation and maintenance plan—10 hours, compliance status reports—6 hours, waiver application—6 hours, maintaining monitoring data records for wetting agents, foam blankets—0.25 hours, maintaining monitoring data records for composite mesh pads, packed bed scrubbers—0.5 hours, and maintaining records of trivalent chromium bath purchases—0.5 hours.

Commercial Ethylene Oxide Sterilization and Fumigation Operations

(6) MACT–NESHAP Subpart O, Commercial Ethylene Oxide Sterilization and Fumigation Operations. EPA ICR No. 1666.04. OMB Control No. 2060–0283. Expiration December 31, 2000.

Abstract: Entities potentially affected by this action are those which are subject to NESHAP subpart O, or operators of new and existing commercial ethylene oxide (EO) sterilization and fumigation facilities that use air pollution control devices that are in operation after promulgation of the NESHAP in 1994.

The Agency is required under section 112(d) of the Clean Air Act, as amended, to regulate emissions of hazardous air pollutants listed in section 112(b). In the Administrator's judgement, ethylene oxide (EO) emitted from commercial EO sterilization and fumigation operations causes or contributes significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Consequently, the NESHAP for EO emissions have been developed for this source category.

Certain records and reports are necessary to enable the Administrator to: (1) identify new, modified, reconstructed, and existing sources subject to the standards; and (2) ensure that the standards, which are based on maximum achievable control technology (MACT) and generally available control technology (GACT), are being achieved. These records and reports are required under the General Provisions of 40 CFR part 63, subpart A (as authorized under sections 101, 112, 114, 116, and 301 of the Clean Air Act as amended by Public Law 101–549 (U.S.C. 7401, 7412, 7414, 7416, 7601).

Owners or operators of affected facilities must submit one-time reports of start of construction, anticipated or actual startup dates, and physical or operation changes to existing facilities. In addition, owners or operators of existing commercial EO sterilization and fumigation operations will submit one-time reports of actual annual EO use. Owners or operators of new commercial EO sterilization and fumigation operations will submit one-time reports of estimated annual EO use.

Reports of initial emissions testing are necessary to determine that the applicable emission limit is being met. The owner or operator of a commercial EO sterilization and fumigation operation that uses an air pollution control device to meet the emission limit is required to maintain records of the site-specific monitoring parameters as well as daily and monthly inspections of the control device. The emissions test reports and other records are used to determine that all sources subject to these NESHAP are achieving the standards.

The recordkeeping requirements are: (1) five year retention or records (sections 63.360(a), 63.367(a), 63.7(g)(3), 63.10(b)(1)); (2) records of control equipment maintenance, inspections, malfunctions (occurrence, duration, and corrections), continuous monitoring systems malfunctions or in operations, calibrations, and parameters, measurements to demonstrate compliance, performance test results, daily and monthly inspections, and documents supporting initial notifications and notification of compliance status (daily and monthly) (sections 63.360(a), 63.367(a), 63.10(b)(2)(ii), (vi)–(xii), (xiv), 63.10(c)(1), (5), (8), (10)–(14)); (3) emission testing (occurrence and duration) (sections 63.360(a), 63.367(a), 63.10(b)(2)); and (4) records of EO use (sections 63.362, 63.367(b) and (c)). The reporting requirements are: (1) notification and reports of startup, construction or modification (sections 63.360, 63.366(a)–(c), 63.5(a), 63.5(b)(1), (4)–(6), (d)(3)–(4), (e), 63.6(e), 63.9(a)–(b)(1)(i), (b)(2)–(3), 63.10(d)(5)); (2) notification and reports of emission and performance tests and results (including continuous monitoring system quality control programs, performance evaluations/summaries, and site-specific test plans (sections 63.360(a), 63.366(a) and (c), 63.7(a)–(c), (e)–(h), 63.8(d)–(e), 63.9(e), (g)(1), 63.10(d)(1)–(2), (e)(1)–(2)(i)); (3) notification and report of compliance status, including performance tests (sections 63.363(a), 63.363, 63.366(a)–(c), 63.9(h)); (4) notification and report for waiver applications (sections 63.360(a), 63.366(a) 63.9(h)); (5) notification and reports for waiver applications (sections 63.360(a) 63.366(a), 63.7(h)); (6) request for extension of compliance and progress reports; (7) use of alternative standards, including alternative monitoring (sections 63.360, 63.366(b)(3), 63.7(b)–(c), (e)–(h), 63.8(f), 63.10(d)(1)–(2)); and (8) notification and report of non-compliance, including excess emissions (sections 63.360(a), 63.366(a), 63.10(e)(3)(i)–(iv), (vi)–(viii)).

Burden Statement: The annual public reporting burden for this collection of information is estimated to average 241 hours per respondent per year. This burden includes reading instructions and reporting on the initial and repeat performance tests. The annual public report writing burden is estimated to average 44 hours per respondent per

year. This burden includes writing reports on construction, reconstruction, start-up, compliance status, and the initial and repeat performance tests. The annual public data entry burden is estimated to average 12 hours per respondent per year.

Pulp and Paper Industry

(7) MACT–NESHAP Subpart S, Pulp and Paper Industry. EPA ICR No. 1805. OMB Control No. 2060–0377. Expiration December 31, 2000.

Abstract: Respondents are owners and operators of new and existing sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills that emit hazardous air pollutants (HAP's). There are currently 122 kraft, 2 soda, 15 sulfite, and 14 stand-alone semichemical pulp mills in the United States. Of the 153 facilities that comprise the source category, 149 are expected to meet the applicability criteria defined in the final rule. No new facilities (pulp mills) are expected to be constructed in the next 5 years; however, approximately 20 new recovery furnaces, 20 new smelt dissolving tanks, and 15 new lime kilns are expected to be constructed at existing kraft pulp mills in the next 5 years. In addition, two new semichemical combustion units and no new soda or sulfite combustion sources are expected to be constructed in the next 5 years.

Owners or operators of combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills to which this regulation is applicable must install and monitor a specific control system that reduces HAP emissions to the compliance level. Owners or operators also would be required to install, operate and maintain a continuous monitoring system (CMS) for each affected source. To ensure compliance with the proposed particulate matter (PM) and PM HAP standards, owners or operators of kraft and soda recovery furnaces and lime kilns equipped with electrostatic precipitators (ESP's) would be required to maintain opacity levels below a specified level. Owners or operators of affected sources equipped with control devices other than ESP's would be required to establish control device or process operating parameter ranges that indicate the control device or process is being operated and maintained in accordance with good air pollution control practices. The control device or process operating parameter ranges would be established during the initial performance test or subsequent performance tests. Owners or operators complying with the proposed total gaseous organic HAP limit for new kraft and soda recovery furnaces that use a non-direct contact evaporator (NDCE) recovery furnace with a dry ESP system are exempt from monitoring requirements for gaseous organic HAP's because the use of this equipment ensures continuous compliance with the emission limit.

The respondents are subject to the general NESHAP recordkeeping and reporting requirements including those associated with the initial notification and the notification of compliance status for the first 6 months following the compliance date of the NESHAP and every 6 months thereafter. In addition, respondents would be required to submit with the initial notification an implementation plan that describes the NESHAP compliance procedures the mill plans to use and the associated monitoring and recordkeeping procedures. Respondents electing to comply with the emission limit or emission reduction requirements as described in the proposed rule for pulp and paper combustion sources must record the average values of equipment operating parameters as specified in sections 63.864 and 63.866 of the proposed rule.

Burden Statement: The burden hours include 2 hours to read instructions. For the required activities the initial Performance Test requirements PM test (Method 5 or 29) takes 217 hours, the PM HAP test (Method 29 and 101a) takes 447 hours, the TGO HAP (Method 308) takes 243 hours, and the TGO HAP (Method 25A) takes 243 hours. It is assumed that 20% will repeat the performance test due to failure. Performance Spec Test (certification) and any repeat tests take 13 hours for CMS and 36 hours for COMS.

Initial notifications including the notification of construction/reconstruction, notification of anticipated startup, notification of actual startup, notification of initial performance test(s), notification of initial CMS/COMS demonstration all require two hours. The notification of physical/operational changes takes eight hours, and the notification of compliance status four hours.

Recordkeeping Requirements include records and documentation of supporting calculations for compliance determinations (8 hours), records of compliant monitoring parameter ranges (2 hours), and records certifying that an NDCE recovery furnace equipped with a dry ESP system is used to comply with the total gaseous organic HAP standard for kraft and soda recovery furnaces (2 hours). It is estimated that 40 hours are needed to develop a record system, and 100 hours to develop a startup, shutdown, and malfunction plan.

Magnetic Tape Manufacturing Operations

(8) MACT–NESHAP Subpart EE, Magnetic Tape Manufacturing Operations. EPA ICR No. 1678.03, OMB Control No. 2060–0326. Expiration December 31, 2000.

Abstract: Entities potentially affected by this action are those which are subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart EE, owners and operators of new and existing magnetic tape manufacturing operations located at major sources of hazardous air pollutants (HAP) as defined in section 112 of the Clean Air Act.

The Administrator has judged that the HAP emissions from magnetic tape manufacturing operations cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Owners/operators of affected magnetic tape manufacturing operations must notify EPA of construction, modification, startups, shutdowns, date and results of initial performance test and provide semiannual reports of excess emissions. They must also develop startup, shutdown, malfunction plans and develop a quality control plan for their continuous monitoring system. Affected facilities also must provide notification of compliance status and report quarterly monitoring exceedances. This information enables the Agency to: (1) Identify the sources subject to the standard; (2) ensure initial compliance with emission limits; and (3) verify continuous compliance with the standard.

In the absence of such information collection requirements, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act. Consequently, these information collection requirements are mandatory, and the records required by this NESHAP must be retained by the owner or operator for at least five years.

Burden Statement: In the previously approved ICR, the average annual burden to the industry over the next three years to meet these record-keeping and reporting requirements was estimated at 7042 person-hours. The total annualized cost burden was estimated at $246,470. This is based on an estimated 13 respondents and a frequency of response of 2. The average annual burden for reporting only is projected to be 709 person-hours.

Flexible Polyurethane Foam

(9) MACT–NESHAP Subpart III, Flexible Polyurethane Foam Production. EPA ICR No. 1783.02. OMB Control No. 2060–0357. Expiration January 31, 2000.

Abstract: Respondents are owners and operators of new and existing facilities that engage in the manufacture of flexible polyurethane foam products and emit hazardous air pollutants (HAP's). This includes facilities making slabstock flexible polyurethane foam (''slabstock foam''), rebond flexible polyurethane foam (''rebond foam''), and/or molded flexible polyurethane foam (''molded foam''). All of the 176 facilities that comprise the source category are expected to meet the applicability criteria defined in the final rule. Few facilities are expected to be constructed in the next 5 years.

Owners or operators of flexible polyurethane foam production facilities must choose one of the compliance options described in the rule or reduce HAP emissions to below the compliance level. The respondents are subject to follow sections of subpart A relating to NESHAP. For slabstock foam producers, these requirements include those associated with the initial notification and the notification of compliance status for the first six months, and every six months thereafter. In addition, respondents would be required to submit with the initial notification a precompliance report that describes the HAP compliance procedures, and recordkeeping procedures. Respondents electing to comply with the slabstock foam emission limitation using recovery devices must measure and record emissions as specified in section 63.1297–1 of the proposed rule. Molded and rebond foam producers have only to submit an initial compliance report.

If the owner or operator identifies any deviation resulting from a known cause for which no Federally-approved or promulgated exemption from an emission limitation or standard applies, the compliance report shall also include all records that the source is required to maintain that pertain to the periods during which such deviation occurred, as well as the following: the magnitude of each deviation; the reason for each deviation; a description of the corrective action taken for each deviation, including action taken to minimize each deviation and action taken to prevent recurrence; and a copy of all quality assurance activities performed on any element of the monitoring protocol.

Owners or operators of slabstock flexible polyurethane foam production facilities must maintain a copy of all HAP usage records onsite for a minimum of 5 years. Upon request from the regulating entity, facilities must submit all reports (to EPA or the respondent's State or local agency, whichever has been delegated enforcement authority by EPA).

Burden Statement: EPA estimates a total annual reporting and recordkeeping burden for this collection averaged over the first 3 years of $571,765 and 17,796 burden hours per year for the entire source category. The average burden, per respondent, is 101 hours per year.

The rule requires an initial one-time notification from each respondent and subsequent notification every six months to indicate their compliance status. At the time of the initial notification each respondent must submit a precompliance report that describes compliance procedures. A respondent must also keep necessary records of data to determine compliance with the standards in the regulation. Facilities would record this data monthly. EPA estimates the initial information collection requirements affects 176 respondents.

Pesticide Active Ingredient

(10) MACT–NESHAP Subpart MMM, Pesticide Active Ingredient (PAI) Production. EPA No. 1807.01. OMB Control No. 2060–0370. Expiration November 30, 2000.

Abstract: These standards apply to owners and operators of new and existing facilities that engage in the production of pesticide active ingredients and emit hazardous air pollutants (HAP's). Specific affected facilities for each subpart are found at 40 CFR 63.1360. Owners or operators of PAI production facilities to which this regulation applies must choose one of the compliance options described in the rule or install and monitor a specific control system that reduces HAP emissions to the compliance level. The respondents are subject to sections of subpart A of 40 CFR part 63 relating to NESHAP. These requirements include those associated with the applicability determination; the notification that the facility is subject to the rule; and the notification of testing (control device performance test and CMS performance evaluation); the results of performance testing and CMS performance evaluations; startup, shutdown, and malfunction reports; and semiannual or quarterly summary reports and/or excess emissions and CMS performance reports. In addition to the requirements of subpart A, many respondents are required to submit a precompliance plan and LDAR reports, and plants that wish to implement emissions averaging provisions must submit an emissions averaging plan.

Respondents electing to comply with the emission limit or emission reduction requirements for process vents, storage tanks, or wastewater must record the values of equipment operating parameters as specified in section 63.1367 of the rule.

If the owner or operator identifies any deviation resulting from a known cause for which no Federally-approved or promulgated exemption from an emission limitation or standard applies, the compliance report shall also include all records that the source is required to maintain that pertain to the periods during which such deviation occurred, as well as the following: the magnitude of each deviation; the reason for each deviation; a description of the corrective action taken for each deviation, including action taken to minimize each deviation and action taken to prevent recurrence; and a copy of all quality assurance activities performed on any element of the monitoring protocol.

Owners or operators of PAI production facilities subject to the rule must maintain a copy of all monitored equipment operating parameter values that demonstrate compliance with the standards. Records and reports must be retained for a total of 5 years (2 years at the site; the remaining 3 years of records may be retained off-site). The files may be maintained on microfilm, on a computer or floppy disks, on magnetic tape disks, or on microfiche.

Since many of the facilities potentially affected by the proposed standards are currently subject to new source performance standards (NSPS), the standards include an exemption from the NSPS for those sources. That exemption eliminates a duplication of information collection requirements.

Burden Statement: The estimated one-time burden to implement recordkeeping and reporting requirements is broken down into several categories. All sources will face an initial burden of 319 hours, consisting of: 2 hours for reading instructions; 13 hours for the CMS performance evaluation test; 2 hours for notification of the initial performance test; 2 hours for notification of the CMS performance test; 80 hours for notification of compliance status (with performance test); 40 hours to develop a record system; 100 hours to develop a startup, shutdown, and malfunction plan; 40 hours to develop a QA/QC plan for the CMS; and 40 hours to train personnel.

New sources (an estimated 2 per year) will face, in addition to the above burden, a one-time burden of 10 hours

for: 2 hours for notification of construction; 4 hours for notification of actual startup; 2 hours for notification of initial performance test; and 2 hours for notification of CMS performance evaluation. Reconstructed sources (an estimated one per year) will face a burden of 10 hours per occurrence broken out in the same manner. Ten percent of all sources annually are expected to be required to submit notifications of process change for an estimated burden of 8 hours per occurrence.

Recurrent burden affecting all respondents is estimated at 762 hours per year. This is broken down as follows: 188 hours for LDAR reporting (40% of initial and annual monitoring and repair labor); 78 hours to record startup, shutdowns, and malfunctions; 320 hours to record continuous monitoring data (one hour per day per source times 320 operating days per year); 96 hours to compile data; 32 hours to enter and verify data for semiannual reports (16 hours per occurrence times twice a year); 48 hours for calibrating CMS.

In addition, there will be semiannual reporting requirements for all plants, differing in amount depending on whether the plant experiences exceedances. The estimated burden for plants with no exceedances (estimated at 90% of affected sources) is 16 hours per respondent; the estimated burden in the case of exceedances (10% of affected sources) is 48 hours per respondent.

Finally, those existing sources opting for an emissions averaging plan (10% of existing sources only) is 20 hours per respondent.

Dated: April 7, 2000.

Michael Stahl,

Acting Director, Office of Compliance.

[FR Doc. 00–9657 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6581–2]

Agency Information Collection Activities: Collection; Comment Request; State Clean Air Act Section 507 Program Cooperative Agreement Outreach Pilot Program Evaluation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): State Clean Air Act Section 507 Program Cooperative Agreement Demonstration Outreach Pilot Program Evaluation, EPA ICR No. 1958.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 19, 2000.

ADDRESSES: U.S. EPA Office of Policy and Reinvention, Office of the Small Business Ombudsman (2131), 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Karen V. Brown, at EPA, by telephone (202) 260–1390, via FAX on (202) 401–2302, by e-mail at *brown.karen@epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1958.01.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those in certain small business sectors.

Title: State Clean Air Act Section 507 Program Cooperative Agreement Demonstration Outreach Pilot Program Evaluation; EPA ICR No. 1958.01).

Abstract: The EPA Office of the Small Business Ombudsman was authorized and funded by the fiscal year 1999 VA/HUD & Independent Agencies Appropriations Act to award grants or cooperative agreements to ''Strengthen State Small Business Ombudsman (SBO) and State Technical Assistance Programs (SBAP) Created Under Section 507 of The Clean Air Act Amendments (CAAA).'' The ultimate objective of these awards is to make improvements and strengthen these programs. The Congress further emphasized the important role these programs can play in promoting small business compliance with emission limitations set under State Implementation Plans to attain National Ambient Air Quality Standards. Under the Congressional mandate EPA must report on ''the grants (cooperative agreements), their use and effectiveness,'' and also provide Congress with an estimate of emission reductions achieved by these projects more generally. Thus, through a competitive process, the ten State cooperative agreement awardees, are required to measure the results/impacts of their innovative developmental work and outreach efforts. In order to do this, some, but not all, awardees will need to solicit information from the small business community that voluntarily use these programs. This information will be confidential. This is a ''generic'' information collection request (ICR) to enable the 10 State SBO or SBAP Programs to collect information on the results/effectiveness of their projects so that the States and EPA can better understand which types of outreach were most effective. State SBOs/SBAPs and EPA are interested in judging the results of various measurement methods such as comment/response cards, on-site interviews, mailed/Internet-surveys/on-site question-naires, and telephone surveys.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of future information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Burden Statement: There is not an annual reporting burden as a result of this ICR. Rather, it is a one-time reporting burden which may occur during various time phases and aspects of some of the 10 State SBO/SBAP outreach projects. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources;

complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected: Respondents for the purpose of this ICR will mostly be small businesses like in the water heater and boiler manufacturing industry, reinforced plastics and boat manufacturing industry, gasoline dispensing sites an transport vehicles, auto repair and salvage yards, and a potential wide spectrum of other small business types depending upon who they come in contact with during the development and outreach effort. A broad rang of SIC codes could conceivably thus be covered such as: 01, 07, 20 22, 23, 27, 28, 34, 35, 26, 37, and 55. Also, one or more of the following State offices: environmental agency (SIC 9511), commerce or economic development department (9611), governor's office (9111), or ombudsman's office (9511). These departments are typically responsible for the conduct of the State SBO or SBAP.

Estimated Number of Respondents: 3,900.

Frequency of Response: sporadic—one time.

Estimated Total Hours of Burden: 4,200.

Total Cost Burden: $135,000.

Dated: April 12, 2000.

Karen V. Brown,

Small Business Ombudsman.

[FR Doc. 00–9661 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6580–7]

National Drinking Water Advisory Council Notice of Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C.S3300f *et seq.*), will be held on May 10, 2000, from 9 a.m. until 5 p.m., May 11, 2000, from 8:30 a.m. until 1:15 p.m., at the Sir Francis Drake Hotel, 450 Powell Street, San Francisco, California. Panel discussions will be held on sensitive subpopulations and the CALFED Bay Delta Program. Other agenda items include a regulatory update, final report from the Small Systems Implementation Working Group, interim report from the Contaminant Candidate List/Six Year Review Working Group, Source Water Strategy and follow up actions to the Futures Forum held in December 1999.

The meeting is open to the public. The Council encourages the hearing of outside statements and will allocate one hour for this purpose. Oral statements will be limited to five minutes, and it is preferred that only one person present the statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 260–2285 before May 4, 2000.

Any person who wishes to file a written statement can do so before or after a Council meeting. Written statements received prior to the meeting will be distributed to all members of the Council before any final discussion or vote is completed. Any statements received after the meeting will become part of the permanent meeting file and will be forwarded to the Council members for their information.

Members of the public that would like to attend the meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Designated Federal Officer, National Drinking Water Advisory Council, U.S. EPA, Office of Ground Water and Drinking Water (4601), 401 M Street SW., Washington, D.C. 20460. The telephone number is Area Code (202) 260–2285 or E-Mail shaw.charlene@epa.gov.

Dated: April 12, 2000.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 00–9662 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6581–3]

Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Environmental Engineering Committee (EEC) of the USEPA Science Advisory Board (SAB) will meet by conference call May 3, 2000 from 3–5 p.m. Eastern Time. Participation in this conference call is by telephone only; a limited number of lines have been reserved for members of the public wishing to participate.

Purpose of the Meeting—The primary purpose of the meeting is to allow the Committee to consider the report of its Technology Evaluation Subcommittee. The Subcommittee reviewed the degree to which quality management is built into the Environmental Technology Verification (ETV) program at a public meeting March 6–8, 2000 as announced in the February 15, 2000 **Federal Register** (65 FR 7550). When the Subcommittee's report is approved by the EEC, it will be forwarded to the Executive Committee of the Science Advisory Board for approval before being transmitted to the Agency. To the extent that time allows, the EEC will conduct other routine business at the meeting such as discussion of reports in progress and planned activities.

The documents reviewed by the Subcommittee are available from the Office of Research and Development as announced in the **Federal Register**, Volume 65, Number 8 on January 12, 2000. Copies of the Subcommittee's draft report will be available from Ms. Kathleen White Conway after April 25, 2000.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments must contact Ms. Kathleen White Conway, Designated Federal Officer, Science Advisory Board (1400A), U.S. Environmental Protection Agency, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 564–4559; FAX (202) 501–0582; or via e-mail at conway.katheen@epa.gov. Email is preferred. Requests for oral comments must be in writing (e-mail, fax or mail) and received by Ms. Conway no later than noon Eastern Time on April 26.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a

meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files—in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution.

Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in The FY1999 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256.

Meeting Access

Individuals requiring special accommodation at this teleconference meeting should contact Ms. Conway at least five business days prior to the meetings so that appropriate arrangements can be made.

Dated: April 12, 2000.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 00–9659 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6581–5]

Blackberry Valley Drum Site, Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into a settlement for the reimbursement of all past response costs with Greenville County pursuant to section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(h)(1) concerning the Blackberry Valley Drum Superfund Site (Site) located in Greenville, Greenville County, South Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4, (WMD–CPSB) 61 Forsyth Street, SW, Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

Dated: March 31, 2000.

James T. Miller,

Acting Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 00–9658 Filed 4–17–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority, Emergency Processing Provision, and Submission to OMB

SUMMARY:

Background

Notice is hereby given of final approval of revisions to current information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public) and the Paperwork Reduction Act emergency processing provision, as per 5 CFR 1320.13. The emergency approval is only valid until October 31, 2000. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Chief, Financial Reports Section—Mary M. West—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829); OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202–395–7860).

Final Approval Under OMB Delegated Authority of the Revision Without Extension of the Following Reports

1. Report title: Bank Holding Company Report of Changes in Investments and Activities.

Agency form number: FR Y–6A.

OMB Control number: 7100–0124.

Effective Date: April 11, 2000.

Frequency: on occasion.

Reporters: bank holding companies, state member banks not affiliated with a bank holding company.

Annual reporting hours: 12,571.

Estimated average hours per response: 0.95 hours.

Number of respondents: 2,406.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 1844(b) and (c)) and is not routinely given confidential treatment. However, confidential treatment for the report information can be requested, in whole or part, in accordance with the instructions to the form.

Abstract: The Bank Holding Company Report of Changes in Investments and Activities is an event-generated report filed by top-tier bank holding companies to report changes in regulated investments and activities made pursuant to the Bank Holding Company Act and Regulation Y. The report collects information relating to acquisitions, divestitures, changes in activities, and legal authority. The number of FR Y–6As submitted varies depending on the reportable activity engaged in by each bank holding company.

As a result of the enactment of the Gramm-Leach-Bliley Act of 1999, the Federal Reserve has: (1) Required financial holding companies, other bank holding companies, and state member banks not affiliated with a bank holding company or financial holding company to complete the form, (2) added structure items to capture information on financial holding company status, financial subsidiary holder status, functionally regulated subsidiaries, and financial subsidiaries, (3) revised the index of regulatory codes and provisions and the index of activity codes, and (4) revised the instructions for the types of investments reportable on the form.

On March 17, 2000, the Federal Reserve published an interim rule in the **Federal Register** that established procedures that generally require a financial holding company to file a post-commencement notice with the appropriate Federal Reserve Bank within 30 days of commencing a financial activity or acquiring a company engaged in a financial activity (see 12 CFR 225.87). For activities or investments commencing before April 11, 2000, this notice could be submitted in the form of a letter and the agency form number for this information collection was the FR 4012.

For activities or investments commencing on or after April 11, 2000, and until the Federal Reserve indicates otherwise, an FHC must use the modified FR Y–6A to satisfy the post-commencement notice requirement. An FHC need not submit any additional documentation to fulfill the post-commencement notice requirement.

The Federal Reserve soon will undertake a comprehensive review of the FR Y–6A in order to streamline the form and instructions and make them easier to understand and complete. This review will include a **Federal Register** notice and a request for public comments.

2. Report title: Foreign Banking Organization Structure Report on U.S. Banking and Nonbanking Activities.

Agency form number: FR Y–7A.

OMB Control number: 7100–0125.

Effective Date: April 11, 2000.

Frequency: annual, on occasion.

Reporters: foreign banking organizations.

Annual reporting hours: 3,321.

Estimated average hours per response: 4.65 hour for annual reporters, 5 hours for financial holding companies that file on an event-generated basis.

Number of respondents: 327.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c), 3106, and 3108(a)). Upon request from a respondent, certain information may be given confidential treatment pursuant to the Freedom of Information Act (5 U.S.C. §§ 552(b)(4) and (6)).

Abstract: The FR Y–7A is an annual structural report completed by foreign banking organizations that engage in banking in the United States, either indirectly through a subsidiary bank, Edge or agreement corporation, or commercial lending company, or directly through a branch or agency. The report collects structural information on the foreign banking organization and its subsidiaries and is currently filed as of the reporter's fiscal year end. The information contained in this report is used by the Federal Reserve System to assess the foreign banking organization's ability to be a continuing source of strength to its U.S. banking operations and to determine compliance with U.S. laws and regulations.

As a result of the enactment of the Gramm-Leach-Bliley Act of 1999 (GLB Act), the Federal Reserve has: (1) Required foreign banking organizations that are financial holding companies to report changes in investments and activities related to the GLB Act on the FR Y–7A on an event-generated basis and file the report thirty calendar days after the event, (2) added structure items to capture information on financial holding company status, financial subsidiary holder status, functionally regulated subsidiaries, and financial subsidiaries, (3) revised the index of regulatory codes and provisions and the index of activity codes, and (4) revised the instructions for the types of investments reportable on the form.

On March 17, 2000, the Federal Reserve published an interim rule in the **Federal Register** that established procedures that generally require a financial holding company to file a post-commencement notice with the appropriate Federal Reserve Bank within 30 days of commencing a financial activity or acquiring a company engaged in a financial activity (see 12 CFR 225.87). For activities or investments commencing before April 11, 2000, this notice could be submitted in the form of a letter and the agency form number for this information collection was the FR 4012.

For activities or investments commencing on or after April 11, 2000, and until the Federal Reserve indicates otherwise, an FHC must use the modified FR Y–7A to satisfy the post-commencement notice requirement. An FHC need not submit any additional documentation to fulfill the post-commencement notice requirement.

The Federal Reserve soon will undertake a comprehensive review of the FR Y–7A, which will include a **Federal Register** notice and a request for public comment.

Board of Governors of the Federal Reserve System, April 13, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–9676 Filed 4–17–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY:

Background

Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Chief, Financial Reports Section—Mary M. West—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829), OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202–395–7860).

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Report

1. Report title: The Recordkeeping and Disclosure Requirements in Connection with Regulation Z (Truth in Lending).

Agency form number: unnum Reg Z.

OMB Control Number: 7100–0199.

Frequency: Event-generated.

Reporters: State Member Banks.

Annual reporting hours: 1,863,754 hours.

Estimated average hours per response: Open-end credit: initial terms 2.5 minutes, change in terms 1 minute; Periodic statement 45 seconds; Error resolution 15 minutes; Credit and charge card accounts: Advance disclosures 10 seconds, renewal notice 5 seconds, insurance notice 15 seconds; Home equity plans: advance disclosure 2 minutes, change in terms 2 minutes; Closed-end credit disclosures 6.4 minutes; Advertising 30 minutes.

Number of respondents: 988.

Small businesses are affected.

General description of report: Title I of the Consumer Credit Protection Act (15 U.S.C. 1601 *et seq.*) authorizes the Board to issue regulations to carry out the provisions of the Consumer Credit Protection Act (15 U.S.C. 1604(a)). Since the Federal Reserve does not collect any information, no issue of confidentiality arises. Transaction-or account-specific disclosures and billing error allegations are not publicly available and are confidential between the creditor and consumer. Abstract: Regulation Z (12 CFR part 226) implements the Truth in Lending Act (15 U.S.C. 1601 *et seq.*). The act and regulation ensure adequate disclosure of the costs and terms of credit to consumers on an event-generated basis. For open-end credit (revolving credit accounts), creditors are required to disclose information about the initial costs and terms and to provide periodic statements of account activity, notices of change in terms, and statements of rights concerning billing error procedures. The regulation also requires specific types of disclosures for credit and charge card accounts, and home equity plans. For closed-end loans (such as mortgage and installment loans) cost disclosures are required to be provided prior to consummation. Specific products trigger special disclosures, such as reverse mortgages, certain variable rate loans, and certain mortgages with rates and fees above a specific amount. Regulation Z also contains rules concerning credit advertising. Creditors are required to retain records as evidence of compliance with Regulation Z for twenty-four months (subpart D, section 226.25).

Board of Governors of the Federal Reserve System, April 13, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–9677 Filed 4–17–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 3, 2000.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Sara J. Harrison, Little Rock, Arkansas; to retain voting shares of Southern State Bancshares, Inc., Malvern, Arkansas, and thereby indirectly retain voting shares of Southern State Bank, Malvern, Arkansas.

Board of Governors of the Federal Reserve System, April 13, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–9678 Filed 4–17–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 12, 2000.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Wachovia Corporation,* Winston-Salem, North Carolina; to merge with Commerce National Corporation, Winter Park, Florida, and thereby indirectly acquire National Bank of Commerce, Winter Park, Florida.

Board of Governors of the Federal Reserve System, April 13, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–9679 Filed 4–17–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 2, 2000.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411

Locust Street, St. Louis, Missouri 63166–2034:

1. National Commerce Bancorporation, Memphis, Tennessee; through its existing wholly owned nonbank subsidiary, TransPlatinum Service Corp., Nashville, Tennessee, to acquire Prime Financial Services, Inc., Dresden, Tennessee, and thereby engage in factoring activities, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, April 12, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–9601 Filed 4–17–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–00–3]

Fiscal Year 2000 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications to establish, or expand and improve, Statewide Senior Legal Hotlines whose purpose is to advance the quality and accessibility of the legal assistance provided to older people.

SUMMARY: The Administration on Aging announces that under this program announcement it will hold a competition for grant awards for four (4) to five (5) projects that establish, or expand and improve, Statewide Senior Legal Hotlines aimed at advancing the quality and accessibility of the legal assistance provided to older people.

The deadline date for the submission of applications is June 16, 2000. Eligibility for grant awards is limited to public and/or nonprofit agencies, organizations, and institutions experienced in providing legal assistance to older persons.

Application kits are available by writing to the Department of Health and Human Services, Administration on Aging, Office of Program Development, 330 Independence Avenue, SW, Room 4264, Washington, DC 20201, or by calling 202/619–2987.

Dated: April 12, 2000.

Jeanette C. Takamura,

Assistant Secretary for Aging.

[FR Doc. 00–9643 Filed 4–17–00; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Human Immunodeficiency Virus Prevention Projects for Community-Based Organizations, Program Announcement #00023

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Human Immunodeficiency Virus Prevention Projects for Community-Based Organizations, Program Announcement #00023.

Times and Dates: 9 a.m.–9:15 a.m., April 14, 2000 (Open); 9:15 a.m.–12 p.m., April 14, 2000 (Closed).

Place: This meeting will be conducted in two separate, simultaneous conference call sessions. To participate, please dial 1–800–713–1971 and when prompted, enter participant code #848941, and 1–800–713–1971 and when prompted, enter participant code #868508. The call will only be open to the public for the first fifteen minutes, after which the review process will begin.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of five applications received in response to Program Announcement #00023. These five applications were originally deemed ineligible, however, after careful reconsideration, it was determined that they should be given the same consideration as applications reviewed during the original SEP meeting that took place March 20–24, 2000.

Contact Person for More Information: Megan Foley or Beth Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail MZF3@cdc.gov or EOW1@cdc.gov.

This notice is being published less than 15 days in advance of the meeting due to administrative oversight and program delays. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 12, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–9608 Filed 4–13–00; 11:52 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Albendazole Suspension for Goats; Availability of Data

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of effectiveness, target animal safety, and human food safety, and environmental data that may be used in support of a new animal drug application (NADA) or supplemental NADA for oral use of albendazole suspension for treatment of adult liver flukes in nonlactating goats. The data, contained in Public Master File (PMF) 5582, were compiled under National Research Support Project–7 (NRSP–7), a national agricultural research program for obtaining clearances for use of new drugs in minor animal species and for special uses.

ADDRESSES: Submit NADA's or supplemental NADA's to the Document Control Unit (HFV–199), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855.

FOR FURTHER INFORMATION CONTACT: Gillian A. Comyn, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7568.

SUPPLEMENTARY INFORMATION: Albendazole suspension, used for the treatment of adult liver flukes (*Fasciola hepatica*) in nonlactating goats, is a new animal drug under section 201(v) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(v)). As a new animal drug, albendazole is subject to section 512 of the act (21 U.S.C. 360b), requiring that its uses in goats be the subject of an approved NADA or supplemental NADA. Goats are a minor species under § 514.1(d)(1)(ii) (21 CFR 514.1(d)(1)(ii)).

The NRSP–7 Project, Western Region, College of Veterinary Medicine, University of California, Davis, CA 95616, has provided target animal safety, effectiveness, human food safety, and environmental data for oral use of

albendazole solution for treatment of adult liver flukes (*Fasciola hepatica*) in nonlactating goats. These data are contained in PMF 5582.

Under 21 CFR 25.15(d) and 25.33(d)(4), sponsors of NADA's and supplemental NADA's for drugs in minor species, including wildlife and endangered species, are categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement when the drug has been approved for use in another or the same species where similar animal management practices are used. The categorical exclusion applies unless, as defined in § 25.21 (21 CFR 25.21), extraordinary circumstances exist which indicate that the proposed action may significantly affect the quality of the human environment. Therefore, based upon information available, FDA agrees that when the application is submitted, the applicant may claim a categorical exclusion under § 25.33(d)(4) provided that the applicant can state that to the best of the applicant's knowledge, as in § 25.21, no extraordinary circumstances exist. It is assumed that the applicant has made a reasonable effort to determine that no extraordinary circumstances exist.

Sponsors of NADA's or supplemental NADA's may, without further authorization, reference the PMF 5582 to support approval of an application filed under § 514.1(d). An NADA or supplemental NADA must include, in addition to reference to the PMF, animal drug labeling and other information needed for approval, such as: Data supporting extrapolation from a major species in which the drug is currently approved or authorized reference to such data; data concerning manufacturing methods, facilities, and controls; and information addressing potential environmental impacts of the manufacturing process. Persons desiring more information concerning the PMF or requirements for approval of an NADA or supplement may contact Gillian A. Comyn (address above).

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, from 9 a.m. to 4 p.m., Monday through Friday.

Dated: March 20, 2000.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 00–9571 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0497]

Request for Proposed Standards for Unrelated Allogeneic Peripheral and Placental/Umbilical Cord Blood Hematopoietic Stem/Progenitor Cell Products; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening for 90 days the comment period for the notice requesting the submission of proposed product standards for unrelated allogeneic peripheral and placental/umbilical cord blood hematopoietic stem/progenitor cells. The notice was published in the **Federal Register** of January 20, 1998 (63 FR 2985). FDA is taking this action in response to a request for an extension and to allow interested parties additional time for review and to submit comments on proposed product standards.

DATES: Submit written comments by July 17, 2000.

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

FOR FURTHER INFORMATION CONTACT: Valerie A. Butler, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 20, 1998 (63 FR 2985), FDA published a notice requesting proposed product standards intended to ensure the safety and effectiveness of minimally manipulated hematopoietic stem/progenitor cells derived from peripheral and cord blood for unrelated allogeneic use. Interested persons were given until January 20, 2000, to submit written comments. On January 18, 2000, a comment requesting that the agency extend the comment period was submitted to the docket. The comment noted that comprehensive standards that cover all aspects of cord blood banking have been drafted. However, additional editing and final review is required before submission to the docket. FDA finds it appropriate to reopen the comment period to permit interested persons additional time to submit proposed product standards intended to ensure the safety and effectiveness of minimally manipulated hematopoietic stem/progenitor cells derived from peripheral and cord blood for unrelated allogeneic use. Therefore the agency is reopening the comment period for an additional 90 days, until July 17, 2000, to allow the public more time to submit proposed product standards.

Interested persons may submit to the Dockets Management Branch (address above) written comments on proposing product standards intended to ensure the safety and effectiveness of minimally manipulated hematopoietic stem/progenitor cells derived from peripheral and cord blood for unrelated allogeneic use by July 17, 2000. Two copies of any comments are to be submitted, except individuals may submit one copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. A copy of the document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 10, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–9582 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 79N–0113; DESI 2847]

Pediatric Parenteral Multivitamin Products; Drug Efficacy Study Implementation; Announcement of Marketing Conditions; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of January 26, 2000 (65 FR 4253). The document announced the conditions for marketing pediatric parenteral multivitamin drug products for the indications for which they are

now regarded as effective. The document was published with an inadvertent error. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Mary E. Catchings, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: In FR Doc. 00–1787 appearing on page 4253 in the **Federal Register** of Wednesday, January 26, 2000, the following correction is made:

On page 4255, in the first column, in paragraph *B*.2.(a), beginning in the second line, the sentence ''Caution: Federal law prohibits dispensing without prescription'' is corrected to read ''Rx only.''

This change is made in accordance with section 126(a) of the Food and Drug Modernization Act of 1997. Section 126(a) modified section 503(b)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(4)).

Dated: April 7, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–9580 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 2000.

Name: HRSA AIDS Advisory Committee (HAAC).

Date and Time: May 17, 2000; 8:30 a.m.–5 p.m.; May 18, 2000; 8:30 a.m.–5 p.m.

Place: Doubletree Park Terrace, 1515 Rhode Island Avenue, NW, Washington, DC 20005, Telephone: (202) 232–7000.

The meeting is open to the public.

Agenda: Agenda items for the meeting include reauthorization issues of the Ryan White CARE Act, program updates, policy paper presentations, and health services research/evaluation meeting update and discussion.

Anyone requiring further information should contact Joan Holloway, HIV/AIDS Bureau, Parklawn Building, Room 7–13, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–5761.

Dated: April 12, 2000.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–9584 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 2000.

Name: National Advisory Council on Migrant Health.

Date and Time: May 4, 2000; 9 a.m.–5 p.m.; May 5, 2000; 9 a.m.–5 p.m.

Place: Portland Marriott Downtown, 1401 SW Naito Parkway, Portland, Oregon 97201, Phone: (503) 226–7600; Fax: (503) 221–1789.

The meeting is open to the public.

Agenda: This will be a meeting of the Council. The agenda includes an overview of general Council business activities and priorities. Topics of discussion will include the Year 2000 recommendations, Migrant issues in the Upper Northwest, and updates on research related to the Migrant Health Program. The Council meeting is being held in conjunction with the National Association of Community Health Centers, annual National Farmworker Health Conference, May 5–7, 2000.

Anyone requiring information regarding the subject Council should contact Judy Rodgers, Migrant Health Program, staff support to the National Advisory Council on Migrant Health, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East-West Highway, Bethesda, Maryland 20814, Telephone (301) 594–4304.

Agenda items are subject to change as priorities indicate.

Dated: April 12, 2000.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–9583 Filed 4–17–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families; Office of Refugee Resettlement

Modification to the Standing Announcement Published in the Federal Register on December 9, 1997 (62 FR 64856)

AGENCY: Office of Refugee Resettlement (ORR) Administration for Children and Families, DHHS.

ACTION: Notice of cancellation.

SUMMARY: The Office of Refugee Resettlement Standing Announcement (62 FR 64856) issued December 9, 1997 is hereby modified to reflect the cancellation of three program areas: Category 3, Community Orientation, Category 4, Technical Assistance to Orientation Grantees, and Category 5, Mental Health.

Closing dates for Category 1, Preferred Communities, Category 2, Unanticipated Arrivals, and Category 6, Ethnic Community Organizations will remain unchanged, *i.e.* January 31 and June 30 every year.

These changes are effective with the date of this publication.

For further information, please contact Marta Brenden, Office of Refugee Resettlement, telephone 202–205–3589.

Dated: April 13, 2000.

Carmel Clay-Thompson,

Acting Director, Office of Refugee Resettlement.

[FR Doc. 00–9634 Filed 4–17–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–28]

Notice of Submission of Proposed Information Collection to OMB; Cooperative Membership

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 18, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0025) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Cooperative Membership.

OMB Approval Number: 2502–0025.

Form Numbers: HUD–93203.

Description of the Need for the Information and Its Proposed Use: For cooperative type mortgages, HUD will collect information of prospective cooperative members totaling not less than the percentage of cooperative subscribers necessary to validate the cooperative presale requirement.

Respondents: Individuals or households.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Form HUD–93203	300		1		0.5		150

Total Estimated Burden Hours: 150.

Status: Reinstate approval without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 11, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–9600 Filed 4–1–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–933–99–1320–EL; COC 61209]

Notice of Coal Lease Offering By Sealed Bid

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of competitive coal lease sale.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that certain coal resources in the lands hereinafter described in Delta County, Colorado, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

DATES: The lease sale will be held at 10 a.m., Tuesday, May 23, 2000. Sealed bids must be submitted no later than 9 a.m., Tuesday, May 23, 2000.

ADDRESSES: The lease sale will be held in the Conference Room, Fourth Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado. Sealed bids must be submitted to the Cashier, First Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Karen Purvis at (303) 239–3795.

SUPPLEMENTARY INFORMATION: The tract will be leased to the qualified bidder submitting the highest offer, provided that the high bid meets the fair market value determination of the coal resource. The minimum bid for this tract is $100 per acre or fraction thereof. No bid less than $100 per acre or fraction thereof will be considered. The minimum bid is not intended to represent fair market value.

Sealed bids received after the time specified above will not be considered.

In the event identical high sealed bids are received, the tying high bidders will be requested to submit follow-up bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the Sale Official's announcement at the sale that identical high bids have been received.

Fair market value will be determined by the authorized officer after the sale.

Coal Offered: The coal resource to be offered is limited to coal recoverable by underground mining methods in the D and B2 seams on the Iron Point Tract in the following lands:

T. 12 S., R. 91 W., 6th P.M.
Sec. 33, lots 1 to 3, inclusive, 6 to 11, inclusive, 14 to 16, inclusive, SE¼NW¼, and S½NE¼;
Sec. 34, lots 1 to 16, inclusive, and S½N½.
T. 13 S., R. 91 W., 6th P.M.
Sec. 2, SW¼NW¼, NW¼SW¼, and E½SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, and N½S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, SE¼SW¼ and S½SE¼;
Sec. 8, NE¼;
Sec. 9, NW¼ and N½SW¼;
Sec. 11, NE¼NW¼.
Containing 3210.82 acres.

Total recoverable reserves are estimated to be 32.6 million tons. The underground minable coal is ranked as high volatile C bituminous coal.

The estimated coal quality for the D and B2 seams on an as-received basis is as follows:

	D Seam	B2 Seam
Btu	11,890 Btu/lb	12,480 Btu/lb.
Moisture	8.67%	7.39%
Sulfur content.	0.43%	0.46%
Ash content.	8.17%	7.39%

Rental and Royalty: The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States of 8 percent of the value of coal mined by underground methods. The value of the coal will be determined in accordance with 30 CFR 206.

Notice of Availability: Bidding instructions for the offered tract are included in the Detailed Statement of Coal Lease Sale. Copies of the statement and the proposed coal lease are available upon request in person or by mail from the Colorado State Office at the address given above. The case file is available for inspection in the Public Room, Colorado State Office, during normal business hours at the address given above.

Dated: April 12, 2000.

Matthew R. McColm,

Mining Engineer, Branch of Solid Minerals Resource Services.

[FR Doc. 00–9616 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–933–99–1320–EL; COC 61357]

Notice of Coal Lease Offering By Sealed Bid

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of competitive coal lease sale.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that certain coal resources in the lands hereinafter described in Delta and Gunnison Counties, Colorado, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

DATES: The lease sale will be held at 1 p.m., Tuesday, May 23, 2000. Sealed bids must be submitted no later than 12 noon, Tuesday, May 23, 2000.

ADDRESSES: The lease sale will be held in the Conference Room, Fourth Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado. Sealed bids must be submitted to the Cashier, First Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Karen Purvis at (303) 239–3795.

SUPPLEMENTARY INFORMATION: The tract will be leased to the qualified bidder submitting the highest offer, provided that the high bid meets the fair market value determination of the coal resource. The minimum bid for this tract is $100 per acre or fraction thereof. No bid less than $100 per acre or fraction thereof will be considered. The minimum bid is not intended to represent fair market value.

Sealed bids received after the time specified above will not be considered.

In the event identical high sealed bids are received, the tying high bidders will be requested to submit follow-up bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the Sale Official's announcement at the sale that identical high bids have been received.

Fair market value will be determined by the authorized officer after the sale.

Coal Offered: The coal resource to be offered is limited to coal recoverable by underground mining methods in the D seam on the Elk Creek Tract in the following lands:

T. 12 S., R. 90 W., 6th P.M.
Sec. 31, all;
Sec. 32, lots 3 to 6 inclusive, lots 11 to 14, inclusive, and NW¼.
T. 12 S., R. 91 W., 6th P.M.
Sec. 35, all;
Sec. 36, all.
T. 13 S., R. 90 W., 6th P.M.
Sec. 5, lots 7 to 10, inclusive, lots 14 to 15, inclusive, and lots 17 to 18, inclusive;
Sec. 6, lots 8 to 17, inclusive.
T. 13 S., R. 91 W., 6th P.M.
Sec. 1, lots 1 to 4 inclusive, S½NW¼, and SW¼;
Sec. 2, lot 1 and S½NE¼;
Sec 12, S½NE¼ and NW¼.
Containing 4,443.57 acres.

Total recoverable reserves are estimated to be 20.92 million tons. The underground minable coal is ranked as high volatile C bituminous coal. The estimated coal quality for the D seam on an as-received basis is as follows:
Btu—11,890 Btu/lb.
Moisture—8.67%
Sulfur Content—0.43%
Ash Content—8.17%

Rental and Royalty: The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States of 8 percent of the value of coal mined by underground methods. The value of the coal will be determined in accordance with 30 CFR 206.

Notice of Availability: Bidding instructions for the offered tract are included in the Detailed Statement of Coal Lease Sale. Copies of the statement and the proposed coal lease are available upon request in person or by mail from the Colorado State Office at the address given above. The case file is available for inspection in the Public Room, Colorado State Office, during normal business hours at the address given above.

Dated: April 12, 2000.

Matthew R. McColm,

Mining Engineer, Branch of Solid Minerals Resource Services.

[FR Doc. 00–9617 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–00–5101–ER–A172; AZA–31094]

Notice of Intent To Prepare an Environmental Impact Statement (EIS) on 500kv Line in Maricopa County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an EIS on a 500kv line and notice of scoping meetings.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) is proposing to prepare an EIS for Arizona Public Service Company's (APS) Southwest Valley 500kv Transmission Line Project in the southwest metropolitan area of Phoenix, Arizona.

DATES: The public, state, and local governments, and other federal agencies are asked to participate in the EIS process. Written comments on the initial scoping process will be accepted until May 19, 2000. Public scoping meetings will be held from 6 p.m. to 9 p.m. on May 2, 2000, at the Millennium High School, 14802 W. Wigwam Boulevard, Goodyear, Arizona, and from 6 p.m. to 9 p.m. on May 4, 2000, at the Buckeye Union High School Gym, 902 E. Eason Avenue, Buckeye, Arizona. Additional meetings will be considered as appropriate.

SUPPLEMENTARY INFORMATION: APS plans to construct and operate a 500kv transmission line from the existing Palo Verde Nuclear Generating Station (approximately 45 miles west of Phoenix, Arizona) to a proposed 500/230kv substation located 30 to 50 miles to the east. The project would provide needed energy to the Phoenix metropolitan area and the southwest valley. The proposed project will take approximately one year to construct, with an in-service date of January 2003. The BLM's scooping process for the EIS will include: (1) Identification of significant issues; (2) identification of

sensitive or critical environmental impacts; (3) identification of reasonable alternative transmission line routes and substation sites; and (4) notifying interested groups, individuals, and agencies so that additional information concerning these issues and concerns can be obtained.

ADDRESSES: Comments should be sent to Michael A. Taylor, Phoenix Field Manager, Bureau of Land Management, Phoenix Field Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027.

FOR FURTHER INFORMATION CONTACT: Kathy Pedrick, Project Manager, Phoenix Field Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027, (623) 580–5500.

Dated: April 5, 2000.

Margo E. Fitts,

Assistant Field Manager, Support Services.

[FR Doc. 00–9671 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice.

SUMMARY: To comply with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), we are notifying you that we have submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval. We are also soliciting your comments on this ICR, which describes the information collection, its expected costs and burden, and how the data will be collected.

DATES: Written comments should be received on or before May 18, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0129), 725 17th Street, NW, Washington, DC 20503. Copies of these comments should also be sent to us. The U.S. Postal Service address is Minerals Management Service, Royalty Management Program, Rules and Publications Staff, PO Box 25165, MS 3021, Denver, Colorado 80225–0165; the courier address is Building 85, Room A–613, Denver Federal Center, Denver, Colorado 80225; and the email address is RMP.comments@mms.gov. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For questions concerning this collection of information, please contact Anne Ewell, RIK Study Team, telephone (703) 787–1584. You may also obtain copies of this collection of information at no cost by contacting Jo Ann Lauterbach, MMS's Information Collection Clearance Officer, at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Title: Bids and Financial Statements for Sale of Royalty Oil and Gas (RIK Pilots).

OMB Control Number: 1010–0129.

Bureau Form Number: Form MMS–4440, Summary of Receipt and Delivery Volumes.

Abstract: The Secretary of the Interior, under the Mineral Leasing Act (30 U.S.C. 192) and the Outer Continental Shelf Lands Act (43 U.S.C. 1353), is responsible for the management of royalties on minerals produced from leased Federal lands. MMS carries out these responsibilities for the Secretary. Most royalties are now paid in value—when a company or individual enters into a contract to develop, produce, and dispose of minerals from Federal lands, that company or individual agrees to pay the United States a share (royalty) of the full value received for the minerals taken from leased lands. MMS has undertaken several pilot programs to study the feasibility of taking the Government's royalty in the form of production, that is, as RIK. The collections of information addressed in this information collection request (ICR) are necessary because the Secretary of the Interior must hold competition when selling to the public; protect actual RIK production before, during, and after any sale; and obtain a fair return on royalty production sold. MMS must fulfill those obligations for the Secretary. The reporting requirements are as follows:

a. The actual bids potential purchasers will submit when MMS offers production for competitive sale;

b. Bidders' statements of financial qualification;

c. Form MMS–4440, Summary of Receipt and Delivery Volumes;

d. Report of Gas Analysis (RGA); and

e. Letters of Credit (LOC).

On May 24, 1999, OMB granted emergency approval for MMS to collect, from potential purchasers, their financial statements and their bids on Federal RIK oil or gas offered for sale by MMS. On August 4, 1999, MMS published a 60-day **Federal Register** Notice (64 FR 42410) soliciting public comments on MMS's request to renew OMB's approval to collect those two items of information. No comments were received.

As the pilots progressed, MMS recognized the need to collect three additional items-Form MMS–4440, RGA, and LOCs.

MMS will evaluate the bids to determine which competitive offer to purchase RIK is most advantageous to the Government. The financial statements will be used to evaluate the risk of a bidder not following through on all aspects of its offer, including timely taking of RIK and payment for it. At the request of some small businesses, MMS will accept LOCs to help offset that risk. A small number of purchasers will pay for RIK production by delivering like quality and quantities to a location designated by MMS. They will report monthly to MMS on Form MMS–4440, for each pipeline, the specific daily volumes and qualities (usually expressed as MMBtu's) of MMS's RIK natural gas volumes that the respondent has been nominated to receive/actually has received and similar information on volumes the respondent has been nominated to deliver and actually has delivered to MMS or its agent. MMS may occasionally ask for an RGA to verify the reported quality of such production at the delivery point.

If a company does not submit a timely competitive bid, MMS may not sell Federal RIK to them. Failure of MMS to evaluate a bidder's financial qualifications would increase the risk that a purchaser might fail to take the production, fail to reserve pipeline transportation to move it, fail to pay for it, or fail to deliver it to a delivery point designated by MMS. Such failures would likely incur storage costs, monetary penalties for failure to meet delivery due dates, or loss of the

production. Administrative costs could be incurred to recover those costs as well. MMS would be unable to identify late delivery or under-delivery by contractors paying for RIK they have taken by delivering like value production to an MMS-designated delivery point if the contractors did not file Form MMS–4440. Failure to submit an RGA could impair MMS's ability to assure a full return on the sale of Federal royalty natural gas. If MMS could not accept LOCs, some small businesses might be disqualified from purchasing Federal royalty production.

No proprietary information will be submitted to MMS under this collection. No items of a sensitive nature are collected. Responses are required to obtain or retain benefits.

The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Estimated Number and Type of Respondents/Affected Entities: Approximately 37 companies who will submit one or multiple bids on Federal royalty oil or gas; 25 of them will also submit a financial statement and 5 may also submit an LOC. Of those who submit winning bids, a subset six will also submit Form MMS–4440 and an RGA.

Frequency of Response: Depending on the contract terms of MMS's offer, bids are accepted monthly, twice annually, or annually; bidders have the option to submit one or multiple bids. Form MMS–4440 is required monthly from a small subset of successful bidders who might also be asked to submit an RGA about once a year. Financial statements and LOCs are required about once a year.

Burden Statement and Estimated Annual Reporting and Recordkeeping ''Hour''

Burden: We estimate the respondent burden to average 1 hour for each bid, financial statement, or LOC. Hard copies must be submitted for these three items. We estimate the respondent burden to average .5 hour per pipeline for Form MMS–4440 and .5 hour delivery point for each RGA, both of which may be submitted electronically. The total hour burden for these five requirements is 1,324 hours annually, including recordkeeping. Refer to the following chart:

BURDEN BREAKDOWN

Reporting/recordkeeping requirements	Estimated number of respondents	Annual frequency	Estimated number of responses Per Yr	Burden per requirement in hours	Annual burden hours
Bids	37	On Occasion	747	1	747
Financial Statements	25	On Occasion	25	1	25
Summary of Receipt and Delivery Volumes (Form MMS–4440	06	Monthly	1,080	.5	540
Report of Gas Analysis	06	On Occasion	10	.5	05
Letters of Credit	05	On Occasion	07	1	07
Total Reporting	*79		1,869		1,324

*NOTE: A respondent is counted each time a different form is submitted. Unsuccessful bidders will submit only 2 forms.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: This collection of information will require total capital start-up costs of $1,500 ($250 x 6 respondents) to adjust their automated production reporting systems to provide information to MMS in Form MMS–4440 format.

Comments: Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. * * *'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by May 18, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach (202) 208–7744.

Dated: April 12, 2000.

R. Dale Fazio,

Acting Associate Director for Royalty Management.

[FR Doc. 00–9690 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boundary Revision; Rocky Mountain National Park

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of boundary revision, Rocky Mountain National Park.

SUMMARY: This notice announces a revision of the boundary of Rocky Mountain National Park to include two parcels donated by Rocky Mountain National Park Associates, Inc. The National Park Service has determined that this boundary revision is necessary for the proper preservation and protection of the National Park.

DATES: The effective date of this Order is the April 18, 2000.

FOR FURTHER INFORMATION CONTACT: Superintendent, Rocky Mountain National Park, at the above address or by telephone at 970–586–1399.

SUPPLEMENTARY INFORMATION: 16 U.S.C. 4601–9(c)(1) authorizes the Secretary of the Interior to make this boundary revision. This boundary adjustment will add two parcels of land comprised of 28.33 acres and 18.19 acres to Rocky Mountain National Park in Larimer County, Colorado.

The above parcels are depicted as tract numbers 06–142 and 07–152 on land acquisition map, segments 6 and 7, having drawing number 121/92,002, sheet 7 and 8 of 11. The map is on file at the National Park Service, Intermountain Land Resources Program

Center, and at the Office of the Superintendent, Rocky Mountain National Park.

Dated: February 2, 2000.

Karen P. Wade,

Director, Intermountain Region.

[FR Doc. 00–9586 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Approval of Record of Decision; Final Environmental Impact Statement and General Management Plan for Redwood National and State Parks, Humboldt and Del Norte Counties, California

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub.L. 91–190, as amended), and the regulations promulgated by the Council of Environmental Quality at 40 CFR 1505.2, the Department of the Interior, National Park Service has prepared and approved a Record of Decision for the Final Environmental Impact Statement (FEIS) for the General Management Plan (GMP) for Redwood National and State Parks, California.

Redwood National and State Parks are comprised of Redwood National Park and three state parks included within the national park boundary, Jedediah Smith, Del Norte Coast, and Prairie Creek Redwoods State Parks. The Final GMP is a joint General Management Plan/General Plan (GMP/GP) produced in cooperation with the State of California's Department of Parks and Recreation. This document incorporates all the elements of an Environmental Impact Report/General Plan (EIR/GP) required under state law. The National Park Service (NPS) and the California Department of Parks and Recreation (CDPR) will use the joint plan as a comprehensive guide for managing the 105,516-acre area of contiguous federal and state parklands cooperatively. The California State Park and Recreation Commission issued a resolution following a public hearing on the FEIR/GP on November 17, 1999 unanimously approving the Proposed Action (alternative 1) as it appeared in the FEIS/R as the option under which the three state parks will be managed. The CDPR has completed its conservation planning and environmental impact analysis process required under the California Environmental Quality Act.

The NPS will implement actions identified as the Proposed Action (alternative 1) in the Final General Management Plan/General Plan, as described in the Final EIS/R issued in November 1999. The Draft EIS/R was issued in August 1998 and analyzed three alternatives in addition to the Proposed Action. Under the no action alternative (alternative 2), the parks would be managed according to the prescriptions in the 1980 Redwood National Park General Management Plan and the 1985 State Redwoods Parks General Plan, and subsequent approved planning documents based on those general plans. Under the Preservation Emphasis alternative (alternative 3), the agencies would emphasize the preservation and restoration of the parks' resources and values; opportunities for public use and enjoyment would be limited to experiences that are consistent with this high degree of resource stewardship. This was the environmentally preferred alternative but it was not selected because it unnecessarily restricted visitor use without a substantial concomitant increase in benefits to the resources when compared to the selected action. Under the Visitor Use Emphasis alternative (alternative 4), the agencies would provide a wide spectrum of appropriate visitor experiences that relate to the parks' resources, consistent with overarching obligations to protect the parks' resources and values.

The Record of Decision is a concise statement of all alternatives considered, what decisions were made, and the rationale supporting the selection of the final plan. It also contains a synopsis of the conservation planning and environmental impact analysis process, identifies the environmentally preferred alternative, notes the important public collaboration undertaken and its part in the decision, and summarizes the critical mitigation measures.

Copies of the complete Record of Decision may be obtained from the Superintendent, Redwood National and State Parks, 1111 Second Street, Crescent City, CA, or via telephone at (707) 464–6101.

Dated: April 6, 2000.

John J. Reynolds,

Regional Director, Pacific West Region.

[FR Doc. 00–9587 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Realty Action; Mojave National Preserve

AGENCY: National Park Service, Interior.

SUMMARY: Proposed Exchange of Federal Property for Private Property at Mojave National Preserve.

FOR FURTHER INFORMATION CONTACT: Sondra S. Humphries, Chief, Pacific Land Resources Program Center at (415) 427–1416.

SUPPLEMENTARY INFORMATION: Public comments will be accepted for a period of 45 calendar days from the date of this notice. In order to resolve the encroachment of a private residence and ranch headquarters on federal land, it is necessary for the National Park Service to effect a land exchange at Mojave National Preserve, San Bernardino County, California.

Authority for the land exchange is contained in 16 U.S.C. 410aaa–56. The land to be conveyed by the United States of America is located approximately 15 miles northwesterly from Interstate Highway 15 off of Essex Road and contains 40.00 acres, more or less.

The land to be acquired by the United States of America is located seven miles northeast of the intersection of Essex and Black Canyon Roads and also contains 40.00 acres, more or less.

Both sites were surveyed for the presence of hazardous materials and none were found. In addition, natural and cultural resource surveys were conducted and impacts were found to be minimal. The biological survey did not disclose the presence of any rare, endangered or threatened species.

Title to the lands being exchanged will be subject to encumbrances of record as well as existing rights-of-way.

The value of the lands to be exchanged shall be determined by a current fair market appraisal and if they are not equal, the value shall be equalized by payment of cash and/or donation, as circumstances require.

The 40.00 acre parcel to be acquired by the United States of America will enable the National Park Service to further protect critical Desert Tortoise Habitat within the Preserve.

Detailed information concerning this proposal, land descriptions, Land Protection Plan and other information are available at the National Park Service, Pacific Land Resources Program Center, 600 Harrison Street, Suite 600, San Francisco, California, 94107–1372.

Comments will be accepted from interested parties for a period of 45 calendar days from the date of this notice, and may be submitted to the above address. Comments will be evaluated and this action may be modified or vacated accordingly. In the absence of any action to modify or vacate, the realty action will become the

final determination of the Department of the Interior.

Dated: October 6, 1999.

Martha K. Leicester,

Acting Regional Director, Pacific West Region.

[FR Doc. 00–9585 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of Approved Director's Orders 53, the Revised Guidance for All Special Park Uses in Units of the National Park Service

AGENCY: National Park Service, Interior.

ACTION: Public notice of approved policy statement.

SUMMARY: The National Park Service (NPS) announces approval of Director's Order #53, the revised guidance document for all special park uses in National Park. This Director's Order was developed to provide policy guidance to NPS managers who deal with requests for special park uses including but not limited to special events, utility rights-of-way including those for telecommunication antenna sites, commercial filming and photography, and other uses. This material will appear as Director's Order #53, Special Park Uses, and be distributed to all NPS units. This document provides policy and procedures to park managers concerning all aspects of requests for special uses in the National Park System, from the initial contact, through review and approval of permits, on-scene protection of resources, and ending with complete recovery and restoration of the site. This document supersedes and replaces the existing NPS–53, as well as Director's Order 53A dealing only with telecommunications, and consists of a concise treatment of the entire subject of special park uses.

SUPPLEMENTARY INFORMATION: On October 12, 1999, the NPS published a notice in the **Federal Register** (64 FR 55309) that draft Director's Order #53 was available for public review and asking for comment. The NPS received a total of two responses to that notice. These comments and the NPS responses are as follows:

Analysis of Comments

Comment: One respondent objected to use by the NPS of condition number 8 on the existing, pre-printed Special Use Permit form as being inapplicable in most circumstances. Condition number 8 dealt with required compliance with Executive Order 11246, equal opportunity compliance.

Response: The NPS agrees that compliance with Executive Order 11246 should not be required of Special Use Permit holders and is taking steps to remove that section from the pre-printed special use permit form.

Comment: One respondent, commenting on the proposed policy section dealing with Native American Rights, pointed out the existence of additional authorities over and above what the proposed policy section had already cited.

Response: The NPS agrees and has added the additional authorities suggested. The final Director's Order was approved on April 4, 2000. An electronic copy of the approved order may be viewed and downloaded from the internet at URL *www.nps.gov/refdesk/DOrders/index.htm*, or a copy may be obtained by writing: National Park Service, Ranger Activity Division, 1849 C St. NW, Suite 7408, Washington, DC 20240, or by calling 202–208–4874.

EFFECTIVE DATE: This policy document is in effect from the date of approval by the Director, National Park Service.

FOR FURTHER INFORMATION CONTACT: Dick Young at 757–898–7846, or 757–898–3400, ext. 51.

Dated: April 7, 2000.

Chris Andress,

Chief, Ranger Activities Division.

[FR Doc. 00–9588 Filed 4–17–00; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–269–270 (Review) and 731–TA–311–317 and 379–380 (Review)]

Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden [1]

Determinations

On the basis of the record [2] developed in the subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the countervailing duty orders on brass sheet and strip from Brazil and France, and the antidumping duty orders on brass sheet and strip from Brazil, Canada, France, Germany, Italy, and Japan, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3] The Commission further determines that revocation of the antidumping duty orders on brass sheet and strip from Korea, the Netherlands, and Sweden would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Background

The Commission instituted these reviews on February 1, 1999 (64 FR 4892) and determined on May 6, 1999 that it would conduct full reviews (64 FR 27294, May 19, 1999). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on July 19, 1999 (64 F.R. 38688). The hearing was held in Washington, DC, on February 10, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these reviews to the Secretary of Commerce on April 12, 2000. The views of the Commission are contained in USITC Publication 3290 (April 2000), entitled Brass Sheet and Strip from Brazil, Canada, France, Germany, Italy, Japan, Korea, the Netherlands, and Sweden: Investigations Nos. 701–TA–269 & 270 (Review), and 731–TA–311–317 and 379–380 (Review).

Issued: April 12, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–9591 Filed 4–17–00; 8:45 am]

BILLING CODE 7020–02–U

[2] The record is defined in § 207.2(f) of the Commission's rules of practice and Procedure (19 CFR 207.2(f)).

[3] Commissioner Thelma J. Askey dissenting with respect to Brazil and Canada.

[4] Chairman Lynn M. Bragg dissenting with respect to Korea and the Netherlands and Commissioner Deanna Tanner Okun dissenting with respect to Korea.

[1] The investigation numbers are as follows: Brazil is 701–TA–269 (Review) and 731–TA–311 (Review), Canada is 731–TA–312 (Review), France

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. AA1921–197 (Review), 701–TA–231, 319–320, 322, 325–328, 340, 342, and 348–350 (Review), and 731–TA–573–576, 578, 582–587, 604, 607–608, 612, and 614–618 (Review)]

Certain Carbon Steel Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, Netherlands, Poland, Romania, Spain, Sweden, Taiwan, and United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the countervailing duty and antidumping duty orders on certain carbon steel products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, Netherlands, Poland, Romania, Spain, Sweden, Taiwan, and United Kingdom.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the countervailing duty and antidumping duty orders on certain carbon steel products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, Netherlands, Poland, Romania, Spain, Sweden, Taiwan, and United Kingdom would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B). For further information concerning the conduct of these reviews and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: April 7, 2000.

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202–205–3200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On December 3, 1999, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (64 F.R. 71494, December 21, 1999). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's web site.

Participation in the Reviews and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the reviews will be placed in the nonpublic record on August 16, 2000, and a public version will be issued thereafter, pursuant to § 207.64 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on September 12, 2000 (cold-rolled), September 13, 2000 (corrosion), and September 15, 2000 (plate) at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 7, 2000. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on September 8, 2000, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by § 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written Submissions

Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.65 of the Commission's rules; the deadline for filing is August 28, 2000. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.67 of the Commission's rules. The deadline for filing posthearing briefs is September 22, 2000; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before September 22, 2000. On October 25, 2000, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 27, 2000, but such final comments must not contain new factual information and must otherwise comply with § 207.68 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the

Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

Issued: April 12, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–9590 Filed 4–17–00; 8:45 am]

BILLING CODE 7020–02–U

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–678, 679, 681, and 682 (Reviews)]

Stainless Steel Bar From Brazil, India, Japan, and Spain

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: April 6, 2000.

FOR FURTHER INFORMATION CONTACT: Bonnie Noreen (202–205–3167), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: On April 6, 2000, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that the domestic interested party group response to its notice of institution (64 FR 73579, December 30, 1999) was adequate with respect to each review, and that the respondent interested party group response was adequate with respect to Spain but inadequate with respect to Brazil, India, and Japan. The Commission also found that other circumstances warranted conducting full reviews with respect to Brazil, India, and Japan.

A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

Issued: April 10, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–9589 Filed 4–17–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Notice of information under review; extension of an currently approved collection; request an emergency extension for an existing data collection, the National Crime Victimization Survey (NCVS)

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, has submitted the following information collection request for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by April 25, 2000. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information Regulation Affairs, Attention: Department of Justice Desk Officer, (202) 395–7860, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Craig Perkins, 202–307–0758, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW, Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of he burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension and revision of a currently approved collection.

2. *Title of the Form/Collection:* National Crime Victimization Survey.

3. *Agency form Number, if any, and the applicable component of the Department of Justice sponsoring the collection:* NCVS–1 and NCVS–2.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The National Crime Victimization Survey collects, analyzes, publishes, and disseminates statistics on the amount and type of crime committed against households and individuals in the United States. Respondents include persons age 12 or older living in about 49,200 interviewed households. Other: None.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 109,400 respondents at 1.95 hours per interview.

6. *An estimate of the total public burden (in hours) associated with the collection:* 70,958 annual burden hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place Building, 1331 Pennsylvania Avenue, NW, Washington, DC 20530, or via facsimile at (202) 514–1534.

Dated: April 12, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 00–9620 Filed 4–17–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Proposed Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: New collection comprehensive strategy stakeholder survey.

The Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by May 15, 2000. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information Regulation Affairs, Attention: Department of Justice Desk Officer, (202) 395–7860, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Dean V. Hoffman, Program Manager, Office of Juvenile Justice and Delinquency Prevention, 810 7th Street, NW, Washington, DC 20531, or facsimile at (202) 353–9096.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Comprehensive Strategy Stakeholder Survey.

(3) *Agency form number:* None.

(4) *Component of the sponsoring the collection:* Form: None. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, United States Department of Justice.

(5) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Other: None. Abstract: This information will be collected to provide critical information on the relationship between community and State-level contextual factors and the Comprehensive Strategy planning and implementation processes. The survey will also document the progress and obstacles of implementing Comprehensive Strategy in select communities and the lessons learned in the planning process.

(6) *Estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 250 responses at 1 hour and 30 minutes per response. *Estimate of the total public burden (in hours) associated with the collection:* 375 annual burden hours.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Office, United States Department of Justice, Information Management and Security Staff Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: April 12, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00–9618 Filed 4–17–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Proposed Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: New collection comprehensive strategy site coordinator telephone interview.

The Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by May 15, 2000. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information Regulation Affair, Attention: Department of Justice Desk Officer, (202) 395–7860, Washington, DC 20530.

During the first 60 days of this same review period, a regulator review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Dean V. Hoffman, Program Manager, Office of Juvenile Justice and Delinquency Prevention, 810 7th Street, NW, Washington, DC 20531, or facsimile at (202) 353–9096. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Comprehensive Strategy Site Coordinator Telephone Interview.

(3) *Agency form number:* None.

(4) *Component of the Department of Justice sponsoring the collection Form:* None. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, United States Department of Justice.

(5) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Other: None. Abstract: This information will be collected to provide OJJDP with an understanding of the different processes by which communities have adapted the Comprehensive Strategy framework to their own community contexts. The site coordinator telephone interview will provide knowledge of Comprehensive Strategy development within each site and information on challenges, critical success factors, key participants, and training activities in each site.

(6) *Estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 45 responses at 40 minutes per response. *Estimate of the total public burden (in hours) associated with the collection:* 30 annual burden hours.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Office, United States Department of Justice, Information Management and Security Staff Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: April 11, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 00–9619 Filed 4–17–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an open meeting of the Advisory Commission on Construction Safety and Health (ACCSH).

SUMMARY: OSHA is notifying the public that the ACCSH will meet May 4–5, 2000 at the Francis Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC. This meeting is open to the public.

DATES, TIMES, AND ROOMS: The ACCSH will meet on Thursday, May 4 from 8:30 a.m. to 4 p.m. and on Friday, May 5 from 9 a.m. to noon in room N–3437 B, C, and D. The ACCSH work groups will meet May 2–3 and, if necessary, after noon on May 5.

FOR FURTHER INFORMATION CONTACT: Veneta Chatmon, Office of Public Affairs, Room N–3647, telephone (202) 693–1999 at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210.

SUPPLEMENTARY INFORMATION: An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625, telephone 202–693–2350. All ACCSH meetings and those of its work groups are open to the public. Individuals needing special accommodation should contact Veneta Chatmon no later than April 30, 2000 at the address listed under **FOR FURTHER INFORMATION CONTACT.**

The agenda items for this meeting include:

- Remarks by the Assistant Secretary for Occupational Safety and Health, Charles N. Jeffress.
- ACCSH work group updates, including:
- Data Collection and Targeting.
- Musculoskeletal Disorders.
- Subpart N—Cranes.
- Fall Protection.
- Hexavalent Chromium.
- Process Safety Management.
- OSHA Form 170.
- Noise in Construction.
- Directorate of Construction Reports.
- Special Presentations, including:
- Carolina Star Program.
- OSHA's Rulemaking Process.

The following ACCSH work groups will meet in the Frances Perkins Building:

Safety and Health Program Management and Training: 8:30—10:30 a.m., Tuesday, May 2, room N–3437 C.

Hexavalent Chromium: 10 a.m. to noon, Tuesday, May 2, room N–3437 B.

OSHA Form 170: 1 to 5 p.m., Tuesday, May 2, room N–3437 B.

Process Safety Management: 1 to 3 p.m., May 2, room N–3437 C.

Musculoskeletal Disorders: 1–4 p.m., Wednesday, May 3, room N–3437 B.

Noise in Construction: 10 a.m. to noon, Wednesday, May 3, room N–3437 D.

Data Collection/Targeting: 1 to 4 p.m., Wednesday May 3, room N–3437 B.

Fall Protection: 1:15 to 5 p.m., Wednesday, May 3, room N–3437 C.

Work groups may also meet after the adjournment of the ACCSH meeting on Friday, May 5, 2000.

For up-to-date information on ACCSH activities and scheduling, please refer to the OSHA Web site at *http://www.osha.gov,* or call Jim Boom in OSHA's Directorate of Construction at (202) 693–1839.

Interested parties may submit written data, views, or comments, preferably with 20 copies, to Veneta Chatmon at the address listed above under ''For Further Information Contact.'' OSHA will provide submissions received prior to the meeting to ACCSH members, and will include each submission in the record of the meeting. Attendees may also request to make an oral presentation by notifying Veneta Chatmon before the meeting. The request must state the amount of time desired, the interest represented by the presenter (*e.g.,* the name of the business, trade association, government agency),

if any, and a brief outline of the presentation. The Chair of ACCSH may grant the request at his/her discretion and as time permits.

Authority: Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333), and Secretary of Labor's Order No. 6–96 (62 FR 181).

Signed at Washington, DC on April 13, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 00–9645 Filed 4–17–00; 8:45 am]

BILLING CODE 4516–26–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–344]

Portland General Electric, Trojan Nuclear Plant; 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–1 issued to Portland General Electric Company (PGE), the licensee, for the Trojan Nuclear Plant, a permanently shutdown nuclear reactor facility located in Prescott, Oregon.

Environmental Assessment

Identification of Proposed Action

The proposed action would revise the Trojan Nuclear Plant (TNP) Permanently Defueled Technical Specifications (PDTS) by removing Figure 4.1–1, ''Site and Exclusion Area Boundaries,'' from Section 4.0, ''Design Features,'' and incorporate the applicable portion of this figure in the Trojan Nuclear Plant Defueled Safety Analysis Report (DSAR). The proposed action would also make other associated administrative changes resulting from the deletion of Figure 4.1–1, as well as an editorial change to the table of contents. The proposed action is in accordance with the licensee's application for amendment dated November 16, 1999.

The Need for the Proposed Action

The licensee proposed to remove the Trojan site map from the PDTS and incorporate the applicable portion of this figure in the TNP DSAR as part of the NRC's technical specification (TS) improvement initiative which encourages licensees to request removal of inappropriate and/or unnecessary information from their TSs. This type of site-specific information is not required to be in TSs under 10 CFR 50.36 requirements. Furthermore, this proposed change is consistent with NRC guidance in draft NUREG–1625, ''Proposed Standard Technical Specifications (TS) for Permanently Defueled Westinghouse Plants.'' In concert with Section 50.36 requirements, NUREG–1625 provides guidance in determining a minimum set of standard requirements for permanently shutdown reactor facilities. Additional editorial and administrative changes were also proposed for consistency with the change discussed above.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed amendment to the TNP TSs and concludes that issuance of the proposed amendment will not have an environmental impact. The proposed change in TS site-specific information is consistent with the regulations and regulatory guidance and is considered editorial and administrative in nature. The licensee does not propose any disposal or relocation of nuclear fuel or any changes to structures, systems, components, or site boundaries.

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 off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historical 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 Trojan plant.

Agencies and Persons Contacted

In accordance with its stated policy, on March 13, 2000, the staff consulted with the State of Oregon official, Mr. Adam Bless of the Oregon Office of Energy, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 16, 1999, 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 7th day of April 2000.

For the Nuclear Regulatory Commission.

John B. Hickman,

Project Manager, Decommissioning Section, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–9625 Filed 4–17–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Workshop Concerning the Revision of the Oversight Program for Nuclear Fuel Cycle Facilities

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of public workshop.

SUMMARY: NRC will hold a public workshop at the Nuclear Energy Institute (NEI), 1776 I Street, NW (Republic Place), in Washington, DC to provide the public, those regulated by the NRC, and other stakeholders, with information about and an opportunity to

provide views on how NRC plans to revise its oversight program for nuclear fuel cycle facilities. This public workshop follows the recent public stakeholder workshop held on March 22–23, 2000. Presentations and other documents provided at each workshop are placed on the NRC Internet web page (http://www.nrc.gov/NMSS/FCSS/FCOB/INSP/REVISED/fcindex.htm).

Similar to the revision of the oversight program for commercial nuclear power plants, NRC initiated an effort to improve its oversight program for nuclear fuel cycle facilities. This is described in SECY–99–188 titled, ''Evaluation and Proposed Revision of the Nuclear Fuel Cycle Facility Safety Inspection Program.'' SECY–99–188 is available in the Public Document Room and on the N R C Web Page at http://www.nrc.gov/NRC/COMMISSION/SECYS/index.html.

Purpose of Workshop

To obtain stakeholder views for improving the NRC oversight program for ensuring licensee and certificate holders maintain protection of worker and public health and safety, protection of the environment, and safeguards for special nuclear material and sensitive information and material in the interest of national security. The oversight program applies to nuclear fuel cycle facilities regulated under 10 CFR parts 40, 70, and 76.

The facilities currently include gaseous diffusion plants, highly enriched uranium fuel fabrication facilities, low-enriched uranium fuel fabrication facilities, and a uranium hexafluoride (UF_6) production facility. These facilities possess large quantities of materials that are potentially hazardous (i.e., radioactive, toxic, and/or flammable) to the workers, public, and environment. In revising the oversight program, the goal is to have an oversight program that: (1) provides earlier and more objective indications of acceptable and changing safety and national security related performance, (2) increases stakeholder confidence in the NRC, and (3) increases regulatory effectiveness, efficiency, and realism. In this regard, the NRC desires the revised oversight program to be more risk-informed and performance-based and more focused on significant risks and poorer performers.

The public workshop will focus on:

- Plans for communicating revision of the oversight program with stakeholders internal and external to the NRC.
- Cornerstones of safety and national security for meeting the NRC mission.
- Performance indicators for monitoring licensee/certificatee performance within each cornerstone area.

DATES: Members of the public and other stakeholders are invited to attend and participate in the workshop, which is scheduled for 9:00 a.m. to 5:00 p.m. on Wednesday, May 24, and Thursday, May 25, 2000.

ADDRESSES: NEI, 1776 I Street (Republic Place), Washington, DC. Visitor parking around NEI is limited; however, the public meeting site may be reached from Rockville by taking the Red line metro to Farragut North, and exiting at K Street. Farragut Park will be in front of you. Notice that 17th Street is parallel to the park. Walk one block along 17th Street to I Street, turn right, walk one more block. NEI is on the left on corner of 18th and I Streets, NW From Reagan National Airport, NEI may be reached by taking the Blue line train towards Addison Road to Farragut West. Exit to 18th Street, and NEI is diagonally across the street on the corner of 18th and I Streets, NW.

FOR FURTHER INFORMATION CONTACT: Walter Schwink, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–7156, e-mail *wss@nrc.gov.*

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

For the Nuclear Regulatory Commission.

Philip Ting,

Chief, Operations Branch, Division of Fuel Cycle Safety and Safeguards.

[FR Doc. 00–9627 Filed 4–17–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards and Advisory

Committee on Nuclear Waste Joint Subcommittee Meeting; Notice of Meeting

The Advisory Committee on Reactor Safeguards (ACRS) and the Advisory Committee on Nuclear Waste (ACNW) Joint Subcommittee will hold a meeting on May 4, 2000, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, May 4, 2000—8:30 a.m. until the conclusion of business

The ACRS and ACNW Joint Subcommittee will discuss the development of risk-informed regulation in the Office of Nuclear Material Safety and Safeguards, including risk-informing fuel cycle programs, integrated safety assessments, byproduct material risk analysis, dry cask storage risk analysis, the results of a public workshop on the use of risk information in regulating the use of nuclear materials, and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the ACRS and ACNW full Committees.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the ACRS and ACNW full Committees. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS/ACNW staff members named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding these matters.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Subcommittee's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant senior fellow, John N. Sorensen (telephone 301/415–7372) between 8:00 a.m. and 5:45 p.m. (EDT) or by e-mail JNS@NRC.gov or senior staff engineer, Michael T. Markley (telephone: 301–415–6885). Persons planning to attend this meeting are urged to contact the above-named individuals one to two working days prior to the meeting to be advised of any potential changes in the proposed agenda, etc., that may have occurred.

Dated: April 11, 2000.

Sam Duraiswamy,

Acting Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 00–9621 Filed 4–17–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on May 10, 2000, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, May 10, 2000—1 p.m. until the conclusion of business

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: April 12, 2000.

Richard K. Major,

Acting Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 00–9622 Filed 4–17–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Correction to Notice of Petitions and Director's Decisions

On April 11, 2000, (65 FR 19398), the **Federal Register** published notice of Petitions and Director's Decisions. On page 19398 there was a notice entitled ''Power Authority of the State of New York; Facility Operating License DPR–64 Receipt of Petition for Director's Decision Under 10 CFR 2.206.'' The title of this notice should have been ''Consolidated Edison Company of New York, Inc.; Facility Operating License DPR–26 Receipt of Petition for Director's Decision Under 10 CFR 2.206.''

Dated at Rockville, Maryland, this 11th day of April 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–9623 Filed 4–17–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Office of Nuclear Material Safety and Safeguards, Spent Fuel Project Office; Notice of Issuance and Availability of NUREG–1567, Standard Review Plan for Spent Fuel Dry Storage Facilities

The United States Nuclear Regulatory Commission (NRC) has issued the final report NUREG–1567, ''Standard Review Plan for Spent Fuel Dry Storage Facilities''.

The Standard Review Plan for Spent Fuel Dry Storage Facilities provides guidance to the NRC staff for reviewing applications for license approval or renewal for commercial independent spent fuel storage installations (ISFSIs). An ISFSI may be co-located with a reactor or may be away from a reactor site. These installations may be designed for the storage of irradiated nuclear fuel and associated radioactive materials.

NUREG–1567 is intended for use by the NRC staff. Its objectives are to: (1) Summarize the requirements in Title 10, Code of Federal Regulations, Part 72 for facility approval; (2) describe the procedures by which the NRC staff determines that these requirements have been satisfied; and (3) document the practices developed by the staff in previous reviews of facility applications.

NUREG–1567 is available for inspection, and copying for a fee, at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington DC 20555–0001. Copies of NUREG–1567 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402–9328, telephone no. 1–202–512–1800, or the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone no. 1–800–553–6847. This document is also available at the NRC web site, *http://www.nrc.gov.* See the link under ''Technical Reports in the NUREG Series'' on the ''Reference Library Page.''

Dated at Rockville, Maryland, this 11th day of April, 2000.

For the Nuclear Regulatory Commission.

M. Wayne Hodges,

Deputy Director, Technical Review Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–9626 Filed 4–17–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Office of Nuclear Material Safety and Safeguards Spent Fuel Project Office; Notice of Issuance and Availability of NUREG–1617 Standard Review Plan for Transportation Packages for Spent Nuclear Fuel

The United States Nuclear Regulatory Commission (NRC) has issued the final report NUREG–1617, ''Standard Review Plan for Transportation Packages for Spent Nuclear Fuel.''

The Standard Review Plan for Transportation Packages for Spent Nuclear Fuel provides guidance to the NRC staff for the review and approval of applications for packages used to transport spent nuclear fuel under Title 10 of the Code of Federal Regulations, Chapter 1, Part 71 (10 CFR Part 71).

NUREG–1617 is intended for use by the NRC staff. Its objectives are to (1) summarize 10 CFR Part 71 requirements for package approval, (2) describe the procedures by which the NRC staff determines that these requirements have been satisfied, and (3) document the practices developed by the staff in reviews of package applications.

NUREG–1617 is available for inspection, and copying for a fee, at the

NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC 20555–0001. Copies of NUREG–1617 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402–9328, telephone no. 1–202–512–1800, or the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone no. 1–800–553–6847. This document is also available at the NRC web site, *http://www.nrc.gov.* See the link under ''Technical Reports in the NUREG Series'' on the ''Reference Library Page.''

Dated at Rockville, Maryland, this 31st day of March, 2000.

For the Nuclear Regulatory Commission.

M. Wayne Hodges,

Deputy Director, Technical Review Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–9624 Filed 4–17–00; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

April 1, 2000.

Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of April 1, 2000, of three rescission proposals and two deferrals contained in one special message for FY 2000. The message was transmitted to Congress on February 9, 2000.

Rescissions (Attachments A and C)

As of April 1, 2000, three rescission proposals totaling $128 million have been transmitted to the Congress.

Attachment C shows the status of the FY 2000 rescission proposals.

Deferrals (Attachments B and D)

As of April 1, 2000, $726 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 2000.

Information From Special Message

The special message containing information on the rescission proposals and deferrals that are covered by this cumulative report are printed in the edition of the **Federal Register** cited below: 65 FR 9017, Wednesday, February 23, 2000.

Jacob J. Lew,

Director.

Attachments

ATTACHMENT A.—STATUS OF FY 2000 RESCISSIONS

[in millions of dollars]

	Budgetary resources
Rescissions proposed by the President	128.0
Rejected by the Congress	
Currently before the Congress for less than 45 days	128.0

ATTACHMENT B.—STATUS OF FY 2000 DEFERRALS

[in millions of dollars]

	Budgetary resources
Deferrals proposed by the President	1,622.0
Routine Executive releases through April 1, 2000 (OMB/Agency releases of $896.0 million).	−896.0
Overturned by the Congress.	
Currently before the Congress	726.0

ATTACHMENT C.—STATUS OF FY 2000 RESCISSION PROPOSALS—AS OF APRIL 1, 2000

[Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amounts pending before Congress		Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
		Less than 45 days	More than 45 days					
Department of Energy:								
Atomic Energy Defense Activities: Defense Environmental Restoration and Waste Management	R00–1	13,000	.....	2–9–00	(*)	.....	.....	.....
Energy Programs: SPR Petroleum Account	R00–2	12,000	.....	2–9–00	(*)	.....	.....	.....

ATTACHMENT C.—STATUS OF FY 2000 RESCISSION PROPOSALS—AS OF APRIL 1, 2000—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amounts pending before Congress		Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
		Less than 45 days	More than 45 days					
Department of Housing and Urban Development:								
Public and Indian housing: Housing Certificate Fund	R00–3	103,000	.....	2–9–00	(*)	.....	.....	.....
Total, Rescissions	.....	128,000	.....	.....	.....	.....	.....	.....

*No funds are being withheld.

ATTACHMENT D.—STATUS OF FY 2000 DEFERRALS—AS OF APRIL 1, 2000

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amounts Transmitted		Date of message	Releases (−)		Congressional action	Cumulative adjustments	Amount deferred as of 4-1-00
		Original request	Subsequent change (+)		Cumulative OMB/agency	Congressionally required			
Department of State:									
Other: United States Emergency Refugee and Migration Assistance Fund	D00–1	172,858	.....	2–9–00	27,548	.....	.....	.....	145,310
International Assistance Programs:									
International Security Assistance: Economic Support Fund	D99–2	1,449,159	.....	2–9–00	868,450	.....	.....	.....	.....
Total, deferrals	.....	1,622,017	.....	.....	895,998	.....	.....	.....	726,019

[FR Doc. 00–9691 Filed 4–17–00; 8:45 am]
BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24388, 812–11636]

The Vantagepoint Funds and Vantagepoint Investment Advisers, LLC; Notice of Application

April 11, 2000.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act.

SUMMARY OF APPLICATION: Applicants, The Vantagepoint Funds (the ''Fund'') and Vantagepoint Investment Advisers, LLC (the ''Adviser'') request an order that would permit applicants to enter into and materially amend subadvisory agreements without shareholder approval.

FILING DATES: The application was filed on June 2, 1999 and amended on October 6, 1999 and February 9, 2000. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 5, 2000 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests could state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549–0609. Applicant, 777 North Capitol Street, NE, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Pisto, Senior Counsel, at (202) 942–0527, or George J. Zornada, Branch Chief at (202) 942–0564, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 5th Sreet NW, Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. The Fund, a Delaware business trust, is registered under the Act as an open-end management investment company. The Fund is currently comprised of thirteen different series (each a ''Portfolio,'' and collectively the ''Portfolios''), each of which has its own investment objectives and policies. The Adviser, a Delaware limited liability company, serves as investment adviser to each of the Portfolios, and is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). [1]

[1] Applicants also request relief with respect to any future Portfolios, and any other registered open-end management investment company or portfolio thereof, that is (i) managed in a manner consistent with the application and (ii) for which the adviser

Continued

2. The Fund has entered into an investment advisory agreement with the Adviser (''Management Agreement''). The Management Agreement has been approved by the Fund's board of trustees (the ''Board''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, of the Fund or the Adviser (''Independent Trustees''), as well as the Fund's initial shareholder. The Fund and the Adviser have entered into agreements (''Subadvisory Agreements'') with one or more subadvisers (''Subadvisers''). Under the Management Agreement, the Adviser has overall supervisory responsibility for the investment program of the Portfolios and recommends to the Board the selection of Subadvisers to provide one or more Portfolios with day-to-day portfolio management services. The Portfolios currently have 21 Subadvisers, each of which is an investment adviser registered or exempt from registration under the Advisers Act. Future Subadvisers will be registered or exempt from registration under the Advisers Act. Each Portfolio pays the Adviser a fee based on the net assets of the Portfolio.

3. The Adviser recommends each Subadviser based on, among other things, an evaluation of the Subadviser's investment style, experience, personnel, performance history, fees, consistency of return and compliance and control capabilities. The Adviser reviews, monitors and reports to the Board regarding the performance and procedures of the Subadvisers. The Adviser may recommend to the board reallocation of assets of a Portfolio among Subadvisers, if necessary, and the Adviser also may recommend hiring additional Subadvisers or the termination of Subadvisers in appropriate circumstances. Each Subadviser will be paid directly by the Fund at a rate that has been negotiated with the Adviser and approved by the Board. Applicants also state that, as a condition to the requested order, shareholders of a Portfolio will approve any change to a Subadvisory Agreement if such change would result in an increase in the overall management and advisory fees payable by the Portfolio that have been approved by the shareholders of the Portfolio.

4. Applicants request an order to permit the Adviser, subject to oversight by the Board, to enter in and materially amend Subadvisory Agreements without shareholder approval. The requested relief will not extend to a Subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Fund or the Adviser, other than by reason of serving as a Subadviser to me or more of the Portfolios (an ''Affiliated Subadviser''). None of the current Subadvisers is an Affiliated Subadviser.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series company affected by a matter must approve such matter if the Act requires shareholder approval.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) of the Act from section 15(a) of the Act and rule 18f–2 under the Act to permit them to enter into and materially amend Subadvisory Agreements without shareholder approval.

3. Applicants assert that under the structure described in the application, the Portfolios' shareholders rely on the Adviser to select and monitor one or more subadvisers best suited to achieve a Portfolios' investment objectives. Applicants contend that, from the perspective of the investor, the role of the Subadvisers is comparable to that of individual portfolio manages employed by other investment advisory firms. Applicants contend that requiring shareholder approval of each Subadviser Agreement would impose expenses and unnecessary delays on the Portfolios, and may preclude the Adviser from promptly acting in a manner considered advisable by the Board. Applicants note that the Management Agreement between the Fund and the Adviser will remain subject to section 15(a) of the Act and rule 18f–2 under the Act, including the requirements for shareholder approval.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Portfolio may rely on the order, the operation of the Portfolio as described in the application will be approved by the vote of a majority of the Portfolio's outstanding voting securities, as defined in the Act, or in the case of a Portfolio or Future Fund whose public shareholders purchased shares on the basis of a prospectus containing the disclosure contemplated by Condition 2, by the initial shareholder(s) before the shares of such Portfolio or Future Fund are offered to the public.

2. The Fund will disclose in its prospectus the existence, substance and effect of any order granted pursuant to the application. In addition, each Portfolio and any Future Fund will hold itself out to the public is employing the management structure described in the application. The prospectus with respect to the Portfolios and any Future Fund will prominently disclose that the Adviser has the ultimate responsibility to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. Within 90 days of the hiring of any new Subadviser, shareholders will be furnished all information about the new Subadviser that would be included in a proxy statement. Such information will include any changes caused by the addition of the new Subadviser. To meet this condition, the Adviser will provide shareholders with an information statement meeting the requirements of Regulation 14C, Schedule 14C, and Item 22 of Schedule 14A under the Securities Exchange Act of 1934.

4. At all times, a majority of the Board will be independent Trustees, and the nomination of new or additional Independent Trustees will be at the discretion of the then-existing Independent Trustees.

5. No trustee or officer of the Fund or director of officer of the Adviser will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by any such trustee, officer or director) any interest in a Subadviser except for: (a) Ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser, or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly-traded company that is either a Subadviser or an entity that controls, is controlled by or is under common control with a subadviser.

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or any entity controlling, controlled by, or under common control with the Adviser serves as investment adviser (''Future Fund''). The Fund is the only existing ivnestment company that currently intends to rely on the order.

6. When a change of Subadviser is proposed for a Portfolio with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make ad separate finding, reflected in the minutes of the meeting of the Board, that such change is in the best interests of the Portfolio and its shareholders and that the change does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. Neither the Fund nor the Adviser will enter into a Subadvisory Agreement with an Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Portfolio.

8. The Adviser will provide management services to the Portfolios, including overall supervisory responsibility for the general management and investment of each Portfolio's securities portfolio, and, subject to review and approval by the Board will (a) set each Portfolio's overall investment strategies; (b) evaluate, select and recommend Subadvisers to manage all or a portion of a Portfolio's assets; (c) allocate and, when appropriate, reallocate a Portfolio's assets among multiple Subadvisers; (d) monitor and evaluate the investment performance of the Subadvisers; and (e) implement procedures reasonably designed to ensure that the Subadvisers comply with the relevant Portfolio's investment objectives, policies, and restrictions.

9. Shareholders of a Portfolio will approve any change to a Subadvisory Agreement if such change would result in an increase in the overall management and advisory fees payable by the Portfolio that have been approved by the shareholders of the Portfolio.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–9635 Filed 4–17–00; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending March 17, 2000.

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–7076.

Date Filed: March 15, 2000.

Parties: Members of the International Air Transport Association.

Subject: PTC COMP 0592 dated 14 March 2000, Mail Vote 071—Resolution 010x, General Increase Resolution between Japan and USA/US Territories, Intended effective date: 15 April 2000.

Docket Number: OST–2000–7084.

Date Filed: March 16, 2000.

Parties: Members of the International Air Transport Association.

Subject: PTC2 AFR 0077 dated 22 February 2000, PTC2 AFR 0080 dated 17 March 2000, (Adoption of Mail Vote 067), Mail Vote 067—Within Africa Expedited Resolutions, r–1—002ss, r–3—071ww, r–2—071fa, r–4—076k, Intended effective date: 1 April 2000.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 00–9636 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 7, 2000 (FR Vol. 65, No. 25, 5928). No comments were received.

DATES: Comments must be submitted on or before May 18, 2000.

FOR FURTHER INFORMATION CONTACT: Richard Walker, Maritime Administration, MAR–810, 400 Seventh Street, SW., Washington, D.C. 20590. Telephone 202–366–8888, or FAX 202–366–6988.

Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title: Inventory of American Intermodal Equipment.

OMB Control Number: OMB #2133–0503.

Type of Request: Extension of currently approved collection.

Affected Public: U.S. steamship and intermodal equipment leasing companies.

Form(s): None.

Abstract: The collection consists of an intermodal equipment inventory that provides data essential to both the government and the transportation industry in planning for the most efficient use of intermodal equipment.

Annual Estimated Burden Hours: 66 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention MARAD Desk Officer.

Comments Are Invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (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 the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, D.C. on April 13, 2000.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 00–9681 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2000–7245]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel YANKEE.

SUMMARY: As authorized by Public Law 105–383, the Secretary of

Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S. build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub.L. 105–383 and MARAD's regulations at 46 CFR 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before May 18, 2000.

ADDRESSES: Comments should refer to docket number MARAD–2000–7245. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR 832 Room 7201, 400 Seventh Street, SW, Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: Title V of P.L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (less than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commentor's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR 388.

Vessel Proposed for Waiver of the U.S.–Build Requirement

(1) Name of vessel and owner for which waiver is requested:

Name of vessel: YANKEE Owner: Yankee Sailing LLC.

(2) Size, capacity and tonnage of vessel: According to the Applicant ''50′ 7'' OAL, Breadth 15.6′, draft 4.4′ Gross tonnage 12 tons, Net Tonnage 11. Tons, Displacement 38 tons. (Title 46 U.S.C. simplified measurement system.)''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Intended use, Geographic area: Carrying passengers for hire for coastal sailing excursions for sail and navigational training purposes where passengers are encouraged and taught to participate in the operation of the vessel. Pending USCG certification of the vessel these excursions will involve 6 passengers or less. If certification is obtained under this waiver, the number of passengers will not exceed 12 passengers. Current plans are to operate the vessel along the Northeast coast between New York and Eastport Maine. It is intended that the center of operation will be out of New London CT.''

(4) Date and place of construction and (if applicable) rebuilding. Date of construction: 1959, place of construction: Scheepswerf Westhaven, Zaadam, Holland.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''The impact would be minimal. There are currently no sailing vessels carrying passengers out of the New London harbor. Neighboring harbors that have commercial sailing vessels are mostly offering day trips of two to three hours as opposed to inter port excursions.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''Since the vessel was purchased by the current owner and documented as a U.S. vessel in January of 1999, over $50,000 dollars has been spent on the vessel in local boat yards and on U.S. manufactured wiring, plumbing and electronics products. If the vessel can establish itself in the area as a successful small business with USCG certification it will continue to require the services of the local marine industry here in eastern Connecticut.''

Dated: April 13, 2000.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 00–9682 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2000–7247]

Request for Public Comments on an Evaluation of the Maritime Security Program/Voluntary Intermodal Sealift Agreement Program

AGENCY: Maritime Administration, United States Department of Transportation.

ACTION: Notification of open docket for public comment.

SUMMARY: The Maritime Administration (MARAD) is assessing the impact of the Maritime Security Program (MSP) and its associated Emergency Preparedness Program (EPP), the Voluntary Intermodal Sealift (VISA) program. The evaluation will seek to determine the contribution of MSP/VISA to the achievement of Department of Transportation (DOT) and MARAD national security goals by identifying the causal relationship between MSP/VISA and the goals, to the extent that causality can be reliably measured. As part of DOT's implementation of the Government Performance and Results Act, MARAD has been investigating in-depth how well its major programs are working to achieve stated objectives. As set out in DOT and MARAD strategic plans to meet U.S. national security goals, the MSP is designed to help ensure that an active U.S. merchant fleet—and the trained personnel needed to operate both privately-owned active commercial vessels and Government-owned and controlled reserve ships—will be available to meet Department of Defense (DoD) requirements for sealift during national emergencies. In FY 2000, these requirements include DoD access to 165,000 TEUs (20-foot equivalent units of container capacity) or 14.5 million square feet of U.S.-flag commercial vessel capacity and to carriers' intermodal transportation equipment and service networks.

FOR FURTHER INFORMATION CONTACT: Raymond R. Barberesi, Director, Office of Sealift Support, MAR–630, Room 7307, Maritime Administration, 400 Seventh Street, SW, Washington, D.C. 20590, telephone number: 202–366–2323 or fax 202–493–2180.

SUPPLEMENTARY INFORMATION: On March 10, 1995, the Administration submitted

legislation to the Congress proposing the MSP and the EPP, based on its analysis of current and future national security sealift requirements and the likely composition of the privately-owned U.S.-flag merchant fleet. The Congress found that, ''Without remedial action, there simply will be no U.S. fleet to conduct foreign commerce, and the United States may have difficulty manning our Ready Reserve Force (RRF) and will have to rely on foreign-flag shipping for all imports and exports and for the sustainment of future military operations'' (Senate Report 104–167). Public Law (P.L.) 104–239, the Maritime Security Act of 1996, was enacted on October 8, 1996, to ''assure the continued presence of an active, privately owned, U.S.-flag and U.S.-crewed merchant shipping fleet to meet national and foreign commerce needs and to provide sustainment sealift capability in time of war or national emergency.'' P.L. 104–239 establishes the MSP fleet ''* * * of active, militarily useful, privately-owned vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping.''

As authorized through FY 2005, the MSP provides financial assistance to vessel operators to partially offset the higher costs of U.S.-flag operation in international trade. In return, MSP participants must commit enrolled vessels and associated intermodal resources to a DoD-approved EPP. The VISA program is the element of the MSP which assures DoD access to the U.S. commercial fleet by providing intermodal sealift and total logistical support to DoD in a time of war, national emergency, or whenever the Secretary of Defense determines it is necessary for national security. The VISA program enables DoD to secure space to transport military supplies and equipment. Today, MSP vessels constitute the vast majority (70 percent) of VISA sealift capacity.

MARAD is seeking empirical information from vessel operators and other affected parties in the maritime and transportation industries, such as shippers, maritime labor, DoD and other Federal agencies to assess the MSP's impact on DoD sealift capability and the U.S. merchant fleet. Information is requested on the following issues: (1) Whether the MSP and the VISA programs have accomplished the goals of ''ensuring the availability of a U.S. maritime fleet for wartime or national emergencies and * * * to retain a pool of qualified mariners to serve on these vessels''; (2) The effectiveness of the MSP as a mechanism to retain vessels under U.S. registry; (3) The effect of the MSP's fixed financial assistance of $2.1 million per ship annually on the international competitiveness of MSP carriers; (4) The impact of the MSP payment as an economic incentive for carriers to replace existing vessels with newer ships; (5) Whether other factors have greater impact on carriers' fleet replacement decisions, and, if so, what these are; (6) The aspects of the MSP or VISA program that affect carriers' willingness to participate; (7) The appropriateness of the compensation levels for carriage of contingency cargoes; (8) The impact of statutory restrictions—*i.e.,* Section 656 (cargo movements in domestic noncontiguous trade) and Section 804 (prohibition on operating competing foreign-flag vessels) of the Merchant Marine Act, 1936, as amended; the cap on the amount of cargo preference that can be carried on MSP vessels; the requirement to operate 320 days a year; Section 2 citizenship requirements, and trust arrangements; (9) The external factors that have a significant effect on program impact; (10) MSP participant plans if the MSP is not authorized beyond 2005; and (11) The aspects of program implementation that need to be changed to accomplish program objectives. MARAD is also soliciting comments as to whether other complementary programs, policies, or Federal Government actions would meet the statutory objectives of P.L. 104–239.

You may submit written comments by hand or mail by the close of business on June 15, 2000 to the Docket Management Facility, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW, Washington, DC 20590–0001. Comments should refer to docket number MARAD–2000–7247. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.D.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.* The Maritime Administration, as a matter of discretion, will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

Dated: April 13, 2000.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 00–9683 Filed 4–17–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 18, 2000.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at http://dms.dot.gov.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 12, 2000.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12440–N	RSPA–00–7212	Luxfer Inc., Riverside, CA	49 CFR 173.301(h), 173.302(a), 178.46(a)(4), 178.46(c)(i).	To authorize the manufacture, marking and sale of non-DOT specification cylinders for use in transporting various Division 2.2 materials. (Modes 1, 2, 3, 4.)
12442–N	RSPA–00–7208	Cryogenic Vessel Alternatives, La Porte, TX.	49 CFR 178.338	To authorize the transportation in commerce of liquid nitrogen, cryogenic liquid, Division 2.2 in insulated portable tanks by cargo vessel for delivery to oil and gas production facilities. (Modes 1, 3.)
12443–N	RSPA–00–7209	ChemCentral/Charlotte, Charlotte, NC.	49 CFR 174.67(i) & (j)	To authorize rail cars containing Class 8 hazardous materials to remain attached to unloading connectors without the physical presence of an unloader. (Mode 2.)
12444–N	RSPA–00–7210	ST Services, Dallas, TX	49 CFR 174.67(i) & (j)	To authorize rail cars containing Class 3 hazardous material to remain attached to unloading connectors without the physical presence of an unloader. (Mode 2.)
12446–N	RSPA–00–7211	Japan Defense Agency, Redstone Arsenal, AL.	49 CFR 173.301(i)	To authorize the transportation in commerce of foreign high pressure gas cylinders containing Division 2.2 material. (Modes 1, 2.)
12449–N	RSPA–00–7213	Indesin S.A. de C.V., Estado de, MX.	49 CFR 173.315	To authorize the manufacture, marking and sale of a non-DOT specification pressure vessel for use in transporting compressed gases classed in Division 2.1 and 2.2. (Modes 1, 2, 3.)
12450–N	RSPA–00–7214	Indesin S.A. de C.V., Estado de, MX.	49 CFR 173.315	To authorize the manufacture, marking and sale of a non-DOT specification pressure vessel for use in transporting chlorine, Division 2.3. (Modes 1, 2, 3.)

[FR Doc. 00–9637 Filed 4–17–00; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before May 3, 2000.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW, Washington, DC or at http://dms.dot.gov.

This notice of receipt of applications for modification of exemptions is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 12, 2000.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials, Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
3216–M	.....	DuPont SHE Excellence Center, Wilmington, DE [1]	3216
6658–M	.....	Mason & Hanger Corp. (USDOE/Pantex Plant), Amarillo, TX [2]	6658
11316–M	.....	TRW Automotive, Queen Creek, AZ [3]	11316
1916–M	RSPA–1997–2740	CP Industries, Inc., McKeesport, PA [4]	11916

Application No.	Docket No.	Applicant	Modification of exemption
12155–M	RSPA–1998–4558	S&C Electric Company, Chicago, IL [5]	12155
12221–M	RSPA–1999–5160	Advanced Technology Materials, Inc. (ATMI) Danbury, CT [6]	12221

[1] To modify the exemption to allow for the use of an additional manufactured non-DOT specification multi-unit tank car tank for the transportation of certain Division 2.1 and 2.2 gases.
[2] To modify the exemption to request renewal; authorize a design change to the steel drum for the transportation of certain Division 1.1 and 1.2 materials.
[3] To modify the exemption to authorize a combination tray/tote as an additional packaging method for the transportation of certain cartridges, power device classed as Division 1.4S and airbag inflators or airbag modules classed as Division 4.1 or Class 9.
[4] To modify the exemption to authorize the use of additional DOT Specification cylinders with an outside diameter equal to or larger than 18 inches; correct language in the exemption dealing with monitoring and reporting.
[5] To modify the exemption to authorize an alternative pressure vessel constructed of spirally-wound fiberglass for the transportation of certain Division 2.2 materials.
[6] To modify the exemption to authorize non-DOT specification containers to be constructed of stainless steel; smaller initial capacity size for specific lab containers; and the inclusion of Division 2.2, 6.1 and additional Division 2.3 materials.

[FR Doc. 00–9638 Filed 4–17–00; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

THE FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (collectively, the ''agencies'') hereby give notice that they plan to submit to the Office of Management and Budget (OMB) requests for review of the information collection described below. The agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid Office of Management and Budget (OMB) control number. The agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), intend to extend, without revision, the following currently approved information collection: the Foreign Branch Report of Condition (FFIEC 030). At the end of the comment period, the comments and recommendations received will be analyzed to determine whether the FFIEC and the agencies should modify the information collection. The agencies will then submit the report to OMB for review and approval.

DATES: Comments must be submitted on or before June 19, 2000.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Written comments on the FFIEC 030 should be submitted to the Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW, Third Floor, Attention: 1557–0099, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–5274, or by electronic mail to regs.comments@occ.treas.gov. Comments will be available for inspection and photocopying at the OCC=s Public Reference Room, 250 E Street, SW, Washington, DC 20219 between 9 a.m. and 5 p.m. on business days. Appointments for inspection of comments may be made by calling (202) 874–5043.

Board: Written comments on the FFIEC 030 should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

FDIC: Written comments on the FFIEC 030 should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW, Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Additional information or a copy of the collection may be requested from:

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Board: Mary M. West, Chief, Financial Reports Section, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551.

FDIC: Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal To Extend for Three Years Without Revision the Following Currently Approved Collection of Information

Title: Foreign Branch Report of Condition.

Form Number: FFIEC 030.

Frequency of Response: Annually, and quarterly for significant branches.

Affected Public: Business or other for-profit.

For OCC:

OMB Number: 1557–0099.

Number of Respondents: 143 annual respondents 56 quarterly respondents.

Estimated Time per Response: 3.9 burden hours.

Estimated Total Annual Burden: 1431 burden hours.

For Board:

OMB Number: 7100–0071.

Number of Respondents: 40 annual respondents 26; quarterly respondents.

Estimated Time per Response: 3.9 burden hours.

Estimated Total Annual Burden: 468 burden hours.

For FDIC:

OMB Number: 3064–0011.

Number of Respondents: 36 annual respondents; no quarterly respondents.

Estimated Time per Response: 3.9 burden hours.

Estimated Total Annual Burden: 140.4 burden hours.

General Description of Report

This information collection is mandatory: 12 U.S.C. 321, 324, and 602 (Board); 12 U.S.C. 602 (OCC); and 12 U.S.C. 1828 (FDIC). This information collection is given confidential treatment (5 U.S.C. 552 (b)(8)). Small businesses (that is, small banks) are not affected.

Abstract

This report contains asset and liability information for foreign branches of insured U.S. commercial banks and is required for regulatory and supervisory purposes. The information is used to analyze the foreign operations of U.S. commercial banks. All foreign branches of U.S. banks regardless of charter type file this report with the appropriate Federal Reserve District Bank. The Federal Reserve collects this information on behalf of the U.S. bank's primary federal bank regulatory agency.

Request for Comment

Comments are invited on:

a. Whether the information collections are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

b. The accuracy of the agencies' estimates of the burden of the information collections, 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 information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this notice will be shared among the agencies and will be summarized or included in the agencies' requests for OMB approval. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology as well as other relevant aspects of the information collection request.

Dated: March 31, 2000.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, April 13, 2000.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC, this 4th day of April, 2000.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 00–9675 Filed 4–17–00; 8:45 am]

BILLING CODE OCC 4810–33–P, Board 6210–01–P6714–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, as Amended; System of Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of alteration of a system of records.

SUMMARY: The Treasury Department, Internal Revenue Service, gives notice of a proposed revision to the system of records entitled ''Security Clearance Files-Treasury/IRS 34.016,'' which is subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

DATES: This notice will be adopted without further publication in the **Federal Register** on April 18, 2000, unless modified by a subsequent notice to incorporate comments received from the public.

FOR FURTHER INFORMATION CONTACT: Mary Anderson, Program Analyst, Personnel Security Office A:PS:PSO, Internal Revenue Service, 1111 Constitution Avenue, NW, Room 4244, Washington, DC 20224, telephone (202) 622–9245.

SUPPLEMENTARY INFORMATION: On February 10, 1999, Delegation Order #133, as revised, authorized the Chief, Management and Finance to process security clearances for IRS personnel in critical sensitive or noncritical sensitive positions or assignments. This authority can be re-delegated no lower than the Personnel Security Officer. The security clearance information (*i.e.,* grants, cancellations, and denials) is maintained by the Chief, Agencywide Shared Services, within the IRS Personnel Security Office.

The purpose of the alteration is to bring the notice pertaining to Security Clearance Files-Treasury/IRS 34.016 into compliance with the Privacy Act by making changes which reflect the transfer of responsibility for the system. The alterations include: A change to ''System location,'' ''Retrievability,'' ''Safeguards,'' ''System manager,'' and ''Record access procedures.'' In addition, the Privacy Act notice data element ''Purpose'' is being added to the notice to conform to the requirements of the Act. The system notice was last published in its entirety in the **Federal Register**, Vol 63, page 69869, on December 17, 1998.

The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974, as amended, which requires the submission of a new or altered system report. For the reasons set forth in this preamble, the IRS proposes to amend its system of records Treasury/IRS 34.016.

Dated: April 10, 2000.

Shelia Y. McCann,

Deputy Assistant Secretary (Administration).

Treasury/IRS 34.016

SYSTEM NAME:

Security Clearance Files—Treasury/IRS.

SYSTEM LOCATION:

Description of change: Replace the current statement with the following: ''Internal Revenue Service, Personnel Security Office, 1111 Constitution

Avenue, NW, Room 4244, Washington, DC 20224.''

* * * * *

Description of change: Immediately preceding the heading ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' insert the following entry:

PURPOSE:

This system of records documents issuances, transfers, and cancellations of security clearances issued to Internal Revenue Service employees in critical sensitive and noncritical sensitive positions.''

* * * * *

RETRIEVABILITY:

Description of change: Replace the current statement with the following: ''Indexed by name or social security number.''

SAFEGUARDS:

Description of change: Replace the current statement with the following: ''Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12. Records are stored in locked file cabinets and computerized records are password protected.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Description of change: Replace the current statement with the following: ''Official prescribing policies and practices—Chief, Agencywide Shared Services, 1111 Constitution Avenue, NW, Washington, DC 20224. Official maintaining the system and records—Personnel Security Officer, A:PS:PSO, 1111 Constitution Avenue, NW, Room 4244, Washington, DC 20224.''

* * * * *

RECORD ACCESS PRECDURES:

Description of change: Replace the current statement with the following: ''Individuals seeking access to this system of records or seeking to contest its content may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the IRS Personnel Security Officer, A:PS:PSO, 1111 Constitution Avenue, NW, Room 4244, Washington, DC 20224.''

* * * * *

[FR Doc. 00–9646 Filed 4–17–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0089]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before May 18, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0089.''

SUPPLEMENTARY INFORMATION:

Title: Statement of Dependency of Parent(s), VA Form 21–509.

OMB Control Number: 2900–0089.

Type of Review: Extension of a currently approved collection.

Abstract: 38 U.S.C 102 requires that income and dependency must be determined before benefits may be paid to or for a dependent parent. VA Form 21–509 is used to gather the necessary information from the applicant to make this determination.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 2, 1999, on page 67629.

Affected Public: Individuals or households.

Estimated Annual Burden: 20,000 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 40,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 12035, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0089'' in any correspondence.

Dated: March 27, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–9604 Filed 4–17–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0321]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before May 18, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8135 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0321.''

SUPPLEMENTARY INFORMATION:

Title: Appointment of Veterans Service Organization as Claimant's Representative, VA Form 21–22.

OMB Control Number: 2900–0321.

Type of Review: Revision of a currently approved collection.

Abstract: The form is used by VA beneficiaries to appoint any one of a number of recognized service organizations to represent them in the prosecution of their VA claims. The information is used to determine who has access to the beneficiary's claim file. In addition, it determines who has the right to receive copies of correspondence from VA to the

beneficiary. VA may recognize representatives of service organizations to assist beneficiaries in the prosecution of VA claims, but no individual shall be recognized unless such individual has filed a power of attorney, executed in a manner prescribed by VA.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 25, 2000 at pages 4017 and 4018.

Affected Public: Individuals or households.

Estimated Annual Burden: 27,083 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 325,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0321'' in any correspondence.

Dated: March 4, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–9605 Filed 4–17–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Voluntary Service National Advisory Committee; Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 that the annual meeting of the Department of Veterans Affairs Voluntary Service National Advisory Committee will be held at the Clarion Plaza Hotel, 9700 International Boulevard, Orlando, FL, May 31–June 3, 2000. The meeting begins with participant registration from 12 noon to 5 p.m. on Tuesday, May 30, and from 8 am to 5 pm Wednesday, May 31, through Friday, June 2, 2000, in Ballroom C/D Foyer.

The committee, comprised of fifty nine national voluntary organizations, advises the Under Secretary of Health and other members of the Department of Veterans Affairs Central Office staff on how to coordinate and promote volunteer activities within VA facilities. The primary purposes of this meeting are: To provide for committee review of volunteer policies and procedures; to accommodate full and open communications between the organizations, representatives and the Voluntary Service Office and field staff; to provide educational opportunities geared towards improving volunteer programs with special emphasis on methods to recruit, retain, motivate and recognize volunteers; and to approve committee recommendations.

Pre-meeting activities include: Tuesday, May 30, 2000, VAVS Field Staff will meet from 4 p.m. until 6 p.m. in Salon 5 & 6; the National Executive Committee will meet on Wednesday, May 31, from 8 a.m. until 12 p.m. in Salon 5 & 6; VISN 8 staff will provide a Health Fair from 9 a.m.–5 p.m. in Salon 7; there will be an a new member orientation from 1:00 p.m. until 2:30 p.m. in Ballroom D; and from 3 p.m. until 4:30 p.m. there will be an open forum in Ballroom D. Opening ceremonies will begin at 6:00 p.m. featuring Thomas L. Garthwaite, M.D., as keynote speaker.

On Thursday, June 1, 2000, there will be a Business Session from 8:30 a.m. until 11:30 a.m. in Ballroom D. The workshop topics include, Satisfaction Through Service, Salon 4; Volunteerism Corporate Style, Salon 5; Where Have All the Volunteers Gone—Recruitment/Retention, Salon 7 & 8; Homeless Veterans Programs, Salon 9 & 10.

On Friday, June 2, 2000, a NAC Business Session will be held from 8:30 a.m.–10 a.m., Ballroom C & D. The educational workshops will be repeated from 10:30 a.m.–12:30 p.m. and from 3 p.m.–4:30 p.m., rooms remain the same as on Thursday. The James H. Parke luncheon will be from 12:30 p.m.-2 p.m. in Ballroom C & D, honoring the 2000 recipient of the James H. Parke Scholarship.

On the morning of Saturday, June 3, 2000, the NAC will hold a Business Session from 8:30 a.m.–11:30 a.m. in Ballroom C & D. A critique of the meeting will be held from 11:30 a.m.-12:30 p.m. in Salon 3 & 4. A closing celebration honoring the NAC Volunteers of the Year will be held in Ballroom C & D, beginning at 6:00 p.m.

The meeting is open to the public. Individuals interested in attending are encouraged to contact: Ms. Laura Balun, Administrative Officer, Voluntary Service Office (10C2), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC, 20420, (202) 273–8392.

Dated: May 11, 2000.

By Direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 00–9607 Filed 4–17–00; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendment of System of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) is revising an existing routine use to the system of records entitled ''Personnel and Accounting Pay System-VA'' (27VA047) as set forth in the **Federal Register** 40 FR 38095 (8/26/75) and amended in 48 FR 16372 (4/15/83), 50 FR 23009 (5/30/85), 51 FR 6858 (2/26/86), 51 FR 25968 (7/17/86), 55 FR 42534 (10/19/90), 56 FR 23952 (5/24/91), 58 FR 39088 (7/21/93), 58 FR 40852 (7/30/93), 60 FR 35448 (7/7/95), 62 FR 41483 (8/1/97), and 62 FR 68362 (12/31/97). This system of records contains information on current and former salaried VA employees.

Public Law 103–94 (October 6, 1993) created section 5520a of Title 5, United States Code, which permits the garnishment of Federal employees' wages. The Office of Personnel Management (OPM) issued regulations (5 CFR part 582) which implement the legislation. VA added a new routine use No. 28 on July 7, 1995, to system of records 27VA047 in order to comply with this legislation. This route specifically permitted the disclosure of information to a garnisher concerning the name and address of any new employer of a former VA employee who is the subject of a garnishment by legal process.

In conjunction with a garnishment procedure against a current employee, Federal agencies may also be served with interrogatories, and must respond to them in accordance with 5 U.S.C. 5520a and OPM regulations 5 CFR 582.202(a) and 582.303. The information sought under interrogatories is usually personal information protected by the Privacy Act, 5 U.S.C. 552a. Consequently, VA may provide information in response to the interrogatories only when the Privacy Act authorizes the disclosure.

It is unlikely employees would provide prior consent to the disclosure of information in response to interrogatories. In addition,

interrogatories are not usually accompanied by a court order directing an agency to answer the interrogatories. Consequently, we are revising existing routine use number 28 in order to comply with the provisions on interrogatories found in 5 U.S.C. 5520a and OPM's regulations.

VA has determined the release of information for this purpose is a necessary and proper use of the information in this system of records and the revision of existing routine use number 28 for transfer of this information is appropriate.

An altered system of records report and a copy of the revised system notice have been sent to the House of Representatives Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) and guidelines issued by OMB (59 FR 37906, 37916–18 (7/25/94)).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed routine use of the system of records to the Director, Office of Regulations Management (O2D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. All relevant material received before May 18, 2000 will be considered. All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by VA, the new routine use statement is effective May 18, 2000.

Approved April 4, 2000.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

[FR Doc. 00–9606 Filed 4–17–00; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 65, No. 75

Tuesday, April 18, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

[CN–00–003]

RIN 0581–AB82

Grade Standards and Classification for American Pima Cotton

Correction

In proposed rule document 00–8298 beginning on page 17609 in the issue of Tuesday, April 4, 2000, make the following correction:

§§28.511–28.517 [Corrected]

On page 17611, in the first and second columns, after amendatory instruction 5., the table of contents for §§28.511–28.517 is corrected to read as follows:

Official Cotton Standards of the United States for the Leaf Grade of American Pima Cotton

28.511 Leaf Grade No. 1.
28.512 Leaf Grade No. 2.
28.513 Leaf Grade No. 3.
28.514 Leaf Grade No. 4.
28.515 Leaf Grade No. 5.
28.516 Leaf Grade No. 6.
28.517 Leaf Grade No. 7.

[FR Doc. C0–8298 Filed 4–17–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2000–ASW–10]

Revision of Class D Airspace, Alexandria England AFB, LA; Revocation of Class D Airspace, Alexandria Esler Regional Airport, LA; and Revision of Class E Airspace, Alexandria, LA

Correction

In final rule document 00–7347 beginning on page 15860 in the issue of Friday, March 24, 2000, make the following correction:

§71.1 [Corrected]

On page 15861, in the first column, in the second line under the heading **ASW LA D Alexandria, LA [Revised]**, ''Lat. 31°19′55″ N.'' should read, '' Lat. 31°19′39″ N.''.

[FR Doc. C0–7347 Filed 4–17–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
April 18, 2000

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 30 and 52
Federal Acquisition Regulation; Cost Accounting Standards Administration; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 30 and 52

[FAR Case 1999–025]

RIN 9000–AI70

Federal Acquisition Regulation; Cost Accounting Standards Administration

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to delineate the process for determining and resolving the cost impact on contracts and subcontracts when a contractor makes a compliant change to a cost accounting practice or follows a noncompliant practice.

DATES: Interested parties should submit comments in writing on or before June 19, 2000 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, ATTN: Laurie Duarte, Washington, DC 20405. Submit electronic comments via the Internet to: farcase.1999–025@gsa.gov. Please submit comments only and cite FAR case 1999–025 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jeremy Olson at (202) 501–0692. Please cite FAR case 1999–025.

SUPPLEMENTARY INFORMATION:

A. Background

FAR Part 30, Cost Accounting Standards Administration, describes policies and procedures for applying the Cost Accounting Standards Board (CASB) rules and regulations to negotiated contracts and subcontracts. The CASB's rules, regulations, and Cost Accounting Standards (CAS) are codified at 48 CFR Chapter 99 (FAR Appendix). Negotiated contracts not exempt in accordance with 48 CFR 9903.201–1(b) are subject to CAS (CAS-covered contracts).

The CASB found that the Government does not always implement in a uniform manner the administrative process for making contract price and cost adjustments resulting from contractor changes in cost accounting practice. The CASB further found that the procedures and processes are not widely understood or adequately documented.

This proposed FAR rule delineates the entire cost-impact process the Government and contractor must follow when a contractor makes a compliant change to a cost accounting practice or follows a noncompliant practice. The rule should make the cost-impact process easier to understand, thereby reducing the overall amount of administrative effort currently being expended to resolve individual cases. Specifically, the rule—

1. Defines the cognizant Federal agency official (CFAO) as the contracting officer assigned to administer CAS for all contracts in a business unit. The CFAO's functions are to make determinations for all CAS-covered contracts and subcontracts, including—

a. Whether a change in cost accounting practice or a noncompliance has occurred; and

b. If a change in cost accounting practice or a noncompliance has occurred, how any resulting cost impacts are resolved;

2. Provides procedures that the Government and the contractor must follow when there are voluntary (including desirable) changes to disclosed or established cost accounting practices, mandatory changes required to comply with new or modified standards, and noncompliances with CAS.

3. Provides a streamlined process that does not require submission of cost-impact estimates or contract price adjustments for every CAS-covered contract affected by the change in cost accounting practice. The process creates a three-step sequential process that includes—

a. An initial evaluation to determine materiality of the changes;

b. If the cost is material, the use of a general dollar magnitude (GDM) proposal, whereby the contractor is provided the opportunity to include only the minimum data needed to resolve the cost impact. The rule encourages settlement of material cost impacts based on the GDM proposal to the maximum extent possible; and

c. If the GDM proposal is insufficient or inadequately supported, the submission of a detailed cost-impact proposal.

4. Provides revised procedures for negotiating and resolving the cost impact, including—

a. Requiring the CFAO to invite all contracting officers to participate in negotiations when the cost or price of any of their contracts may be increased or decreased by at least $100,000 (the current amount is $10,000);

b. Providing the CFAO with significant flexibility to resolve the cost impact by permitting the CFAO to use an alternate method, rather than the method of adjusting all affected contracts, provided the Government will not pay more, in the aggregate, than it would have paid if the CFAO did not use the alternate method; and

c. Requiring the CFAO to execute all contract modifications concurrently.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Councils do not expect this proposed 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.*, because contracts and subcontracts with small businesses are exempt from all CAS requirements in accordance with 48 CFR 9903.201–1(b)(3). An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR subparts in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 1999–025), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the proposed rule contains information collection requirements. FAR Part 30 requires certain contractors to provide information on CAS-covered subcontractors and to submit cost-impact proposals when there are changes in cost accounting practices. The collection of this information is currently approved under Office of Management and Budget Number 9000–0129. The proposed rule decreases the collection requirements, since the rule provides a—

1. Specific, but flexible, cost-impact process that should reduce the overall administrative burden currently being experienced by contractors; and

2. General format for contractors to use in preparing cost-impact proposals. This format includes flexible criteria that permit the contractor an opportunity to include only the minimum data needed to resolve the cost impact.

Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 175 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.

The annual reporting burden is estimated as follows:

Respondents: 644.

Responses per respondent: 2.27.

Total annual responses: 1461.88.

Preparation hours per response: Reduced from 200.73 to 175.00.

Total response burden hours: Reduced from 293,471 to 255,829.

Accordingly, a request for amendment of information collection requirements will be submitted to OMB at the final rule stage.

D. Request for Comments Regarding Paperwork Burden

Submit comments, including suggestions for reducing this burden, not later than June 19, 2000 to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVR), Room 4035, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB control number 9000–0129, FAR Case 1999–025, Cost Accounting Administration, in all correspondence.

List of Subjects in 48 CFR Parts 30 and 52

Government procurement.

Dated: April 10, 2000.

Jeremy F. Olson,

Acting Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose that 48 CFR parts 30 and 52 be amended as set forth below:

1. The authority citation for 48 CFR parts 30 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

2. Add section 30.001 to read as follows:

30.001 Definition.

Cognizant Federal agency official (CFAO), as used in this part, means the contracting officer assigned by the cognizant Federal agency to administer the Cost Accounting Standards.

3. Amend section 30.202–6 by revising paragraphs (b), (c), and (d) to read as follows:

30.202–6 Responsibilities.

* * * * *

(b) The contracting officer must not award a CAS-covered contract until the cognizant Federal agency official (CFAO) (see 30.601) has made a written determination that a required Disclosure Statement is adequate unless, in order to protect the Government's interest, the contracting officer waives the requirement for an adequacy determination before award. In this event, the CFAO must make a determination of adequacy as soon as possible after the award.

(c) The auditor is responsible for conducting reviews of Disclosure Statements for adequacy and compliance.

(d) The CFAO is responsible for determinations of adequacy and compliance of the Disclosure Statement.

4. Revise section 30.202–7 to read as follows:

30.202–7 Determinations.

(a) *Adequacy determination.* (1) As prescribed by 48 CFR 9903.202–6 (FAR Appendix), the auditor must—

(i) Conduct a review of the Disclosure Statement to ascertain whether it is current, accurate, and complete; and

(ii) Report the results to the CFAO.

(2) The CFAO must determine if the Disclosure Statement adequately describes the contractor's cost accounting practices and take one of the following actions:

(i) If the Disclosure Statement is inadequate, request a revised Disclosure Statement and identify any areas of inadequacy.

(ii) If the Disclosure Statement is adequate, notify the contractor in writing, with copies to the auditor and contracting officer. The notice of adequacy must state that the contractor must not consider a disclosed practice, by virtue of such disclosure, an approved practice for pricing proposals or accumulating and reporting contract performance cost data.

(3) Generally, the CFAO should furnish the contractor notification of adequacy or inadequacy within 30 days after the CFAOs receives the Disclosure Statement.

(b) *Compliance determination.* (1) After the notification of adequacy, the auditor must—

(i) Conduct a detailed compliance review to ascertain whether or not the disclosed practices comply with part 31 and the CAS; and

(ii) Advise the CFAO of the results.

(2) The CFAO—

(i) Must take action regarding noncompliance with CAS under FAR 30.605;

(ii) May require a revised Disclosure Statement and adjustment of the contract price or cost allowance; and

(iii) Must process a noncompliance with part 31 separately, in accordance with normal administrative practices.

5. Amend section 30.202–8 by revising paragraph (a) to read as follows:

30.202–8 Subcontractor disclosure statements.

(a) When the Government requires determinations of adequacy or inadequacy of subcontractor disclosure statements, the CFAO of the subcontractor must provide this determination to the CFAO of the contractor or next higher-tier subcontractor. The CFAO(s) of the higher-tier subcontractor or contractor must not reverse the determination of the CFAO of the subcontractor.

* * * * *

6. Section 30.601 is revised to read as follows:

30.601 Responsibility.

(a) The cognizant Federal agency must perform CAS administration for all contracts in a business unit even when the contracting officer retains other administration functions. The CFAO must make all required determinations for all CAS-covered contracts and subcontracts, including—

(1) Whether a change in cost accounting practice or noncompliance has occurred; and

(2) If a change in cost accounting practice or noncompliance has occurred, how any resulting cost impacts are resolved.

(b) Within 30 days after the award of any new contract or subcontract subject to CAS, the contracting officer, contractor, or subcontractor making the award must request the CFAO to perform administration for CAS matters (see subpart 42.2).

30.602 [Redesignated as 30.603 and revised]

6a. Remove section 30.603 and redesignate section 30.602 as 30.603 and revise it to read as follows:

30.603 Changes to disclosed or established cost accounting practices.

30.602 [Added]

6b. Add a new section 30.602 to read as follows:

30.602 Materiality.

Agencies must adjust contracts (or use another suitable method (see 30.606)) and withhold amounts payable for CAS noncompliances, new standards, or voluntary changes only if the CFAO determines that the amounts involved are material. The CFAO must—

(a) In determining materiality, use the criteria in 48 CFR 9903.305 (FAR Appendix); and

(b) If the CFAO determines that the amount involved is immaterial—

(1) Make no contract adjustments; and

(2) In the case of noncompliance issues, inform the contractor that if the noncompliance is not corrected, the Government reserves the right to make appropriate contract adjustments should the cost impact become material in the future.

30.602–1 and 30.602–2 [Removed]

6c. Sections 30.602–1 and 30.602–2 are removed.

6d. Section 30.603–1 is added to read as follows:

30.603–1 Mandatory changes required to comply with new or modified standards.

(a) *General.* (1) Offerors must state whether or not the award of the contemplated contract would require a change to established cost accounting practices affecting existing contracts and subcontracts (see 52.230–1). The contracting officer must ensure that the contractor's response to the notice is made known to the CFAO.

(2) A new or modified standard—

(i) Is applicable prospectively to contracts and subcontracts awarded before the effective date of the new or modified standard when a new contract or subcontract containing the clause at 52.230–2 or 52.230–5 is awarded on or after the effective date of the new or modified standard; and

(ii) May require equitable adjustments, but only to those contracts or subcontracts awarded before the effective date of the new or modified standard (see 52.230–2 or 52.230–5).

(3) Contracting officers should encourage contractors to submit to the CFAO any change in accounting practice in anticipation of complying with a new or modified standard as soon as practical after the CASB promulgates the new or modified standard.

(b) *Accounting changes.* Contractors must submit a description of any change in cost accounting practice required to comply with a new or modified CAS within 60 days (or other mutually agreed to date) after award of a contract requiring a change (see 52.230–6).

30.602–3 [Redesignated as 30.603–2 and revised]

6e. Section 30.602–3 is redesignated as 30.603–2 and revised to read as follows:

30.603–2 Voluntary changes.

(a) *General.* The contractor may voluntarily change its disclosed or established cost accounting practices. The Government may adjust the contract price for voluntary changes. However, the Government must not allow increased costs, in the aggregate, resulting from a voluntary change unless the CFAO determines that the change is desirable and not detrimental to the interests of the Government.

(b) *Accounting changes.* The contractor must notify the CFAO and submit a description of any voluntary cost accounting practice change not less than 60 days (or such other date as may be mutually agreed to) before implementation of the voluntary change (see 52.230–6).

(c) *Desirable changes.* When a contractor requests that a voluntary change be deemed desirable, the CFAO must promptly evaluate the contractor's request and must, as soon as practical, notify the contractor in writing whether the change is or is not desirable.

(d) *Retroactive changes.* If a contractor requests that a voluntary change (including those requested to be deemed desirable) include a retroactive applicability date (*e.g.,* to the beginning of the current contractor fiscal year in which the notification is made), the contractor must submit the rationale for the action. The CFAO must promptly evaluate the contractor's request and must, as soon as practical, notify the contractor in writing whether the change is or is not retroactive.

(e) *Contractor changes without Government notification.* If a contractor implements any change in cost accounting practice without submitting the notice required under this subsection, the CFAO must consider the change a failure to follow a cost accounting practice consistently and process it as a noncompliance in accordance with 30.605.

6f. Sections 30.604 through 30.607 are added to read as follows:

30.604 Processing changes to disclosed or established cost accounting practices.

(a) *Scope.* This section applies to mandatory and voluntary (including desirable) changes in cost accounting practices.

(b) *Procedures.* Upon receipt of the contractor's notification and description of the change in cost accounting practice, the CFAO, with the assistance of the auditor, should review the proposed change concurrently for adequacy and compliance. If the CFAO—

(1) Identifies any area of inadequacy, the CFAO must request a revised description of the new cost accounting practice;

(2) Determines that the disclosed practice is noncompliant, the CFAO must notify the contractor in writing that, if implemented, the CFAO will handle the accounting change as a noncompliance; or

(3) Determines the description of the change is both adequate and compliant, the CFAO must notify the contractor in writing. If the CFAO determines—

(i) The cost impact is material, the CFAO must—

(A) Request that the contractor submit, by a specified date, a general dollar magnitude (GDM) proposal; and

(B) Attempt to use the contractor's GDM proposal to the maximum extent possible to negotiate and resolve the cost impact; or

(ii) The cost impact is immaterial, the CFAO must provide notification to the contractor, and conclude the cost-impact process with no contract adjustments.

(c) *General dollar magnitude (GDM) proposal.* The GDM proposal—

(1) Provides information to the CFAO on the estimated overall impact of a change in cost accounting practice on affected CAS-covered contracts and subcontracts that were awarded based on the previous accounting practice; and

(2) Assists the CFAO in determining whether individual contract or

subcontract price adjustments are required.

(d) *General dollar magnitude proposal content.* The GDM proposal must—

(1) Include a sufficient number of individual contract and/or subcontract cost-impact estimates, by contract number and agency, to support the GDM estimate (including identification of the individual contracts with the largest dollar impact);

(2) Include by contract type an ''All Other'' category to reflect the total cost impact for those contracts not separately identified by the contractor in paragraph (d)(1) of this section;

(3) Provide a computation of the cost impact based on the difference between the estimated costs to complete under the current practice and the estimated costs to complete under the revised practice;

(4) Provide a computation of the cost impact using a consistent cost baseline. A consistent cost baseline means that the amounts before and after the change are not based on different scopes of contract efforts, levels of operation, methods of operation, or other information that is not related specifically to the cost accounting practice change. The cost impact must be based on the revised forward pricing rates and current contract estimates to complete that incorporate the new cost accounting practice;

(5) Group the CAS-covered contracts by contract type, limited to the following contract types:

(i) Firm-fixed-price.

(ii) Time-and-materials.

(iii) Incentive-type (*e.g.,* fixed-price incentive and cost-plus-incentive-fee).

(iv) Cost-reimbursement other than incentive-type (*e.g.,* cost-plus-fixed-fee and cost-plus-award-fee); and

(6) Recommend specific contract adjustments to settle the cost impact of the cost accounting practice change.

(e) *CFAO evaluation.* The CFAO must promptly evaluate the GDM proposal. If the cost impact is—

(1) Material, the CFAO must—

(i) Negotiate and resolve the cost impact (see 30.606);

(ii) Request that the contractor submit, by a specified date, a revised GDM proposal with specific additional individual contract data (*e.g.,* contracts with a dollar impact exceeding a specific dollar amount); or

(iii) Request a detailed cost-impact (DCI) proposal if the CFAO determines that the GDM proposal cannot be adequately supported or does not contain sufficient data to resolve the cost impact. The CFAO must indicate in the written request to the contractor that the DCI proposal must include all contracts and subcontracts having an estimate to complete exceeding a specified amount, established by the CFAO, that is based on the old cost accounting practice. The specified amount must be high enough so that the DCI proposal does not contain an excessive number of contracts and subcontracts but results in the proposal recognizing a reasonably high dollar percentage of the total estimate to complete; or

(2) Immaterial, the CFAO must provide notification to the contractor, and conclude the cost-impact process with no contract adjustments.

(f) *Detailed cost impact (DCI) proposal.* The DCI proposal must—

(1) Measure the magnitude of the impact of the change on existing CAS-covered contracts and subcontracts subject to adjustment;

(2) Include all contracts and subcontracts having an estimate to complete, based on the old accounting practice, exceeding a specified amount established by the CFAO;

(3) Include, by contract type, an ''All Other'' category to reflect the total cost impact for those contracts that do not exceed the specified amount; and

(4) Group the CAS-covered contracts by contract type, limited to the following contract types:

(i) Firm-fixed-price.

(ii) Time-and-materials.

(iii) Incentive-type (*e.g.,* fixed-price incentive and cost-plus-incentive-fee).

(iv) Cost-reimbursement other than incentive-type (*e.g.,* cost-plus-fixed-fee and cost-plus-award-fee).

(g) *Contract adjustments.* The CFAO—

(1) Negotiates and resolves the cost impact on behalf of all Government agencies;

(2) Must invite contracting officers to participate in negotiations when the cost or price of any of their contracts may be increased or decreased by at least $100,000;

(3) At the conclusion of negotiations, must prepare a negotiation memorandum and send copies to auditors and contracting officers;

(4) If contract adjustments are necessary, must distribute modifications to the awarding agencies, requesting signatures by a specified date. The awarding agencies must return the signed modifications by the specified date or notify the CFAO of the reasons for the delay;

(5) After receipt of the signed modifications described in paragraph (f)(4) of this section, must concurrently obtain contractor signatures on all the modifications; and

(6) May unilaterally adjust the contract(s) if the CFAO and the contractor fail to agree on the adjustment.

(h) *Remedies.* If the contractor does not submit the accounting change description or the required cost-impact proposal, the CFAO—

(1) With the assistance of the auditor, should estimate the general dollar magnitude of the cost impact on CAS-covered contracts and subcontracts;

(2) May withhold an amount not to exceed 10 percent of each subsequent payment related to the contractor's CAS-covered contracts (up to the estimated general dollar magnitude of the cost impact), until the contractor furnishes the required information; and

(3) May unilaterally adjust the contract(s).

30.605 Noncompliance with CAS requirements.

(a) *Types of noncompliances.* (1) A cost-estimating noncompliance occurs when there is a failure, when estimating proposal costs, to follow—

(i) Applicable CAS requirements; or

(ii) Consistently disclosed or established accounting practices.

(2) A cost-accumulation noncompliance occurs when there is a failure, when accumulating costs, to follow—

(i) Applicable CAS requirements; or

(ii) Consistently disclosed or established accounting practices.

(b) *Determination of noncompliance.* (1) The CFAO must make an initial finding of compliance or noncompliance and notify the auditor within 15 days after receiving a report of alleged noncompliance from the auditor.

(2) If the CFAO makes an initial finding of noncompliance, the CFAO must—

(i) Immediately notify the contractor in writing of the exact nature of the noncompliance; and

(ii) Allow the contractor 60 days to agree or to submit reasons why the contractor considers the existing practices to be in compliance.

(3) The CFAO must—

(i) Review the reasons why the contractor considers the existing practices to be in compliance;

(ii) Make a determination of compliance or noncompliance;

(iii) Notify the contractor and the auditor in writing of the determination of compliance or noncompliance, including a written explanation as to why the CFAO agrees or disagrees with the contractor's rationale; and

(iv) If the CFAO makes a determination of noncompliance, follow the procedures in paragraphs (c) through (h) of this section, as appropriate.

(c) *Correcting noncompliances.* (1) The contractor must submit a description of any cost accounting practice change needed to correct a noncompliance (see 52.230–6).

(2) The CFAO—

(i) With the assistance of the auditor, should review the proposed change concurrently for adequacy and compliance (see 30.202–7); and

(ii) When the description of the change is both adequate and compliant, must notify the contractor in writing; and when the cost impact is—

(A) Material, the CFAO must—

(*1*) Request that the contractor submit, by a specified date, a general dollar magnitude (GDM) proposal; and

(*2*) Attempt to use the contractor's GDM proposal to the maximum extent possible to negotiate and resolve the cost impact;

(B) Immaterial, the CFAO must—

(*1*) Inform the contractor in writing that if the noncompliance is not corrected, the Government reserves the right to make appropriate contract adjustments should the noncompliance become material in the future; and

(*2*) Conclude the cost-impact process with no contract adjustments.

(d) *General dollar magnitude (GDM) proposal.* The GDM proposal must—

(1) Include a sufficient number of individual contract and/or subcontract cost-impact estimates, by contract number and agency, to support the GDM estimate (including identification of the individual contracts with the largest dollar impact);

(2) Include by contract type an ''All Other'' category to reflect the total cost impact for those contracts not separately identified by the contractor in paragraph (d)(1) of this section;

(3) Provide a computation of the cost impact as follows:

(i) For cost-estimating noncompliances, the impact is the difference between—

(A) The negotiated contract cost or price; and

(B) What the negotiated contract cost or price would have been had the contractor used a compliant practice.

(ii) For cost-accumulation noncompliances, the impact is the difference between—

(A) The costs that were accumulated under the noncompliant practice; and

(B) The costs that would have been accumulated if the compliant practice had been applied (from the time the noncompliant practice was first applied until the date the noncompliant practice was replaced with a compliant practice).

(4) Group the CAS-covered contracts by contract type, limited to the following contract types:

(i) Firm-fixed-price.

(ii) Time-and-materials.

(iii) Incentive-type (*e.g.*, fixed-price incentive and cost-plus-incentive-fee).

(iv) Cost-reimbursement other than incentive-type (*e.g.,* cost-plus-fixed-fee and cost-plus-award-fee);

(5) Include the total overpayments made by the Government during the period of noncompliance so that the CFAO can calculate and recover the proper interest amount; and

(6) Recommend specific contract adjustments to settle the cost impact resulting from the noncompliance.

(e) *CFAO evaluation.* The CFAO must promptly evaluate the GDM proposal. If the cost impact is—

(1) Material, the CFAO must—

(i) Negotiate and resolve the cost impact (see 30.606);

(ii) Request the contractor submit, by a specified date, a revised GDM proposal with specific additional individual contract data (*e.g.,* contracts with a dollar impact exceeding a specific dollar amount); or

(iii) Request a detailed cost-impact (DCI) proposal if the CFAO determines that the GDM proposal cannot be adequately supported or does not contain sufficient data to resolve the cost impact. The CFAO must indicate in the written request to the contractor that the DCI proposal must include all contracts and subcontracts having a contract value exceeding a specified amount, established by the CFAO. The specified amount must be high enough so that the DCI proposal does not contain an excessive number of contracts and subcontracts but results in the proposal recognizing a reasonably high dollar percentage of the contracts impacted by the noncompliance.

(2) When the cost impact is immaterial, the CFAO must—

(i) Inform the contractor in writing that if the noncompliance is not corrected, the Government reserves the right to make appropriate contract adjustments should the noncompliance become material in the future; and

(ii) Conclude the cost-impact process with no contract adjustments.

(f) *Detailed cost-impact (DCI) proposal.* The DCI proposal must—

(1) Measure the magnitude of the impact of the noncompliance on CAS-covered contracts and subcontracts subject to adjustment;

(2) Include all contracts and subcontracts having a contract value exceeding a specified amount established by the CFAO;

(3) Include by contract type an ''All Other'' category to reflect the total cost impact for those contracts that do not exceed the specified amount; and

(4) Group the CAS-covered contracts by contract type, limited to the following contract types:

(i) Firm-fixed-price.

(ii) Time-and-materials.

(iii) Incentive-type (*e.g.,* fixed-price incentive and cost-plus-incentive-fee).

(iv) Cost-reimbursement other than incentive-type (*e.g.,* cost-plus-fixed-fee and cost-plus-award-fee).

(g) *Contract adjustments.* The CFAO must—

(1) Follow the procedures at 30.604(f); and

(2) In accordance with the clause at 52.230–2, Cost Accounting Standards, or 52.230–5, Cost Accounting Standards—Educational Institution—

(i) Include and separately identify, as part of the computation of the contract price adjustment(s), applicable interest on any increased cost paid to the contractor as a result of the noncompliance;

(ii) Compute interest from the date of overpayment to the time the adjustment is effected in accordance with 26 U.S.C. 6621(a)(2), as follows:

(A) If the costs were incurred and paid evenly over the fiscal years during which the noncompliance occurred, use the midpoint of the period in which the noncompliance began as the baseline for the computation of interest.

(B) If the costs were not incurred and paid evenly over the fiscal years during which the noncompliance occurred, use an alternate method.

(h) *Remedies.* If the contractor does not submit the required cost-impact proposal, the CFAO must follow the procedures at 30.604(h).

30.606 Resolving cost impacts.

(a) *General.* (1) The CFAO may resolve a cost impact attributed to a change in cost accounting practice or a noncompliance by adjusting a single contract, several but not all contracts, all contracts, or any other suitable method;

(2) The CFAO must choose a method to resolve the cost impact that approximates the amount, in the aggregate, that would have resulted if individual contracts had been adjusted; and

(3) Where there is a voluntary change (other than a change that the CFAO has determined to be desirable) or a noncompliance, the CFAO must not agree to a method that results in the payment of increased costs, in the aggregate, by the Government.

(b) *Adjusting contracts.* The CFAO may adjust some or all contracts with a material cost impact. When the adjustments are made to reflect increased costs associated with cost-reimbursement contracts, the CFAO

must prevent payment of the increased costs through a cost disallowance.

(c) *Alternate methods.* (1) The CFAO may use an alternate method instead of adjusting contracts to resolve the cost impact, provided the Government will not pay more, in the aggregate, than would be paid if the CFAO did not use the alternate method;

(2) The CFAO may not use an alternate method when the alternate method would result in—

(i) An under-recovery of monies by the Government (*e.g.*, due to cost overruns);

(ii) An inappropriate increase in profit on contracts beyond the level negotiated; or

(iii) Distortions of incentive provisions and relationships between target costs, ceiling costs, and actual costs for incentive-type contracts.

(3) When using an alternate method that excludes the costs from an indirect cost pool, the CFAO must—

(i) Make such exclusion only for contractor fiscal years that have ended; and

(ii) Adjust the exclusion to reflect the Government participation rate for cost-reimbursement contracts. For example, if there are increased costs to the Government of $100,000, and the indirect cost pool where the adjustment is to be affected has a Government participation rate of 50 percent for cost-reimbursement contracts, the contractor must exclude $200,000 from the indirect cost pool ($100,000/50% = $200,000).

(d) *Offsets.* (1) The CFAO may offset increased costs to the Government against decreased costs to the Government for some or all contracts, depending upon the particular facts and circumstances.

(2) The CFAO must not use the offset process if it would result in the Government paying more, in the aggregate, than would be paid had the offset process not been used.

(3) In determining what contracts should be offset, the CFAO must consider the following:

(i) For any offsets that include incentive contracts, the CFAO must assure that the impact on the incentive provisions are not materially different from what would be obtained if individual contracts were adjusted.

(ii) Within a segment, the CFAO may combine the effect of several changes in accounting practice in the offset consideration if the changes have the same effective date.

(iii) The CFAO may offset cost increases at one segment of a company by decreases at another segment if the accounting change results in costs flowing between those segments. The CFAO responsible for the organizational level that directed the change should administer such offsets.

(iv) When the result of the offset process is net increased costs, and the decision is to adjust a cost-reimbursement contract(s), the CFAO must prevent payment of the net increased costs through a cost disallowance.

(e) *Contract profit or fee.* (1) The CFAO must adjust profit or fee whenever specifically provided for by law or the terms of the contract.

(2) The CFAO should make any necessary adjustment to assure that the Government pays no more profit or fee, in the aggregate, than would have been paid had the change or noncompliance not occurred, unless such action is otherwise precluded by law or the terms of the contract.

(f) *Coordination.* When resolving cost impacts, the CFAO must coordinate with the affected contracting officers (see 30.604(f)) before determining the method of resolution (*i.e.*, adjust contracts, apply an alternate method, use the offset process). However, the CFAO has the sole authority for that determination.

30.607 Subcontract administration.

When a negotiated CAS price adjustment or a determination of noncompliance is required at the subcontract level, the CFAO of the subcontractor must make the determination and furnish a copy of the negotiation memorandum to the affected CFAO(s) of the contractor or next higher-tier subcontractor, as appropriate. The CFAO(s) of higher-tier subcontractors or contractors must not reverse the determination of the CFAO of the subcontractor.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Revise section 52.230–6 to read as follows:

52.230–6 Administration of Cost Accounting Standards.

As prescribed in 30.201–4(d)(1), insert the following clause:

Administration of Cost Accounting Standards (Date)

For the purpose of administering the Cost Accounting Standards (CAS) requirements under this contract, the Contractor shall take the steps outlined in paragraphs (a) through (c) and (e) through (h) of this clause:

(a) Submit to the Cognizant Federal Agency Official (CFAO) a description of any cost accounting practice change as outlined in paragraphs (a)(1) through (3). If a Contractor implements any change in cost accounting practice without submitting the notice required by this paragraph, the change will be a failure to follow paragraph (a)(4) of the clause at FAR 52.230–3, Disclosure and Consistency of Cost Accounting Practices.

(1) For any change in cost accounting practices required in accordance with paragraphs (a)(3) and (a)(4)(i) of the clause at FAR 52.230–2, Cost Accounting Standards, or paragraphs (a)(3), (a)(4)(i), or (a)(4)(iv) of the clause at FAR 52.230–5, Cost Accounting Standards—Educational Institution, submit a description of the change within 60 days (or such other date as may be mutually agreed to by the CFAO and the Contractor) after award of a contract requiring this change.

(2) For any change in cost accounting practices proposed in accordance with paragraphs (a)(4)(ii) or (iii) of the clauses at FAR 52.230–2, Cost Accounting Standards, and FAR 52.230–5, Cost Accounting Standards—Educational Institution, or with paragraph (a)(3) of the clause at FAR 52.230–3, Disclosure and Consistency of Cost Accounting Practices, submit a description of the change not less than 60 days (or such other date as may be mutually agreed to) before the effective date of the proposed change. If the change includes a proposed retroactive applicability date (*e.g.*, to the beginning of the current Contractor fiscal year in which the notification is made), submit rationale supporting the proposed retroactive applicability date.

(3) Submit a description of the change necessary to correct a failure to comply with an applicable CAS or to follow a disclosed practice (as contemplated by paragraph (a)(5) at FAR 52.230–2, Cost Accounting Standards, and FAR 52.230–5, Cost Accounting Standards—Educational Institution; or by paragraph (a)(4) at FAR 52.230–3, Disclosure and Consistency of Cost Accounting Practices)—

(i) Within 60 days (or such other date as may be mutually agreed to) after the date of agreement with the initial finding of noncompliance; or

(ii) In the event of Contractor disagreement with the initial finding of noncompliance, within 60 days of the date that the CFAO notifies the Contractor of the determination of noncompliance.

(b) When requested by the CFAO, submit a general dollar magnitude (GDM) proposal on or before the date specified by the CFAO, or other mutually agreed to date.

(1) For changes subject to paragraph (a)(1) or (a)(2) of this clause, the GDM proposal shall—

(i) Include a sufficient number of individual contract and/or subcontract cost-impact estimates, by contract number and agency, to support the GDM estimate (including identification of the individual contracts with the largest dollar impact);

(ii) Include by contract type an ''All Other'' category to reflect the total cost impact for those contracts not separately identified;

(iii) Provide a computation of the cost impact based on the difference between the estimated costs to complete under the current practice and the estimated costs to complete under the revised practice;

(iv) Provide a computation of the cost impact using a consistent cost baseline. A consistent cost baseline means that the

amounts before and after the change are not based on different scopes of contract efforts, levels of operation, methods of operation, or other information that is not related specifically to the cost accounting practice change. The cost impact shall be based on the revised forward pricing rates and current contract estimates to complete that incorporate the new cost accounting practice;

(v) Group the CAS-covered contracts by contract type, limited to the following contract types:

(A) Firm-fixed-price.

(B) Time-and-materials.

(C) Incentive-type (*e.g.*, fixed-price incentive and cost-plus-incentive-fee).

(D) Cost-reimbursement other than incentive-type (*e.g.*, cost-plus-fixed-fee and cost-plus-award-fee); and

(vi) Recommend specific contract adjustments to settle the cost impact of the cost accounting practice change.

(2) For changes submitted pursuant to paragraph (a)(3) of this clause, the GDM proposal shall—

(i) Include a sufficient number of individual contract and/or subcontract cost impact estimates, by contract number and agency, to support the GDM estimate (including identification of the individual contracts with the largest dollar impact);

(ii) Include by contract type an ''All Other'' category to reflect the total cost impact for those contracts not separately identified;

(iii) Provide a computation of the cost impact as follows:

(A) For cost-estimating noncompliances, the impact is the difference between—

(*1*) The negotiated contract cost or price; and

(*2*) What the negotiated contract cost or price would have been had the Contractor used a compliant practice.

(B) For cost-accumulation noncompliances, the impact is the difference between—

(*1*) The costs that were accumulated under the noncompliant practice; and

(*2*) The costs that would have been accumulated if the compliant practice had been applied (from the time the noncompliant practice was first applied until the date the noncompliant practice was replaced with a compliant practice);

(iv) Group the CAS-covered contracts by contract type, limited to the following contract types:

(A) Firm-fixed-price.

(B) Time-and-materials.

(C) Incentive-type (*e.g.*, fixed-price incentive and cost-plus-incentive-fee).

(D) Cost-reimbursement other than incentive-type (*e.g.*, cost-plus-fixed-fee and cost-plus-award-fee);

(v) Include the total overpayments made by the Government during the period of noncompliance so that the CFAO can calculate and recover the proper interest amount; and

(vi) Recommend specific contract adjustments to settle the cost impact resulting from the noncompliance.

(c) When requested by the CFAO, submit a detailed cost-impact (DCI) proposal on or before the date specified by the CFAO, or other mutually agreed to date. The DCI proposal shall—

(1) Measure the magnitude of the impact of the change on CAS-covered contracts and subcontracts subject to adjustment;

(2) Include all contracts and subcontracts having an estimate to complete, based on the old accounting practice, exceeding a specified amount established by the CFAO;

(3) Include by contract type an ''All Other'' category to reflect the total cost impact for those contracts that do not exceed the specified amount; and

(4) Group the CAS-covered contracts by contract type, limited to the following contract types:

(i) Firm-fixed-price.

(ii) Time-and-materials.

(iii) Incentive-type (*e.g.*, fixed-price incentive and cost-plus-incentive-fee).

(iv) Cost-reimbursement other than incentive-type (*e.g.*, cost-plus-fixed-fee and cost-plus-award-fee).

(d) If the Contractor does not submit the information required by paragraph (a), (b), or (c) of this clause within the specified time, or any extension granted by the CFAO, the CFAO may—

(1) Withhold an amount not to exceed 10 percent of each subsequent amount payment to the Contractor's CAS-covered contracts, up to the estimated general dollar magnitude of the cost impact, until such time as the Contractor provides the required information to the CFAO; and

(2) Unilaterally adjust the contract(s).

(e) Agree to appropriate contract and subcontract amendments to reflect adjustments established in accordance with paragraphs (a)(4) and (a)(5) of the clauses at FAR 52.230–2 and 52.230–5; or with paragraph (a)(3) or paragraph (a)(4) of the Disclosure and Consistency of Cost Accounting Practices clause at FAR 52.230–3.

(f) For all subcontracts subject to the clauses at FAR 52.230–2, 52.230–3, or 52.230–5—

(1) So state in the body of the subcontract, in the letter of award, or in both (do not use self-deleting clauses);

(2) Include the substance of this clause in all negotiated subcontracts; and

(3) Within 30 days after award of the subcontract, submit the following information to the Contractor's cognizant contract administration office for transmittal to the contract administration office cognizant of the subcontractor's facility:

(i) Subcontractor's name and subcontract number.

(ii) Dollar amount and date of award.

(iii) Name of Contractor making the award.

(g) Notify the Contracting Officer in writing of any adjustments required to subcontracts under this contract and agree to an adjustment, based on them, to this contract price or estimated cost and fee. The Contractor shall—

(1) Provide this notice within 30 days after the Contractor receives the proposed subcontract adjustments; and

(2) Include a proposal for adjusting the higher-tier subcontract or the contract appropriately.

(h) For subcontracts containing the clause at FAR 52.230–2 or FAR 52.230–5, require the subcontractor to comply with all standards in effect on the date of award or of final agreement on price, as shown on the subcontractor's signed Certificate of Current Cost or Pricing Data, whichever is earlier. (End of clause)

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Part III

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 1230

Pork Promotion, Research, and Consumer Information Program: Procedures for the Conduct of Referendum; Proposed Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1230

[No. LS–99–14]

Pork Promotion, Research, and Consumer Information Program: Procedures for the Conduct of Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and notice and request for comments.

SUMMARY: This proposed rule sets forth the procedures for conducting a referendum to determine if producers and importers favor continuation of the Pork Checkoff, formally known as the Pork Promotion, Research, and Consumer Information Order (Order). The Pork Checkoff was implemented September 5, 1986, as authorized by the Pork Promotion, Research, and Consumer Information Act of 1985 (Act). The Secretary of Agriculture (Secretary) will conduct a referendum among persons who have been producers and importers during a representative period, as determined by the Secretary, to determine whether the producers and importers favor the continuation of the Pork Checkoff. The referendum would be conducted on dates to be determined by the Secretary. The Pork Checkoff would be terminated if a majority of producers and importers voting in the referendum favor termination.

DATES: Written comments on this proposed rule must be received by May 18, 2000. Comments on the information collection requirements of this proposed rule must be received by June 19, 2000.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch, Room 2627-S; Livestock and Seed Program; Agricultural Marketing Service (AMS), USDA; STOP–0251; 1400 Independence Avenue, SW.; Washington, D.C. 20250–0251. Comments may also be sent by e-mail to Ralph.Tapp@usda.gov or by fax to 202/720–1125. State that your comments refer to Docket No. LS–99–14. Comments received may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays, or on the internet at www.ams.usda.gov/lsg/mpb/rp-pork.htm.

Pursuant to the Paperwork Reduction Act of 1995 (PRA), also send comments regarding the merits of the burden estimate, ways to minimize the burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information to the above address. Comments concerning the information collection requirements contained in this proposed rule should also be sent to the Desk Officer for Agriculture, Offices of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch on 202/720–1115, fax 202/720–1125, or by e-mail Ralph.Tapp@usda.gov.

Producers can determine the location of county Farm Service Agency (FSA) offices by contacting (1) the nearest county FSA office, (2) the State FSA office, or (3) through an online search of the FSA website at www.fsa.usda.gov/pas/search.htm. From the options available on this webpage select ''FSA Field Office Search,'' select ''St Abbrv,'' and enter the county name in the ''Cnty code'' block. Some county FSA offices service multiple counties.

SUPPLEMENTARY INFORMATION: This proposed rule is authorized under Act (7 U.S.C. 4801–4819).

Question and Answer Overview

Why Are Rules Being Proposed for a Referendum on the Pork Checkoff Program?

Later this year, the Department of Agriculture (Department) will conduct a referendum to determine whether producers and importers favor continuation of the pork checkoff program. We want to make sure that our voting procedures and ballots are easily understood and fair. By sharing our proposed procedures and ballots in this document, we can get your feedback on how to make this voting process the best possible.

How Long Do I Have To Comment on the Proposed Rule?

You have 30 days to comment on this proposal. That means your written comments must be received by May 18, 2000. You can mail, fax, or e-mail your comments. Additionally, you have 60 days to provide written comments to OMB on the paperwork burden associated with this proposal. Those comments must be received by June 19, 2000.

Who Is Eligible To Vote in the Referendum?

People and businesses who pay the pork checkoff are eligible to vote. This means that there are three types of eligible voters: (1) persons who produce and sell hogs and pigs in the United States in their own name; (2) persons who import hogs, pigs, or pork products into the United States in their own name; and (3) persons who are designated to cast the single vote for a business that produces and sells, or imports hogs, pigs, or pork products into the United States. In all cases, to be eligible, the person or business would have had to sell hogs, pigs or pork products sometime during the year preceding the referendum voting period.

Persons ineligible to vote include persons who do not pay the pork checkoff such as contract growers as well as persons who left hog farming more than 1 year before the referendum.

When Will the Referendum Be Held?

As soon as we analyze comments on this proposal and make necessary refinements to these voting procedures, a final rule will be published in the **Federal Register**. The final rule will designate two consecutive business days during which producers may vote in-person at the FSA county offices as well as the procedures and dates for casting an absentee ballot. Importers will vote only by mail during the period provided for producer balloting.

Where Do I Vote if I'm a U.S. Producer?

In-person voting will take place at the Department's FSA county offices. If you currently participate in FSA programs, you should vote at the FSA county office where you normally do business. If you do not participate in FSA programs, go to the FSA office in the county where you raise hogs and pigs (or if you raise hogs and pigs in more than one county, the FSA county office where most of your business is conducted). All FSA office locations can be found on the FSA website at www.fsa.usda.gov/pas/search.htm.

Can I Vote by Absentee Ballot?

Yes. We recognize that producers are very busy so absentee balloting will be allowed. Eligible voters may request an absentee ballot from the appropriate county FSA office. Absentee ballots will be available beginning 30 days before the in-person voting. Producers can stop by FSA county offices at their convenience to pick up a ballot or request one by mail. To count, absentee ballots must be postmarked by the last day of the voting period and be received no later than five business days following the voting period.

Where Do I vote if I'm an Importer?

Voting will take place by mail. Importers can request a ballot from the

FSA headquarters office in Washington, D.C., at the address listed in this proposed rule.

How Will the Department Make Certain That Only Eligible Persons Vote in the Referendum?

FSA county offices will publicly display a list of all people who have voted at that office, by absentee ballot as well as in-person. This will allow scrutiny by everyone. If a producer believes that an ineligible person has voted, he or she can challenge that person's ballot. Once a challenge is made, the Department will investigate and determine whether a voting violation has occurred. The Department will require importers to submit proof that they paid the pork assessment when they request their ballots.

Regulatory Impact Analysis

Executive Orders 12866 and 12998 and the Regulatory Flexibility Act

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

This proposed rule has been reviewed under Executive Order 12998, Civil Justice Reform. It is not intended to have a retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that any person subject to the Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law, and requesting a modification of the Order or an exemption from certain provisions or obligations of the Order. The petitioner will have the opportunity for a hearing on the petition. Thereafter the Secretary will issue a decision on the petition. The Act provides that the district court of the United States in any district in which the petitioner resides or carries on business has jurisdiction to review a ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's decision.

The petitioner must exhaust his or her administrative remedies before he or she can initiate any such proceedings in the district court.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 United States Code (U.S.C.) 601 *et seq.*), the Administrator of AMS has considered the economic impact of this proposed action on small entities.

According to the December 29, 1999, issue of the ''Hogs and Pigs'' report published by the National Agricultural Statistics Service (NASS), the number of farms with hogs and pigs was 98,460. According to the U.S. Customs Service, in 1999 there were 524 importers of hogs, pigs, pork and pork products in the United States. The majority of the 98,460 hog producers and 524 importers subject to the Order should be classified as small entities under the criteria established by the Small Business Administration.

This proposed rule is authorized under the Act and would establish procedures for the conduct of a referendum to determine whether producers and importers favor continuation of the Pork Checkoff. Such procedures would permit all eligible producers and importers who have been engaged in the production and sale or importation of hogs, pigs, pork, and pork products to vote in the referendum. Participation in the referendum is voluntary. Producers may cast their votes either by absentee ballots or in-person at county FSA offices. Importers would cast their ballots by mail at the FSA headquarters office in Washington, D.C.

The information collection requirements, as discussed below, would be minimal. Casting votes by mail or in-person would not impose a significant economic burden on participants. Accordingly, the Administrator of AMS has determined that this proposed rule will not have a significant economic impact on a substantial number of small business entities.

Paperwork Reduction Act

This proposed rule contains reporting requirements that are subject to public comment and review by OMB under PRA (44 U.S.C. Chapter 35). In accordance with 5 CFR Part 1320, we include the description of the reporting requirements and an estimate of the annual burden on producers and importers required to report information under this proposed rule. The information collection requirements in this proposed rule are being submitted for OMB approval.

Title: Pork Promotion, Research, and Consumer Information Program: Procedures for the Conduct of Referendum

OMB Number: 0581–New collection.

Expiration Date of Approval: 3 years from date of approval.

Type of Request: Approval of new information collection.

Abstract: The purpose of this proposed rule is to determine whether pork producers and importers favor continuation of the Pork Promotion, Research, and Consumer Information Program. The question on the ballot will be: ''Do you favor the continuation of the Pork Checkoff which funds the Pork Promotion, Research, and Consumer Information Program? Yes or No.'' For producers, provisions are made for in-person voting, absentee voting, registration lists and the challenge of voters. For importers, provision is made for voting by mail only. Importers would submit a copy of the U.S. Customs Service Form 7501 (as proof of eligibility) along with their request for a mail ballot.

AMS estimates that the cost per person to comply with the reporting provision of this proposed rule is $20 per hour for a total cost of $207,400. This is based on an estimated 50,000 voters participating in the referendum.

In this proposed rule, information collection requirements include a one-time submission of the required information on the following forms which are included in an Appendix at the end of this action.

(a) Producers voting in-person would:

(1) Sign the In-Person Voter Registration List (Form LS–75).

(2) Complete a Ballot Form (Form LS–72).

(3) Insert the ballot into the ''PORK BALLOT'' envelope (Form LS–72–1).

(4) Complete the Certification and Registration Form that is printed on the ''PORK REFERENDUM'' envelope (Form LS–72–2), and insert the ''PORK BALLOT'' envelope (Form LS–72–1), with the enclosed ballot, in the ''PORK REFERENDUM'' envelope (Form LS–72–2).

(b) Producers voting absentee would:

(1) Complete, a combined registration and absentee ballot form (Form LS–73).

(2) Insert the ballot portion in a ''PORK BALLOT'' envelope (Form LS–72–1).

(3) Put the sealed ''PORK BALLOT'' (Form LS–72–1) envelope and the registration form in the ''PORK REFERENDUM'' envelope (Form LS–73–1).

(c) Importers voting in the referendum would have their names placed on a Importer Ball Request List (Form LS–77) by FSA employees. They would vote using a mail ballot package consisting of

an Importer Ballot, Registration, Certification (Form LS–76), a ''Pork Ballot'' envelope (Form LS–72–1), and a ''Pork Referendum'' envelope (Form LS–72–2). They would complete the ballot and registration form and place the ballot in the ''Pork Ballot'' envelope, and place it in the ''Pork Referendum'' envelope along with the registration form.

(d) The proposed rule requires each producer of hogs and pigs, who votes in person to record on the In-Person Voter Registration List (Form LS–75) his or her name and the name of the corporation or other entity he or she represents. Employees in each county FSA office will fill out the Absentee Voter Request List (Form LS–74).

1. *In-Person Voting Ballot:* Form LS–72, Pork Ballot Envelope: Form LS–72–1, In-Person Registration and Certification Envelope: Form LS–72–2.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average .10 hour per response.

Respondents: Only producers voting in-person in the referendum would use the forms.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2,500 hours.

Total Cost: $50,000.

2. *Absentee Registration and Certification and Voting Ballot:* Form LS–73, Pork Ballot Envelope: Form LS–72–1, Pork Referendum Envelope: Form LS–73–1.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average .10 hour per response.

Respondents: Only producers requesting an absentee ballot to vote in the referendum would use the forms.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2,500 hours.

Total Cost: $50,000.

3. *In-Person Voter Registration List:* Form LS–75.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average .02 hour per response.

Respondents: Only producers voting in-person in the referendum would use this form.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 500 hours.

Total Cost: $10,000.

4. *Absentee Voter Request List:* Form LS–74.

Estimate of Burden: Employees in each county FSA office would fill out one or more of the Absentee Voter Request Lists (Form LS–74). Because only county FSA employees would complete the Absentee Voter Request List, the estimated average reporting burden would not apply to the producer voting absentee in the referendum.

5. *Challenge of Voters.*

Estimate of Burden: The public reporting burden for this collection of information is estimated to average .08 hour per response.

Respondents: Only producers wishing to challenge a vote of another producer would be required to provide such challenge in writing to the county FSA office.

Estimated Number of Respondents: 2,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 320 hours.

Total Cost: $6,400.

6. *Proof of Eligibility.*

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Producers responding to a challenge of their eligibility to vote would be required to submit to the county FSA office records such as sales documents, or other similar documents to prove that the person was a producer during the representative period.

Estimated Number of Respondents: 2,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2,000 hours.

Total Cost: $40,000.

7. *Appealing a Challenge of Eligibility.*

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Producers appealing a determination of their ineligibility to vote in the referendum would be required to submit to the county FSA office records such as sales documents, or other similar documents to prove that the person was a producer during the representative period.

Estimated Number of Respondents: 2,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2,000 hours.

Total Cost: $40,000.

8. *Importer Ballot:* Form LS–76, Pork Ballot Envelope: Form LS–72–1, Pork Referendum Envelope: Form LS–73–1.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average .10 hour per response.

Respondents: Importers who can only vote by mail ballot in the referendum would use the forms.

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 50 hours.

Total Cost: $1,000.

9. Submission of U.S. Customs Service Form 7501 as proof of importer eligibility.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Importers voting in the referendum would submit a copy of U.S. Customs Service Form 7501 with their request for a mail ballot.

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on: 500 hours.

Total Cost: $10,000.

10. *Importer Ballot Request List:* Form LS–77.

Estimate of Burden: Employees in the Washington D.C. FSA headquarters office would fill out the Importer Ballot Request List (Form LS–77). Because only headquarters FSA employees would complete the Importer Ballot Request List, the estimated average reporting burden would not apply to importers voting in the referendum.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information would have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments concerning the information collection requirements contained in this action should

reference the Docket Number LS–99–14, together with the date and page number of this issue of the **Federal Register**. Comments also may be sent to Ralph L. Tapp, Chief; Marketing Programs Branch, Room 2627–S; Livestock and Seed Program, AMS, USDA; STOP 0251; 1400 Independence Avenue, SW.; Washington, D.C. 20250–0251; by fax at 202/720–1125, or by e-mail at Ralph.Tapp@usda.gov. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, OMB, Washington, D.C. 20503. All comments received will be available for public inspection during regular business hours, 8 a.m. to 4:30 p.m. Eastern Time, Monday through Friday, at the same address. All responses to this rule will be summarized and included in the request for OMB approval.

OMB is required to make a decision concerning the collection of information contained in this rule between 30 days and 60 days after publication. Therefore, a comment to OMB is best assured of being considered if OMB receives it within 30 days after publication.

Background

The Act provides for the establishment of a coordinated program of promotion and research designed to strengthen the pork industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for pork and pork products. The program is financed by a pork checkoff assessment of 0.45 percent of the market value of domestic hogs and pigs and an equivalent amount on imported hogs and pigs and imported pork and pork products. Pursuant to the Act, an Order was made effective September 5, 1986, and the collection of assessments began on November 1, 1986.

The Act provides that at the request of a number of persons equal to at least 15 percent of persons who have been producers and importers during a representative period as determined by the Secretary, the Secretary would conduct a referendum to determine whether the producers and importers favor the continuation of the Pork Checkoff. Based on statistical data reported by NASS in the December 29, 1998, issue of the ''Hogs and Pigs'' report and information from the 1997 Census, there were 98,892 producers who sold hogs and pigs in 1998. According to data submitted by U.S. Customs Service, in 1998, there were 1,017 importers of hogs, pigs, pork, and pork products. The total number of producers and importers who would be eligible to sign the petition was 99,909. Fifteen percent of 99,909 equals 14,986. Therefore, AMS determined that a petition containing 14,986 valid signatures was sufficient to request a referendum.

On May 24, 1999, a petition containing 19,043 names was submitted to AMS. AMS conducted a signature validation process to ensure that the petitioners were pork producers or importers during the representative period, January 1, 1997, to June 1, 1999, and signed the petition. However, the Department concluded that the validation process is vulnerable to criticism in a number of respects and that the Department cannot be certain of the exact number of valid signatures. Because many thousands of valid signatures were received, however, the Secretary has determined to hold a referendum at the Department's expense in the interest of fairness. Since the initial referendum in 1988, pork producers and importers have not had the opportunity to vote on the continuation of the pork checkoff program.

The purpose of the proposed rule is to determine whether pork producers and importers favor continuation of the Pork Promotion, Research, and Consumer Information Order. Therefore, the question on the ballot will be: ''Do you favor the continuation of the Pork Checkoff program which funds the Pork Promotion, Research, and Consumer Information Order? Yes or No.'' Support of the program by a majority of persons who pay assessments is essential to both the establishment and the continuation of this program. Assessment collection under the Order would be terminated not later than 30 days after the date it is determined that termination of the Order is favored by a majority of the producers and importers voting in the referendum. The Order would be terminated in an orderly manner as soon as practical after the date of such determination.

The initial referendum was conducted in 1988, and this is the first referendum conducted since the initial one.

The proposed rule sets forth procedures to be followed in conducting the referendum under the Act, including definitions, representative period, supervision of the referendum, mail ballots, challenge of voters and appeals, in-person voting procedures, absentee voting procedures, importer voting procedures, reporting referendum results, and disposition of the ballots and records. FSA will assist in the conduct of the referendum by (1) providing the polling places; (2) counting ballots; (3) determining the eligibility of challenged voters; and (4) reporting referendum results.

Interested persons are invited to comment on this proposed rule. A 30-day comment period is provided to submit comments on this proposal. This comment period is deemed appropriate in order to conduct a referendum as soon as possible.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Pork and pork products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 1230 be amended as follows:

PART 1230—PORK PROMOTION, RESEARCH, AND INFORMATION

1. The authority citation for 7 CFR Part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

2. A new subpart E is added to read as follows:

Subpart E—Procedures for the Conduct of Referendum Definitions

Sec.

1230.601 Act.
1230.602 Administrator, AMS.
1230.603 Administrator, FSA.
1230.604 Department.
1230.605 Farm Service Agency.
1230.606 Farm Service Agency County Committee.
1230.607 Farm Service Agency County Executive Director.
1230.608 Farm Service Agency State Committee
1230.609 Imported porcine animals, pork, and pork products.
1230.610 Importer.
1230.611 Order.
1230.612 Porcine animal.
1230.613 Person.
1230.614 Pork.
1230.615 Pork product.
1230.616 Producer.
1230.617 Public notice.
1230.618 Referendum.
1230.619 Representative period.
1230.620 Secretary.
1230.621 State.
1230.622 Voting period.

Referendum

1230.623 General.
1230.624 Supervision of referendum.
1230.625 Eligibility.
1230.626 Time and place of registration and voting.
1230.627 Facilities for registering and voting.
1230.628 Registration form and ballot.
1230.629 Registration and voting procedures for producers.
1230.630 Registration and voting procedures for importers.

1230.631 List of registered voters.
1230.632 Challenge of voters.
1230.633 Receiving ballots.
1230.634 Canvassing ballots.
1230.635 FSA county office report.
1230.636 FSA State office report.
1230.637 Results of the referendum.
1280.638 Disposition of ballots and records.
1230.639 Instructions and forms.

Subpart E—Procedures for the Conduct of Referendum Definitions

§ 1230.601 Act.

The term *Act* means the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819) and any amendments thereto.

§ 1230.602 Administrator, AMS.

The term *Administrator*, AMS, means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom there has heretofore been delegated or may hereafter be delegated the authority to act in the Administrator's stead.

§ 1230.603 Administrator, FSA.

The term *Administrator*, FSA, means the Administrator, of the Farm Service Agency, or any officer or employee of the Department to whom there has heretofore been delegated or may hereafter be delegated the authority to act in the Administrator's stead.

§ 1230.604 Department.

The term *Department* means the United States Department of Agriculture.

§ 1280.605 Farm Service Agency.

The term *Farm Service Agency* also referred to as ''FSA'' means the Farm Service Agency of the Department.

§ 1230.606 Farm Service Agency County Committee.

The term *Farm Service Agency County Committee*, also referred to as the *FSA County Committee* or *COC*, means the group of persons within a county elected to act as the Farm Service Agency County Committee.

§ 1230.607 Farm Service Agency County Executive Director.

The term *Farm Service Agency County Executive Director* also referred to as the *CED,* means the person employed by the FSA County Committee to execute the policies of the FSA County Committee and be responsible for the day-to-day operations of the FSA county office, or the person acting in such capacity.

§ 1230.608 Farm Service Agency State Committee.

The term *Farm Service Agency State Committee,* also referred to as *FSA State Committee* or *STC,* means the group of persons within a State selected by the Secretary to act as the Farm Service Agency State Committee.

§ 1230.609 Imported porcine animals, pork, and pork products.

The term *Imported porcine animals, pork, and pork products* means those animals, pork, or pork products that are imported into the United States and subject to assessment under the harmonized tariff schedule numbers identified in § 1230.110 of the regulations.

§ 1230.610 Importer.

The term *Importer* means a person who imports porcine animals, pork, or pork products into the United States.

§ 1280.611 Order.

The term *Order* means the Pork Promotion, Research, and Consumer Information Order.

§ 1230.612 Porcine animal.

The term *Porcine animal* means a swine, that is raised:

(a) As a feeder pig, that is, a young pig sold to another person to be finished over a period of more than 1 month for slaughtering;

(b) For breeding purposes as seed stock and included in the breeding herd; and

(c) As a market hog, slaughtered by the producer or sold to be slaughtered, usually within 1 month of such transfer.

§ 1230.613 Person.

The term *Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

§ 1230.614 Pork.

The term *Pork* means the flesh of a porcine animal.

§ 1230.615 Pork product.

The term *Pork product* means an edible product processed in whole or in part from pork.

§ 1230.616 Producer.

The term *Producer* means a person who produces porcine animals in the United States for sale in commerce.

§ 1230.617 Public notice.

The term *Public notice* means information regarding a referendum that would be provided by the Secretary, such as press releases, newspapers, electronic media, FSA county newsletters, and the like. Such notice would contain the referendum date and location, registration and voting requirements, rules regarding absentee voting, and other pertinent information.

§ 1230.618 Referendum.

The term *Referendum* means any referendum to be conducted by the Secretary pursuant to the Act whereby persons who have been producers and importers during a representative period would be given the opportunity to vote to determine whether producers and importers favor continuation of the Order.

§ 1230.619 Representative period.

The term *Representative period* means the 12-consecutive months prior to the referendum.

§ 1230.620 Secretary.

The term *Secretary* means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has been delegated or to whom authority may hereafter be delegated to act in the Secretary's stead.

§ 1230.621 State.

The term *State* means each of the 50 States.

§ 1230.622 Voting period.

The term *Voting period* means the 2-consecutive business day period for in-person voting.

Referendum

§ 1230.623 General.

(a) A referendum to determine whether eligible pork producers and importers favor continuation of the Pork Checkoff would be conducted in accordance with this subpart.

(b) The Pork Checkoff would be terminated only if a majority of producers and importers voting in the referendum favor such termination.

(c) The referendum would be conducted at the county FSA offices for producers and at FSA headquarters office in Washington, D.C., for importers.

§ 1230.624 Supervision of referendum.

The Administrator, AMS would be responsible for conducting the referendum in accordance with this subpart.

§ 1230.625 Eligibility.

(a) Eligible producers and importers. Persons eligible to register and vote in the referendum include:

(1) Individual Producers. Each individual who produces hogs or pigs for sale in commerce during the representative period and does so in his or her own name is entitled to cast one ballot.

(2) Producers who are a corporation or other entity. Each corporation or other

entity that produces hogs or pigs for sale in commerce during the representative period is entitled to cast one ballot. A group of individuals, such as members of a family, joint tenants, tenants in common, a partnership, owners of community property, or a corporation engaged in the production of hogs and pigs would be entitled to only one vote; provided, however, that any member of a group may register to vote as a producer if he or she sells hogs or pigs in his or her own name.

(3) Importers. Each importer who imports hogs, pigs, pork, or pork products during the representative period is entitled to cast one ballot. A group of individuals, such as members of a family, joint tenant, tenants in common, a partnership, or a corporation engaged in the importation of hogs, pigs, pork, or pork products would be entitled to only one vote; provided, however, that any member of a group may register to vote as a importer if he or she imports hogs, pigs, pork, or pork products in his or her own name.

(b) Proxy registration and voting. Proxy registration and voting is not authorized, except that an officer or employee of a corporate producer or importer, or any guardian, administrator, executor, or trustee of a producer's or importer's estate, or an authorized representative of any eligible producer or importer (other than an individual producer or importer), such as a corporation or partnership, may register and cast a ballot on behalf of that entity. Any individual who registers to vote in the referendum on behalf of any eligible producer or importer corporation or other entity would certify that he or she is authorized to take such action.

§ 1230.626 Time and place of registration and voting.

(a) Producers. The referendum shall be held for 2-consecutive days on dates to be determined by the Secretary. Eligible producers shall register and vote following the procedures in § 1230.629. Producers shall register and vote during the normal business hours of each county FSA office or request absentee ballots from the county FSA offices by mail or facsimile, or pick up an absentee ballot in person.

(b) Importers. The referendum shall be conducted by mail ballot by the FSA headquarters office in Washington, D.C., during dates to be determined by the Secretary. Importer voting shall take place during the same time period provided producers for in-person and absentee voting in the referendum.

§ 1230.627 Facilities for registering and voting.

(a) Producers. Each county FSA office will provide:

(1) Adequate facilities and space to permit producers of hogs and pigs to register and to mark their ballots in secret,

(2) A sealed box or other designated receptacle for registration forms and ballots that is kept under observation during office hours and secured at all times, and

(3) Copies of the Order for review.

(b) Absentee Ballots. Each FSA county office shall provide each producer an absentee ballot package upon request. Producers can pick up an absentee ballot in person or request it by mail or facsimile. The FSA county office shall record receipt of the completed absentee ballot and place it in a secure ballot box.

(c) Importers. The FSA headquarters office will:

(1) Mail ballot packages to eligible importers upon request,

(2) Have a sealed box or other designated receptacle for registration forms and ballots that is kept under observation during office hours and secured at all times, and

(3) Mail copies of the Order to importers if requested.

§ 1230.628 Registration form and ballot.

(a) Producers. (1) A ballot (Form LS–72) and combined registration and certification form (Form LS–72–2) will be used for voting in-person. The information required on the registration form will include name, address, and county of voter residence. The form also will contain the certification statement referenced in § 1230.629. The ballot will require producers to check a ''yes'' or ''no.''

(2) A combined registration and voting form (Form LS–73) will be used for absentee voting. The information required on this combined registration and voting form will include name, address, telephone number, and county of voter residence. The form will also contain the certification statement referenced in § 1230.629. The ballot will require producers to check ''yes'' or ''no.''

(b) Importers. A combined registration and ballot (Form LS–76) will be used for importer voting. The information required on the combined registration and ballot will include name, address, and telephone number. The form will also contain a certification statement referenced in § 1230.630. The ballot will require importers to check ''yes'' or ''no.''

§ 1230.629 Registration and voting procedures for producers.

(a) Registering and voting in-person. (1) Each eligible producer who wants to vote whether as an individual or as a representative of a corporation or other entity would register during the voting period at the county FSA office where FSA maintains and processes the individual producer's or corporation or other entities' administrative farm records. A producer voting as an individual or as a representative of a corporation or other entity not participating in FSA programs, shall register and vote in the county FSA office serving the county where the individual producer or corporation or other entity owns hogs and pigs. An individual or an authorized representative of a corporation or other entity who owns hogs and pigs in more than one county would register and vote in the FSA county office where the individual or corporation or other entity does most of its business. Producers shall be required to record on the In-Person Voter Registration List (Form LS–75) their names and, if applicable, the name of the corporation or other entity they represent before they can receive a registration form and ballot. To register, producers shall complete the registration form (Form LS–72–2) and certify that:

(i) They or the corporation or other entity they represent were producers during the specified representative period; and

(ii) The person voting on behalf of a corporation or other entity referred to in § 1230.613 is authorized to do so;

(2) Each eligible producer who has not voted by means of an absentee ballot may cast a ballot in person at the location and time set forth in § 1230.626 and on the dates to be announced by the Secretary. Eligible producers who record their name or the corporation or other entity they are authorized to represent on the In-Person Voter Registration List (Form LS–75) will receive a registration form/envelope (Form LS–72–2) and a ballot (Form LS–72). Voters will enter the information requested on the combined registration and certification form/envelope (Form LS–72–2) as indicated above. Producers will then mark their ballots to indicate ''yes'' or ''no.'' Producers will place their completed ballots in an envelope marked ''PORK BALLOT'' (Form LS–72–1), seal and place it in the completed and signed registration form/envelope marked ''PORK REFERENDUM'' (Form LS–72–2), seal that envelope and personally place it in a box marked ''Ballot Box'' or other designed receptacle. Voting will be conducted

under the supervision of the county FSA CED.

(b) Absentee voting. (1) Eligible producers who are unable to vote in person may request an absentee voting package consisting of a combined registration and absentee ballot form (Form LS–73) and two envelopes—one marked ''PORK BALLOT'' (Form LS–72–1) and the other marked ''PORK REFERENDUM'' (Form LS–73–1) by mail, facsimile, or by picking up one in person from the county FSA office where FSA maintains and processes the producer's administrative farm records.

(2) If a producer, whether requesting an absentee ballot as an individual or an authorized representative of a corporation or other entity does not participate in FSA programs, and therefore does not have administrative records at a county FSA office, he or she may request an absentee voting package by mail, facsimile, or pick it up in-person from the county FSA office serving the county where the individual or corporation or other entity owns hogs and pigs. An individual or authorized representative of a corporation or other entity, who owns hogs or pigs in more than one county can request an absentee ballot from the county FSA office where the producer or corporation or other entity does most of their business.

(3) An absentee voting package will be mailed to producers by the FSA CED to the address provided by the prospective voter. Only one absentee registration form and absentee ballot will be provided to each eligible producer. The absentee ballots and registration forms may be requested during a specified time period that will be announced by the Secretary.

(4) The county FSA office will enter on the Absentee Voter Request List (Form LS–74) the name and address of the individual or corporation or other entity requesting an absentee ballot and the date the forms were requested.

(5) To register, eligible producers shall complete and sign the combined registration form and absentee ballot (Form LS–73) and certify that:

(i) They or the corporation or other entity they represent were producers during the specified representative period;

(ii) If voting on behalf of a corporation or other entity referred to in § 1230.613, they are authorized to do so.

(6) A producer, after completing the absentee voter registration form and the ballot, shall remove the ballot portion of the combined registration and absentee ballot form (Form LS–73) and seal the completed ballot in a separate envelope marked ''PORK BALLOT'' (Form LS–72–1) and place the sealed envelope in a second envelope marked ''PORK REFERENDUM'' (Form LS–73–1) along with the signed registration form. Producers will be required to print their names on the envelope marked ''PORK REFERENDUM'' (Form LS–73–1), and mail or hand deliver it to the county FSA office from which the producer or corporation or other entity obtained the absentee voting package.

(7) Absentee ballots returned by mail will have to be postmarked with a date not later than the last day of the voting period and be received in the county FSA office by the close of business on the fifth business day after the last day of the voting period. Absentee ballots received after that date will be counted as invalid ballots. Upon receiving the ''PORK REFERENDUM'' envelope (Form LS–73–1) containing the registration form and ballot, the county FSA CED would place it, unopened in a secure ballot box. Before placing the ''Pork Referendum'' envelope (Form LS–73–1) in the ballot box the county FSA CED would record the date the absentee ballot was received in the FSA county office on the absentee Ballot Request List (Form LS–74).

§ 1230.630 Registration and voting procedures for importers.

(a) Individual importers, corporation, or other entities can obtain the registration and certification forms, ballots and envelopes by mail from the following address: USDA, FSA, Operations Review and Analysis Staff, Attention: William A. Brown, Post Office Box XXXX, Washington, D.C., XXXXX. Importers may pick up the voting materials in-person at USDA, FSA, Operations Review and Analysis Staff, Room 2741, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C. Importers may request voting materials by facsimile. The facsimile number is 202/690–3354.

(b) When requesting a ballot, eligible importers will be required to submit a U.S. Customs Service Form 7501 showing that they paid the pork assessment during the representative period.

(c) Upon receipt of a request and U.S. Customs Service Form 7501, the voting materials will be mailed to importers by the FSA headquarters office in Washington, D.C., to the address provided by the importer or corporation or other entity. Only one mail ballot and registration form will be provided to each eligible importer. The forms must be requested during a specified time period to be announced by the Secretary.

(d) The FSA headquarters office in Washington, D.C., will enter on the Importer Ballot Request List (Form LS–77) the name and address of the importer requesting a ballot and the date of the request.

(e) To register, eligible importers would complete and sign the combined registration form and ballot (Form LS–76) and certify that:

(1) To the best of their knowledge and belief the information provided on the form is true and accurate;

(2) If voting on behalf of an importer corporation or other entity referred to in § 1230.613, they are authorized to do so.

(f) Eligible importers, after completing the ballot and registration form, would remove the ballot portion of the combined registration form and ballot form (Form LS–76) and seal the completed ballot in a separate envelope marked ''PORK BALLOT'' (Form LS–72–1) and place the sealed envelope in a second envelope marked ''PORK REFERENDUM'' (Form LS–73–1) along with the signed registration form. Importers or corporations or other entities would legibly print their names on the envelope marked ''PORK REFERENDUM'' (Form LS–73–1), and mail the envelope to the FSA headquarters office at the following address: USDA, FSA, Operations Review and Analysis Staff, Attention: William A. Brown, Post Office Box XXXX, Washington, D.C., XXXXX. Importers may hand deliver the ''Pork Referendum'' envelope to USDA, FSA, Operations Review and Analysis Staff, Room 2741, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C.

(g) The ''PORK REFERENDUM'' envelope containing the registration and ballot has to be postmarked with a date not later than the last day of the voting period and be received in the FSA office by the close of business on the fifth business day after the date of the last day of the voting period. Ballots received after that date will be counted as invalid ballots. Upon receiving the ''PORK REFERENDUM'' envelope (Form LS–73–1) containing the registration form and ballot, an FSA employee will place it, unopened in a secure ballot box. Before placing the ''PORK REFERENDUM'' envelope (Form LS–73–1) in the ballot box, the FSA employee will record the date the ballot was received in the FSA headquarters office in Washington, D.C., on the Importer Ballot Request List (Form LS–77).

§ 1230.631 List of registered voters.

(a) Producers. The Voter Registration List (Form LS–75) and the Absentee Voter Request List (Form LS–74) will be available for inspection on the 2 days of

the voting period and the six business days following the date of the last day of the voting period at the county FSA office. The lists will be posted during regular office hours in a conspicuous public location at the FSA county office. Absentee ballots arriving after the Absentee Voter Request List is first posted will be recorded on the Absentee Voter Request List each day. The complete In-Person Voter Request List will be posted in the FSA county office on the first business day after the date of the last day of the voting period. The complete Absentee Voter Request List will be posted in the FSA county Office on the sixth business day after the date of the last day of the voting period.

(b) Importers. The Importer Ballot Request List (Form LS–77) will be maintained by the FSA headquarters office in Washington, D.C., and not posted. Importers will be required to submit proof of eligibility a copy of a U.S. Customs Service Form 7501 with their request for a ballot.

§ 1280.632 Challenge of votes.

(a) Challenge period. During the dates of the 2-consecutive day voting period and the six business days following the voting period, the ballots of producers may be challenged at the FSA county office.

(b) Who can challenge. Any person can challenge a producer's vote. Any person who wants to challenge shall do so in writing and shall include the full name of the individual or corporation or other entity being challenged. Each challenge of a producer voter must be made separately and each challenge must be signed by the challenger.

(c) Who can be challenged. Any producer having cast an in-person ballot or an absentee ballot whose name is posted on the Voter Registration List or the Absentee Voter Request List can be challenged. Absentee ballots have to be received in the FSA county office before a producer's vote can be challenged.

(d) Determination of challenges. The FSA County Committee or its representative, acting on behalf of the Administrator, AMS, will make a determination concerning the challenge and will notify challenged producers as soon as practicable, but no later than eleven business days after the date of the last day of the voting period. If the FSA County Committee or its representative, acting on behalf of the Administrator, AMS, is unable to determine whether a person was a producer during the representative period, it will require the person to submit records such as sales documents, or other similar documents to prove that the person was a producer during the representative period. The FSA County Committee will then make a decision on the producer's eligibility and notify the producer of its decision.

(e) Challenged ballot. A challenge to a ballot shall be deemed to have been resolved if the determination of the FSA County Committee or its representative acting on behalf of the Administrator, AMS, is not appealed within the time allowed for appeal or there has been a determination by FSA after an appeal.

(f) Appeal. A person declared to be ineligible to register and vote by the FSA County Committee or its representative, acting on behalf of the Administrator, AMS, can file an appeal at the FSA county office within five business days after the date of receipt of the letter of notification of ineligibility. The FSA county office shall send a producers's appeal by facsimile to the FSA State Committee on the date it is filed at the FSA county office or as soon as practical thereafter.

(g) An appeal will be determined by the FSA State Committee as soon as practicable, but in all cases not later than the thirtieth business day after the date of the last day of the voting period. The FSA State Committee shall send its decision on a producer's appeal to the FSA County office where the producer was initially challenged. The FSA County office shall notify the challenged producers of the FSA State Committee's determination on their appeals. The FSA State Committee's determination on an appeal shall be final.

§ 1230.633 Receiving ballots.

(a) *Producers.* A ballot shall be considered to be received on time if:

(1) It was cast in-person in the county FSA office prior to the close of business on the date of the last day of the voting period; or

(2) It was cast as an absentee ballot, having a postmarked date not later than the last day of the voting period and was received in the county FSA office not later than the close of business, five business days after the last day of the voting period.

(b) *Importers.* A ballot shall be considered to be received on time if it had a postmark not later than the date of the last day of the voting period and was received in the FSA headquarters office in Washington, D.C., not later than the close of business, five business days after the last day of the voting period.

§ 1230.634 Canvassing ballots.

(a) *Producers.* (1) Counting the ballots. Under the supervision of FSA County Executive Director acting on behalf of the Administrator, AMS, the registration forms and ballots for producer voters will be checked against the Voter Registration List (Form LS–75) and the Absentee Voter Request List (Form LS–74) to determine properly registered voters. The ballots of producers voting in-person whose names are not on the Voter Registration List (Form LS–75), will be declared invalid. Likewise, the ballots of producers voting absentee whose names are not on the Absentee Voter Request List (Form LS–74) will be declared invalid. All ballots of challenged producer voters declared ineligible and invalid ballots will be kept separate from the other ballots and the envelopes containing these ballots will not be opened. The valid ballots will be counted on the thirty-first business day after the last day of the voting period. FSA county office employees will remove the sealed ''PORK BALLOT'' envelope (Form LS–72–1) from the registration form/envelopes or absentee ballot envelopes of all eligible producer voters and all challenged producer voters determined to be eligible. After removing all ''Pork Ballot'' envelopes, FSA county employees will shuffle the sealed ''Pork Ballot'' envelopes or otherwise mix them up so that ballots cannot be matched with producers' names. After shuffling the ''Pork Ballot'' envelopes, FSA county employees will open them and count the ballots. The ballots will be counted as follows:

(i) Number of eligible producers casting valid ballots;

(ii) Number of producers favoring continuation of the Pork Checkoff;

(iii) Number of producers favoring termination of the Pork Checkoff;

(iv) Number of challenged producer ballots deemed ineligible;

(v) Number of invalid ballots; and

(vi) Number of spoiled ballots.

(2) *Invalid ballots.* Ballots will be declared invalid if a producer voting in-person has failed to sign the Voter Registration List (Form LS–75) or an absentee voter's name is not recorded on the Absentee Voter Request List (Form LS–74), or the registration form or ballot was incomplete or incorrectly completed.

(3) *Spoiled ballots.* Ballots will be considered spoiled if they are mutilated or marked in such a way that either the ''yes'' or ''no'' vote is illegible. Spoiled ballots shall not be considered as approving or disapproving the Pork Checkoff, or as a ballot cast in the referendum.

(4) *Confidentiality.* All ballots shall be confidential and the contents of the ballots not divulged except as the Secretary may direct. The public may witness the opening of the ballot box

and the counting of the votes but may not interfere with the process.

(b) *Importers.* (1) Counting the ballots. FSA headquarters personnel acting on behalf of the Administrator, AMS, will check the registration forms and ballots for all importer voters against the Importer Ballot Request List (Form LS–77) to determine properly registered voters. The ballots of importers voting whose names are not recorded on the Importer Ballot Request List (Form LS–77), will be declared invalid. All ballots of importer voters declared invalid will be kept separate from the other ballots and the envelopes containing these ballots will not be opened. The valid ballots will be counted on the thirty-first business day after the date of the last day of the voting period. FSA headquarter office employees will remove the sealed ''PORK BALLOT'' envelope (Form LS–72–1) from the ''Pork Referendum'' envelopes (Form LS–73–1) of all eligible importer voters. After removing all ''Pork Ballot'' envelopes, FSA headquarter employees will shuffle the sealed ''Pork Ballot'' envelopes or otherwise mix them up so that ballots cannot be matched with importers' names. After shuffling the ''Pork Ballot'' envelopes, FSA headquarters employees will open the envelopes and count the ballots. The ballots will be counted as follows:

(i) Number of eligible importers casting valid ballots;

(ii) Number of importers favoring continuation of the Pork Checkoff;

(iii) Number of importers favoring termination of the Pork Checkoff;

(iv) Number of importer ballots deemed invalid; and

(v) Number of spoiled ballots.

(2) *Invalid ballots.* Ballots will be declared invalid if an importer voter's name was not recorded on the Importer Ballot Request List (Form LS–77), or the registration form or ballot was incomplete or incorrectly completed.

(3) Spoiled ballots. Ballots will be considered spoiled if they were mutilated or marked in such a way that either the ''yes'' or ''no'' vote was illegible. Spoiled ballots shall not be considered as a ballot cast in the referendum.

(4) *Confidentiality.* All ballots shall be confidential and the contents of the ballots not divulged except as the Secretary may direct. The public can witness the opening of the ballot box and the counting of the votes but can not interfere with the process.

§ 1230.635 FSA county office report.

The FSA county office will notify the FSA State office of the results of the referendum. Each FSA county office will transmit the results of the referendum in its county to the FSA State office. Such report will include the information listed in § 1230.634. The results of the referendum in each county will be made available to the public. A copy of the report of results will be posted for 30 days in the FSA county office in a conspicuous place accessible to the public, and a copy will be kept on file in the FSA county office for a period of at least 12 months after the referendum.

§ 1230.636 FSA State office report.

Each FSA State office will transmit to the Administrator, FSA, a written summary of the results of the referendum received from all FSA county offices within the State. The summary shall include the information on the referendum results contained in the reports from all county offices within each State and be certified by the FSA State Executive Director. The FSA State office will maintain a copy of the summary where it will be available for public inspection for a period of not less than 12 months.

§ 1230.637 Results of the referendum.

(a) The Administrator, FSA, will submit the combined results of the FSA State offices' results of the producers' vote and the FSA headquarters office results of the importers' vote to the Administrator, AMS. The Administrator, AMS, will prepare and submit to the Secretary a report of the results of the referendum. The results of the referendum will be issued by the Department in an official press release and published in the **Federal Register**. State reports on producer balloting, FSA headquarters office report on importer balloting, and related papers will be available for public inspection in the office of the Marketing Programs Branch, Livestock and Seed Program, AMS, USDA, Room 2627, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C.

(b) If the Secretary deems it necessary, the report of any State or county shall be re-examined and checked by such persons as may be designated by the Secretary.

§ 1230.638 Disposition of ballots and records.

(a) Producer Ballots and Records. Each FSA County Executive Director will place in sealed containers marked with the identification of the referendum, the voter registration list, absentee voter request list, voted ballots, challenged registration forms/envelopes, challenged absentee voter registration forms, challenged ballots found to be ineligible, invalid ballots, spoiled ballots, and county summaries. Such records will be placed under lock in a safe place under the custody of the FSA County Executive Director for a period of not less than 12 months after the referendum. If no notice to the contrary is received from the Administrator, FSA, by the end of such time, the records shall be destroyed.

(b) Importer Ballots and Records. The FSA headquarters office in Washington, D.C., will deliver the importer U.S. Customs Service Form 7501 the voter registration list, voted ballots, invalid ballots, spoiled ballots, and national summaries and records to the Marketing Programs Branch, Livestock and Seed Program, AMS, USDA, Room 2627, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C. A Marketing Programs Branch employee will place the ballots and records in sealed containers marked with the identification of the referendum. Such ballots and records will be placed under lock in a safe place under the custody of the Marketing Programs Branch for a period of not less than 12 months after the referendum. If no notice to the contrary is received from the Administrator, AMS, by the end of such time, the records shall be destroyed.

§ 1230.639 Instructions and forms.

The Administrator, AMS, is authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart to govern the conduct of the referendum.

Dated: April 12, 2000.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

Note: The following Appendix will not appear in the Code of Federal Regulations.

Appendix—Pork Referendum Forms

The following nine forms referenced in Subpart E Part 1230—Procedures for the Conduct of a Referendum—will be used for registering and voting in the pork referendum and for listing registered voters.

LS–72 In-Person Voting Ballot
LS–72–1 Pork Ballot Envelope
LS–72–2 In-Person Registration and Certification Envelope
LS–73 Absentee Voting Ballot and Registration and Certification Form
LS–73–1 Pork Referendum Envelope
LS–74 Absentee Voter Request List
LS–75 In-Person Voter Registration List
LS–76 Importer Ballot, Registration, and Certification Form
LS–77 Importer Ballot Voter Request List

BILLING CODE 3410–02–P

FORM APPROVED - OMB NO. 0581-0093

IN-PERSON VOTING

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

REFERENDUM ON THE PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

According to the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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 0581-0093. The time required to complete this information collection is estimated to average .05 hour 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. The authority for requesting the information to be supplied on this form is the Pork, Promotion, Research, and Consumer Information Act of 1985. The informaton would be furnished to pork producers and importers of pork and pork products who voluntarily participate in the referendum.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means of communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

You may, by law, be fined up to $10,000, imprisoned up to 5 years, or both, for knowingly or willfully making false statements within this document (18 USC Section 1001).

INSTRUCTIONS TO VOTERS ***(Please read carefully):***

1. Before you can **VOTE**, you must sign the **In-Person Voter Registration List**.

2. Individual producers and other producer entities may vote at the county Farm Service Agency (FSA) office where FSA maintains and processes the producer's administrative farm records. Producers not participating in FSA programs may vote in the county FSA office serving the county where the producer owns porcine animals.

3. Complete and sign the **In-Person Registration and Certification** on the **"PORK REFERENDUM"** envelope.

4. Mark "Yes" or "No" on the **In-Person Ballot** below.

5. Put this form into the envelope marked **"PORK BALLOT,"** and seal it.

6. Put the **"PORK BALLOT"** envelope into the **"PORK REFERENDUM"** envelope, seal it, and place it in the designated "Ballot Box."

IN-PERSON BALLOT

Do you favor the continuation of the Pork Checkoff program which funds the Pork Promotion, Research, and Consumer Information Order?

( ) YES ( ) NO

Put this **In-Person Ballot** into the envelope marked **"PORK BALLOT,"** and seal it. Place the sealed **"PORK BALLOT"** in the envelope marked **"PORK REFERENDUM,"** and seal it. Place the **"PORK REFERENDUM"** envelope in the designated "Ballot Box".

LS-72 (PROPOSAL 6)

Seal and insert into envelope marked "Pork Referendum".

LS-72-1 (11-99)

PORK REFERENDUM

FORM APPROVED - OMB NO. 0581-0093

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

REFERENDUM ON THE PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

IN-PERSON REGISTRATION AND CERTIFICATION

According to the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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 0581-0093. The time required to complete this information collection is estimated to average .05 hour 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. The authority for requesting the information to be supplied on this form is the Pork Promotion, Research, and Consumer Information Act of 1985. The information would be furnished to pork producers, pork feeders and importers of pork and pork products who voluntarily participate in the referendum.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means of communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

You may, by law, be fined up to $10,000, imprisoned up to 5 years, or both, for knowingly or willfully making false statements within this document (18 USC Section 1001).

NOTE: If you are voting as an individual, or as joint tenants, tenants in common, a family or other group, please print your name, address, county, and telephone number in the spaces provided. If you are voting on behalf of a legal entity (partnership, corporation, estate, etc.), print its name, address, county, and telephone number in the spaces provided. Failure to complete, sign and return this form will invalidate the **In-Person Ballot.**

NAME *(See note above)*

TELEPHONE NUMBER *(including area code)*

MAILING ADDRESS *(Street, P.O. Box, or Route No., City, State, ZIP Code)*

COUNTY

CERTIFICATION STATEMENT

I HEREBY CERTIFY *that at sometime during the period (Date) through (Date), I, or the entity that I represent, was a pork producer and that if I am voting as the representative of an entity, I am authorized to do so and that to the best of my knowledge and belief the information provided herein is true and accurate.*

SIGNATURE

DATE

LS-72-2 (PROPOSAL 6)

FORM APPROVED - OMB NO. 0581-0093

ABSENTEE VOTING

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

REFERENDUM ON THE PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

Important information concerning your rights and liabilities under federal law appears on the reverse of this form.

INSTRUCTIONS TO VOTERS ***(Please read carefully):***

1. Complete and sign the **Registration and Certification Statement** below. (If you are voting as an individual, or as joint tenants, tenants in common, a family or other group, please print **your** name, address, county, and telephone number in the spaces provided. If you are voting on behalf of a legal entity, such as a partnership, corporation, estate, etc., print **its** name, address, county and telephone number in the spaces provided.)

2. Mark "Yes" or "No" on the **Absentee Ballot** below.

3. Separate the completed **Absentee Ballot** from the rest of this form, and put it in the envelope marked "**PORK BALLOT.**" Seal the "**PORK BALLOT**" envelope.

4. Place both the sealed "**PORK BALLOT**" envelope and the completed and signed **Registration and Certification Statement** into the envelope marked "**PORK REFERENDUM.**" Seal the "**PORK REFERENDUM**" envelope. Make sure that your name and address appear in the upper left-hand corner of the "**PORK REFERENDUM**" envelope.

5. Mail or deliver the "**PORK REFERENDUM**" envelope to the county Farm Service Agency (FSA) office from which you obtained the absentee voting materials. To be counted, your "**PORK REFERENDUM**" envelope must contain the correct and completed forms, and must be postmarked not later than the close of business on the date of the last day of in-person voting and arrive in the county FSA office not later than 5 business days after the date of the last day of the in-person voting. **Incomplete or late ballots will not be counted.**

REGISTRATION AND CERTIFICATION STATEMENT (Absentee voting)

Please print name, address, county and telephone number in the spaces provided below. Failure to complete, sign and return this **Registration and Certification Statement** will invalidate the **Absentee Ballot.**

NAME *(See instruction number 1 above.)*	TELEPHONE NUMBER *(including area code)*
MAILING ADDRESS *(Street, P.O. Box, or Route No., City, State, ZIP Code)*	COUNTY

I HEREBY CERTIFY *that at sometime during the period (Date) through (Date), I, or the entity that I represent, was a pork producer and that if I am voting as the representative of an entity, I am authorized to do so; and that to the best of my knowledge and belief the information provided herein is true and accurate.*

SIGNATURE	DATE

LS-73 (PROPOSAL 5) Put the completed **Absentee Voting Registration and Certification Statement** in the envelope marked "**PORK REFERENDUM.**"

SEPARATE HERE

ABSENTEE BALLOT

Do you favor the continuation of the Pork Checkoff program which funds the Pork Promotion, Research, and Consumer Information Order? ( ) YES ( ) NO

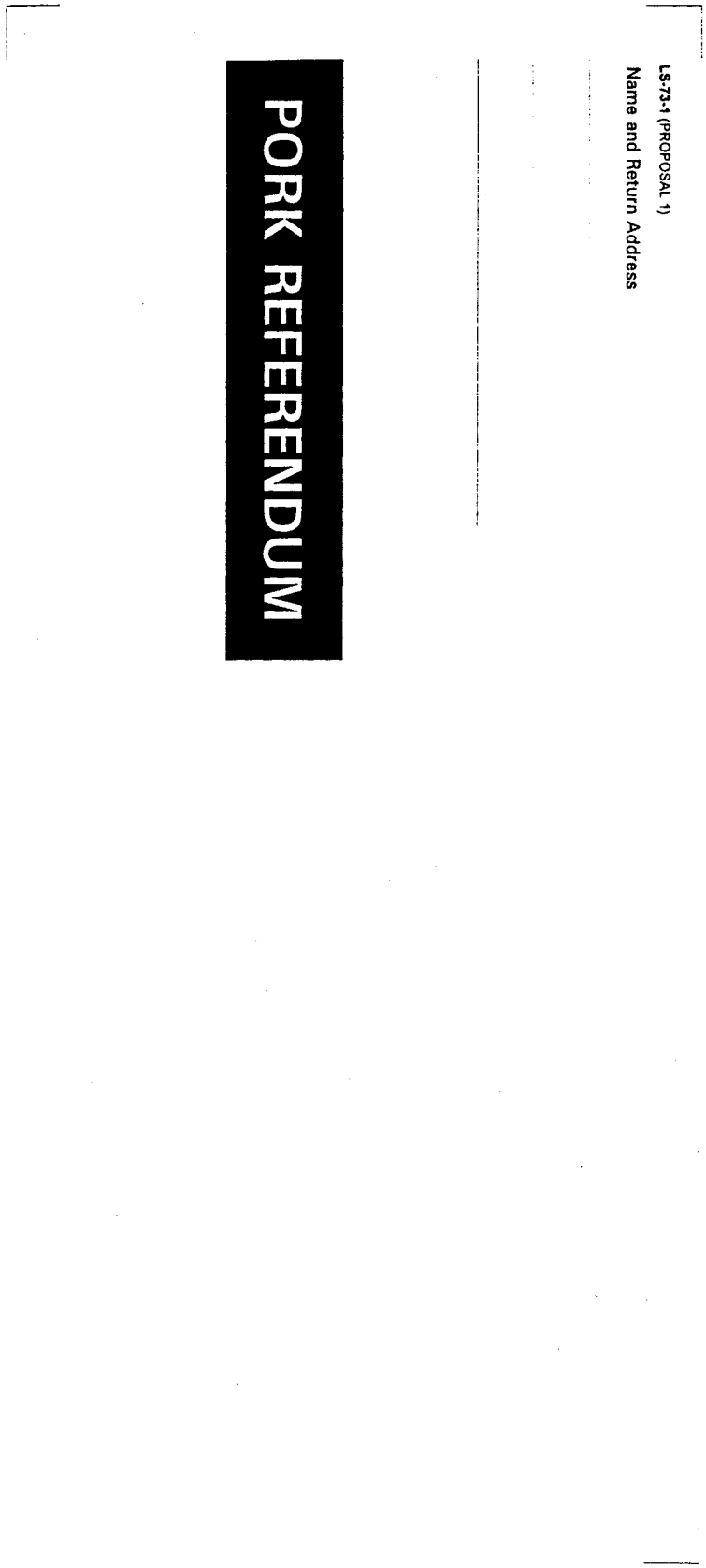
Separate this "ABSENTEE BALLOT," put it into the **"PORK BALLOT"** envelope, and seal it. Place both the sealed **"PORK BALLOT"** envelope and the completed **"REGISTRATION AND CERTIFICATION STATEMENT,"** into the **"PORK REFERENDUM,"** envelope and seal it. Mail or deliver the **"PORK REFERENDUM,"** envelope to the appropriate county FSA office.

LS-73 (PROPOSAL 5) *See reverse of form for Privacy Act Statement.*

According to the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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 0581-0093. The time required to complete this information collection is estimated to average 0.10 hour 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. The authority for requesting the information to be supplied on this form is the Pork, Promotion, Research, and Consumer Information Act of 1985. The informaton would be furnished to pork producers and importers of pork and pork products who voluntarily participate in the referendum.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means of communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

You may, by law, be fined up to $10,000, imprisoned up to 5 years, or both, for knowingly or willfully making false statements within this document (18 USC Section 1001).


PORK REFERENDUM
LS-73-1 (PROPOSAL 1)
Name and Return Address

FORM APPROVED - OMB NO. 0581-0093

ABSENTEE VOTER REQUEST LIST

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

REFERENDUM ON THE PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

_____ **COUNTY** *(Enter name of county)*

NOTE: A separate "Absentee Voter Request List" must be maintained for each county served.

PLEASE PRINT REQUIRED INFORMATION

DATE REQUESTED	NAME OF VOTER	REPRESENTING *If voting as the authorized representative of a legal entity (partnership, corporation, estate, etc.) enter its name*	BALLOT MAILING ADDRESS	DATE BALLOT RECEIVED BY FSA

LS-74 (11-99)

FORM APPROVED - OMB NO. 0581-0093

IN-PERSON VOTER REGISTRATION LIST

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

REFERENDUM ON THE PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

_____ **COUNTY** *(Enter name of county)*

NOTE: A separate "In-Person" Voter Registration List must be maintained for each county served.

PLEASE PRINT REQUIRED INFORMATION

NAME OF VOTER	REPRESENTING *If voting as the authorized representative of a legal entity (partnership, corporation, estate, etc.) enter its name.*

LS-75 (11-99)

FORM APPROVED - OMB NO. 0581-0093

IMPORTER VOTING

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

REFERENDUM ON THE PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

Important information concerning your rights and liabilities under federal law appears on the reverse of this form.

INSTRUCTIONS TO VOTERS ***(Please read carefully):***

1. Complete and sign the **Registration and Certification Statement** below. (If you are voting as an individual, please print **your** name, address, county, and telephone number in the spaces provided. If you are voting on behalf of a legal entity, such as a partnership, corporation, estate, etc., print **its** name, address, county and telephone number in the spaces provided.)

2. Mark "Yes" or "No" on the Ballot below.

3. Separate the completed **Ballot** from the rest of this form, and put it in the envelope marked **"PORK BALLOT."** Seal the **"PORK BALLOT"** envelope.

4. Place both the sealed **"PORK BALLOT"** envelope and the completed and signed **Registration and Certification Statement** into the envelope marked **"PORK REFERENDUM."** Seal the **"PORK REFERENDUM"** envelope. Make sure that your name and address appear in the upper left-hand corner of the **"PORK REFERENDUM"** envelope.

5. Mail or deliver the **"PORK REFERENDUM"** envelope to the Farm Service Agency (FSA) office in Washington, D.C. To be counted, your **"PORK REFERENDUM"** envelope must be postmarked not later than the close of business on the date of the last day of the referendum and arrive in the Washington, D.C. FSA office not later than 5 business days after the date of the last day of the in-person voting. **Incomplete or late ballots will not be counted.**

6. Address of the Washington, DC Office: USDA, FSA, Review and Analysis Staff; Attention: William A. Brown; STOP-0531, Room 2741-S, 1400 Independence Ave., SW; Washington, DC 20250-0531.

REGISTRATION AND CERTIFICATION STATEMENT (Mail voting)

Please print name, address, county and telephone number in the spaces provided below. Failure to complete, sign and return this **Registration and Certification Statement** will invalidate the **Mail Ballot**.

NAME *(See instruction number 1 above.)*	TELEPHONE NUMBER *(including area code)*
MAILING ADDRESS *(Street, P.O. Box, or Route No., City, State, ZIP Code)*	COUNTY

I HEREBY CERTIFY that if I am voting as the representative of an entity, I am authorized to do so; and that to the best of my knowledge and belief the information provided herein is true and accurate.

SIGNATURE	DATE

LS-76 (PROPOSAL 3) Put the completed **Mail Voting Registration and Certification Statement** in the envelope marked **"PORK REFERENDUM."**

SEPARATE HERE

MAIL BALLOT

Do you favor the continuation of the Pork Checkoff program which funds the Pork Promotion, Research, and Consumer Information Order? ( ) YES ( ) NO

Separate this "MAIL BALLOT," put it into the **"PORK BALLOT"** envelope, and seal it. Place the sealed **"PORK BALLOT"** envelope and the completed **"REGISTRATION AND CERTIFICATION STATEMENT"**, into the **"PORK REFERENDUM,"** envelope and seal it. Mail or deliver the **"PORK REFERENDUM,"** envelope to the Washington, D.C. FSA office.

LS-76 (PROPOSAL 3) *See reverse of form for Privacy Act Statement.*

FORM APPROVED - OMB NO. 0581-0093

IMPORTER BALLOT VOTER REQUEST LIST

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

REFERENDUM ON THE PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

PLEASE PRINT REQUIRED INFORMATION

DATE REQUESTED	NAME OF VOTER	REPRESENTING *If voting as the authorized representative of a legal entity (partnership, corporation, estate, etc.) enter its name*	BALLOT MAILING ADDRESS	DATE BALLOT RECEIVED BY FSA

LS-77 (Proposal 3)

[FR Doc. 00–9541 Filed 4–13–00; 10:41 am]
BILLING CODE 3410–02–C

Federal Register

Tuesday,
April 18, 2000

Part IV

Department of Education

Reading Excellence Program; Notices

DEPARTMENT OF EDUCATION

Reading Excellence Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of final priorities, application requirements, and selection criteria.

SUMMARY: The Assistant Secretary for the Office of Elementary and Secondary Education announces final priorities, application requirements, and selection criteria under the Reading Excellence Program. The Assistant Secretary is using these priorities, application requirements, and selection criteria for competitions in fiscal year 2000 and may use them for future competitions. Grants are made to State educational agencies (SEA) that will, in turn, award subgrants to local educational agencies (LEAs) for two types of activities: Local Reading Improvement subgrants (LRI) and Tutorial Assistance (TAG) subgrants.

EFFECTIVE DATE: These priorities, application requirements and selection criteria are effective May 18, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy Rhett, Reading Excellence Program, U. S. Department of Education, 400 Maryland Avenue, SW, Room 5C141, Washington, DC 20202–6200. Telephone: (202) 260–8228. Fax: (202) 260–8969. Internet: http://
www.reading__excellence@ed.gov
If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The Reading Excellence Program is designed to improve reading for children in high poverty schools and in schools needing improvement by supporting research-based reading instruction and tutoring. The Reading Excellence Act was authorized to carry out the following purposes:

- Teach every child to read by the end of third grade.
- Provide children in early childhood with the readiness skills and support they need to learn to read once they enter school.
- Expand the number of high quality family literacy programs.
- Provide early intervention to children who are at risk of being identified for special education inappropriately.
- Base instruction, including tutoring, on scientifically-based reading research.

Public Comment

In response to the Assistant Secretary's invitation in the notice of proposed priorities, two parties submitted comments on the proposed priorities and selection criteria. An analysis of the comments and of the changes in the priorities since publication of the notice of proposed priorities follows.

We discuss substantive issues under the priority or criterion to which they pertain. Generally, we do not address technical and other minor changes and suggested changes the law does not authorize the Assistant Secretary to make under the applicable statutory authority.

Analysis of Comments and Changes

General

Comment: A commenter disagreed with the emphasis the notice places on State leadership because there will not be adequate funds to carry out State-level activities including extensive professional development.

Discussion: Although we understand the State's concerns about insufficient funds for State-level activities, the amount available to the State for administrative costs at the State level is set by statute.

Changes: None.

Comment: A commenter suggested that the notice should be amended to focus on children who, in spite of excellent classroom instruction, will need individualized instruction to supplement the classroom reading program in order to successfully learn to read and write by the end of third grade.

Discussion: We are in full agreement that, in spite of research-based instruction, some students will need additional instructional support. However, strategies to address this need (extended learning such as tutoring, summer programs and kindergarten transition) are already required by the Reading Excellence Act. Schools must implement them in addition to strategies for changing regular classroom instruction.

Changes: None.

Priorities

Comment: A commenter proposed that the priorities be expanded to include students who are most likely to be unsuccessful in their classroom programs.

Discussion: The Reading Excellence Act already requires schools to address the needs of children at risk of failing in their classroom programs. The primary focus of the REA program is to help disadvantaged schools throughout the nation improve reading achievement, with early intervention strategies being a key element of instructional support.

Changes: None.

Absolute Priority

Comment: A commenter suggested that tutorial activities be defined to include tutorial activities that take place in the school by certified teachers using research-based instruction, which is documented as being effective over many replications of implementations.

Discussion: The Reading Excellence Act legislation requires that additional support for children experiencing reading difficulties be provided by supervised individuals, including tutors, who have been appropriately trained using scientifically-based reading research. There is no requirement for using certified teachers to provide this additional support.

Changes: None.

Application Requirements

Comment: A commenter suggested that the required list of eligible districts and schools is burdensome and unnecessary because the Department has made it very clear that it is not the intent of the Reading Excellence Program to fund every eligible school and district.

Discussion: Although we do not wish to impose additional burden, the submission of this information will enable the panelists to determine the likelihood that the requested funding amount will sufficiently fund the number of proposed subgrants for two years and at a level that will make a substantive improvement in reading instruction and student outcomes.

Changes: None.

Selection Criterion—Understanding and Commitment to Effective Reading Instruction Based on Scientifically Based Reading Research

Comment: A commenter suggested that we add an additional item under this criterion that the literature review and application of the scientifically based reading research include attention to children at risk by requiring individualized instruction beyond that given in the normal classroom setting.

Discussion: The Reading Excellence Act requires schools to serve all children, including those that need extra support, and schools may use a variety of strategies to achieve this. It would be inappropriate to emphasize a

specific approach to meeting the needs of a limited group of children.

Changes: None.

Selection Criterion—Quality of Local District and School Activities

Comment: A commenter suggested that item (3)(c) be revised to say that the proposed activities to improve reading instruction will also attend to children whose level of achievement indicates that they will need individualized tutorial support to be proficient readers and writers by the end of third grade along with English language learners and children with special needs.

Discussion: We agree with the clarification added to this criterion by the commenter, but we do not wish to emphasize a specific approach for intervention.

Changes: The comment is addressed by changing item (3)(c) to evaluate the extent to which the proposed activities will improve reading instruction for all children, including English language learners, children with special needs, and children whose level of achievement indicates that they will need additional instructional support.

Selection Criterion—Quality of the Plan for State Leadership, Oversight, and Evaluation

Comment: A commenter suggested revising item (4)(e) to include the development of comprehensive early literacy programs in every school in the coordination between REA and current State and local efforts.

Discussion: We agree with highlighting coordination with comprehensive early literacy programs. However, we do not want to limit the coordination to such efforts because of the need for states to coordinate with non-school programs such as family literacy.

Changes: The comment is addressed by changing item (4)(e) under selection criterion, Quality of the plan for State leadership, oversight and evaluation, to evaluate the extent to which the proposed activities coordinate REA with other State initiatives and programs, including how the REA grant will add to current State and local efforts such as comprehensive early literacy programs.

Collection of Information

Comment: A commenter recommended emphasizing ''every child'' so that applicants will be required to address the children who will, in spite of excellent classroom instruction, still need additional instructional support to be successful readers by the end of third grade.

Discussion: Applicants are expected to show throughout their proposals their ability and intention to serve every child and to describe specific interventions that will be used.

Changes: None

Supplementary Information-Discussion Of Priorities

Note: This notice does not solicit applications. In any year in which the Assistant Secretary chooses to use these priorities, we invite applications through a notice in the **Federal Register**.

Priorities

Absolute Priority

Under this priority the Assistant Secretary gives an absolute preference to SEAs that exclusively fund, at the subgrant level, activities to improve kindergarten through grade three reading instruction and related early childhood, professional development, family literacy, extended learning and tutorial activities.

Competitive Priority

Section 2253(c)(2)(C) of the Reading Excellence Act requires that priority be given to SEAs whose States have modified, are modifying, or provide an assurance that they will modify their elementary school teacher certification requirements within 18 months after receiving an REA grant. The modification must increase the training and the methods of teaching reading required for certification as an elementary school teacher to reflect scientifically-based reading research. However, nothing in the REA may be construed to establish a national system of teacher certification.

The Assistant Secretary will award up to 5 additional points to applicants that meet this priority. Two points will be awarded to applicants that provide an assurance only. To receive the additional three points, the SEA must include detailed plans or have implemented changes that describe high quality teacher preparation that reflects scientifically-based reading research.

Application Requirements

The Assistant Secretary announces the following application requirements:

A. Eligible LEAS and Schools (Sec. 2255 and Sec. 2256)

To be considered for funding, an application must include a list of all eligible LEAs and the number of eligible schools, and the number of children and teachers in the eligible schools at the time the application is submitted. Successful applicants must provide a list of eligible LEAs and schools at the time that subgrants are awarded.

B. Funding Recommendations (Sec. 2253(c)(2)(C))

To be considered for funding, an application must receive a majority recommendation from the panel of reviewers. Any applications not receiving recommendations to be funded from a majority of the review panel, regardless of the numerical score, will not be considered.

Selection Criteria

The Assistant Secretary announces that the following selection criteria will be used to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in the parentheses. There are no specific point totals for the subcategories within each criterion.

(1) Understanding and commitment to effective reading instruction based on scientifically-based reading research. (15 points)

In determining the State's understanding and commitment to effective reading instruction based on scientifically-based reading research, the Secretary considers the following factors:

(a) The extent to which the proposed project incorporates a deep understanding of the scientifically-based reading research literature and how it applies in their State and local education systems.

(b) The extent to which the scientific literature on reading is implemented in proposed grant activities.

(2) Demonstration of need. (10 points)

In determining the need for the proposed project, the following factors are included:

Demographic and social data on the target population for this program (children and families) and State efforts and initiatives in reading, including current professional development activities related to the teaching of reading and family literacy, standards and assessments, and other related activities; and their relation, if any, to findings from scientifically-based reading research.

(3) Quality of local district and school activities. (35 points)

In determining the quality of the services to be provided by local activities, the Secretary considers the following factors:

(a) How the proposed project would change classroom instruction in schools under Local Reading Improvement subgrants. In particular, what

professional development activities would be implemented.

(b) The extent to which the proposed activities support research-based classroom reading instruction (including extended learning such as tutoring and summer programs, kindergarten transition, and family literacy/involvement).

(c) The extent to which the proposed activities will improve reading instruction for all children, including English language learners, children with special needs, and children whose level of achievement indicates that they will need additional instructional support.

(d) The extent to which the Tutorial Assistance subgrant activities of the proposed project reflect up-to-date knowledge of reading research and effective practice.

(4) Quality of the plan for State leadership, oversight and evaluation. (25 points)

In determining the quality of the plan for State leadership, oversight and evaluation, the Secretary considers the following factors:

(a) The adequacy of procedures for ensuring success under this grant, including how the State will ensure that school activities will use practices based on scientifically-based reading research, especially professional development activities for K–3 teachers.

(b) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including:

- Development of the reading and literacy partnership for overseeing proposed grant activities;
- Guidance provided to eligible districts and schools for developing applications;
- Subgrant processes and criteria; and
- Leadership, technical assistance, and monitoring activities for subgrantees that ensure continuous improvement in reading.

(c) The qualifications, including relevant training and experience, of the key SEA staff responsible for managing the grant activities described above.

(d) The quality of the State's evaluation design, including student outcome measures or indicators for grades K–3, subgrant (Local Reading Improvement and Tutorial Assistance) and school implementation measures and indicators, a timeline for data collection and reporting, provisions for feedback to districts, and identification of a qualified evaluator or inclusion of appropriate criteria.

(e) The extent to which the proposed activities coordinate REA with other State initiatives and programs, including how the REA grant will add to current State and local efforts such as comprehensive early literacy programs.

(5) Adequacy of resources. (15 points)

In determining the adequacy of resources, the Secretary considers the following factors:

(a) The extent to which the average and range of amounts proposed, including the amounts per school, that will provide sufficient resources to accomplish the tasks of Local Reading Improvement and Tutorial Assistance subgrants.

(b) The budget provides sufficient detail and an appropriate level of funding to accomplish the purposes of this grant.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Electronic Access to This Document

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http://ocfo.ed.gov/fedreg.htm
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To use the PDF you must have the Adobe Acrobat Reader Program, 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.

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http://access.gpo.gov/nara/index.html

(Catalog of Federal Assistance Number: 84.338 Reading Excellence Program

Program Authority: 20 U.S.C. 6661 *et seq.*

Dated: April 12, 2000.

Michael Cohen,

Assistant Secretary for Office of Elementary and Secondary Education.

[FR Doc. 00–9641 Filed 4–13–00; 1:32 pm]

BILLING CODE 4001–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.338]

Reading Excellence Program

ACTION: Notice inviting applications for new awards for Fiscal Year (FY) 2000.

Purpose of Program: The Reading Excellence Program provides competitive grants to eligible State educational agencies to award competitive subgrants to local educational agencies to fund local reading improvement programs and tutorial assistance programs.

Eligible Applicants: State educational agencies (SEAs) that were not funded in FY 1999; the District of Columbia; Puerto Rico; the Virgin Islands; Guam; American Samoa; and the Commonwealth of the Northern Mariana Islands.

Applications Available: April 14, 2000.

Deadline for Transmittal of Applications: May 22, 2000.

Note: An application for an award may be submitted by electronic mail (email), regular mail, or hand delivery.

Special Instructions for Applications Submitted by Email

Applications submitted by email should include an electronic return receipt and should be emailed to:

grantspolicy@ed.gov

Applications submitted by email may be submitted in one of the following formats: (1) Microsoft Word (Version Word 95 or Word 97) or (2) portable document format (PDF). The preferred version is Word 97; however, all versions must have text search capability. The electronic version will be the official file copy. To ensure the integrity of the program, the Department will return a printed version to the applicant. The returned receipt and copy will be considered proof of receipt. All forms requiring original signatures (ED–424, Application for Federal Education Assistance; SF 424B, Assurances: Non-Construction Programs; ED 80–0013, Certifications Regarding Lobbying, Debarment, Suspension and other Responsibility Matters; and Drug-Free Workplace Requirements; ED 80–0014, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions; and Form LLL, Disclosure of Lobbying Activities) must be mailed to the Department by the deadline date, as set out above under the *Deadline for Transmittal* section. Please send a hard copy of your application in addition to

the electronic copy to ensure that your application is formatted properly when printed.

Note: Some of the procedures in these instructions for transmitting applications differ from those in 34 CFR 75.102 (EDGAR). Under 5 U.S.C. 553, the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these exceptions to EDGAR make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Deadline for Intergovernmental Review: June 21, 2000.

Estimated Available Funds: $241,100,000.

Estimated Range of Awards: $500,000–$60,000,000.

Estimated Average Size of Awards: $20,092,000.

Estimate Number of Awards: 12.

Project Period: Up to 36 months.

Minimum Grant Award for SEAs: $500,000 for SEAs, $100,000 minimum for territories.

Note: The Department is not bound by any estimates in this notice.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Single space (no more than six lines per vertical inch) all text in the application narrative.
- Use a font that is either 11-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the letters of support or the two permissible appendices. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that:

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99; (b) 34 CFR part 299; and (c) the notice of final priorities, application requirements, and selection criteria as published elsewhere in this issue of the **Federal Register**.

For Applications and Further Information: Send an email message requesting an application to: reading__excellence@ed.gov

You may also receive an application by downloading it from the reading excellence website:

http://www.ed.gov/offices/OESE/REA/index.html

or by contacting Nancy Rhett, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5C141, Washington, DC 20202–6200; Telephone: (202) 260–8228. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request by contacting Katie Mincey, Director, Alternate Format Center, 330 C St. SW, Room 1000, Washington, DC 20202–4560; by calling (202) 260–9895 or 205–8113; or by emailing:

katie__mincey@ed.gov

Individuals with disabilities also may obtain a copy of the application package in an alternate format by contacting Ms. Mincey. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

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http://access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 6661 et seq.

Dated: April 12, 2000.

Michael Cohen,

Assistant Secretary, Elementary and Secondary Education.

[FR Doc. 00–9640 Filed 4–13–00; 1:32 pm]

BILLING CODE 4000–01–P

Federal Register

Tuesday,
April 18, 2000

Part V

Department of Education

Elementary School Counseling Demonstration Program; Notices

DEPARTMENT OF EDUCATION

Elementary School Counseling Demonstration Program

AGENCY: Department of Education.

ACTION: Notice of final priority and selection criteria.

SUMMARY: The Assistant Secretary announces the final priority and selection criteria for fiscal year (FY) 2000 under the Elementary and Secondary Education Act, Title X—Programs of National Significance, Part A—Fund for the Improvement of Education—Section 10102, Elementary School Counseling Demonstration Program. The Office of Elementary and Secondary Education, Safe and Drug-Free Schools Program will administer this new grant competition. The Assistant Secretary takes this action to focus Federal financial assistance on establishing and expanding elementary school counseling programs. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2000 and later years.

EFFECTIVE DATE: This notice of priority and selection criteria takes effect on May 18, 2000.

FOR FURTHER INFORMATION CONTACT: Loretta Riggans, Safe and Drug-Free Schools Program, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E220, Washington, DC 20202–6123. Telephone: (202) 260–2661, email address: Loretta__Riggans@ed.gov, Fax: (202) 260–7767. Internet: http://www.ed.gov/offices/OESE/SDFS. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.* Braille, large print, audiotape, or computer diskette) upon request to the contact person listed in the preceding paragraph.

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published elsewhere in this issue of the **Federal Register**.

SUPPLEMENTARY INFORMATION: This notice contains the final priority and selection criteria for the Elementary School Counseling Demonstration Program (CFDA #84.215E).

The Assistant Secretary may make awards for up to 36 months to local educational agencies (LEAs) to establish or expand elementary school counseling programs.

In making awards under this grant program, the Assistant Secretary ensures an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

Contingent upon the availability of funds, the Assistant Secretary may make additional awards in FY 2001 from the rank-ordered list of unfunded applications from this competition.

Eligible Applicants: Eligible applicants under this competition are local educational agencies (LEAs) only. LEAs may apply in consortia with one or more LEAs; however, each participating LEA must ensure that all requirements of the priority for this competition are met.

Deadline for Receipt of Applications: Applications for this competition must be received at the address specified in the notice inviting applications for this competition no later than 4:30 p.m. Eastern Time on June 9, 2000. Applications received after that time will not be read. Postmarked dates will not be accepted.

Absolute Priority: Under 34 CFR 75.105(c)(3) and Title X, Section 10102 of the Elementary and Secondary Education Act, the Assistant Secretary gives an absolute preference to applications that meet the following priority. The Assistant Secretary funds under this competition *only* applications that meet this absolute priority.

Under the absolute funding priority for this grant competition, LEA projects must establish or expand elementary school counseling programs at schools with at least one grade below fifth and no grade higher than eighth.

Statutory Requirements: The statute requires each program assisted under this competition to:

(1) Be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

(2) Use a developmental, preventive approach to counseling;

(3) Increase the range, availability, quantity, and quality of counseling services in elementary schools of the local educational agency;

(4) Expand counseling services only through qualified school counselors, school psychologists, and school social workers;

(5) Use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

(6) Provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

(7) Include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

(8) Involve parents of participating students in the design, implementation, and evaluation of a counseling program;

(9) Involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

(10) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this program.

The statute also requires each applicant to—

(1) Assure that the funds made available under this grant for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and must in no case supplant those funds from non-Federal sources; and

(2) Assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the LEA on the design and implementation of the counseling program.

Definitions: The following definitions apply to this competition:

(1) The term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

(A) Possesses State licensure or certification granted by an independent professional regulatory authority;

(B) In the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

(C) Holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

(2) The term 'school psychologist' means an individual who—

(A) Possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school

psychology internship, of which 600 hours shall be in the school setting;

(B) Possesses State licensure or certification in the State in which the individual works; or

(C) In the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

(3) The term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

(4) The term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

Selection Criteria: The following criteria will be used to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points.

(1) *Need for the project.* (20 points)

Applicants must propose projects that demonstrate the greatest need for new or additional counseling services among children in the elementary schools served by the project.

In determining applications with the greatest need, the following factors are considered:

(A) The magnitude or severity of the problem to be addressed by the proposed project.

(B) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(C) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses; and

(D) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

In describing the proposed project, applicants must:

(1) Describe the elementary school population to be targeted by the program; the particular personal, social, emotional, educational, and career development needs of such population; and the current school counseling resources available for meeting such needs; and

(2) Describe how any diverse cultural populations, if applicable, would be served through the program.

(2) *Quality of the project design.* (20 points)

Applicants must propose projects that demonstrate the most promising and innovative approaches for initiating or expanding counseling services in the target elementary schools.

The following factors are considered in determining the quality of the project design:

(A) The extent to which the design of the proposed project is appropriate to, and will successfully address, the counseling needs of the target population.

(B) The quality of the proposed demonstration design and procedures for documenting project activities and results.

(C) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(D) The extent to which the proposed project will establish linkages with other appropriate agencies or organizations providing services to the target population.

In describing the project design, applicants must describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs of the target population.

(3) *Significance of the project.* (20 points)

Applicants must propose projects that demonstrate the greatest potential for replication and dissemination. The following factors are considered in determining the significance of the project:

(A) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings.

(B) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

(C) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

(D) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities, including information about effectiveness of the approach or strategies employed by the project.

(4) *Quality of the project evaluation.* (20 points)

Applicants must provide a detailed description of their plan to annually evaluate the outcomes and effectiveness of the proposed counseling services and strategies. The following factors are considered in determining the quality of the project evaluation:

(A) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(B) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(C) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(D) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

In describing the proposed project evaluation, applicants must:

(1) Describe the methods to be used to evaluate the outcomes and effectiveness of the project.

(2) Agree to cooperate with any national evaluation of this grant competition that the Assistant Secretary may require.

(5) *Quality of the management plan.* (10 points)

Applicants must provide a detailed description of their plan to manage the activities outlined in their proposal. The following factors are considered in determining the quality of the management plan:

(A) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(B) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(C) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

In describing the management plan, applicants must:

(1) Describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor

organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration; describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers; and

(2) Document that the applicant has the personnel qualified to develop, implement, and administer the program.

(6) *Adequacy of resources.* (10 points)

Applicants must describe the resources committed to the proposed project.

In determining the adequacy of resources for the proposed project, the following factors are considered:

(A) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(B) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(C) The potential for the incorporation of the project purposes, activities, or benefits into the ongoing program of the agency or organization at the end of Federal funding.

Waiver of Proposed Rulemaking

It is the Assistant Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. 553), to offer interested parties the opportunity to comment on proposed rules. Section 437(d)(1) of the General Education Provision Act (GEPA), however, exempts from this requirement rules that apply to the first competition under a new or substantially revised program. This is the first competition under the Elementary School Counseling Demonstration Program since that program was authorized as part of the Elementary and Secondary Education Act of 1965 as amended by the Improving America's Schools Act of 1994.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local government for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Program Authority: 20 U.S.C. 8002

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(Catalogue of Federal Domestic Assistance Number: 84.215E, Elementary School Counseling Demonstration Program)

Dated: April 14, 2000.

Michael Cohen,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 00–9781 Filed 4–14–00; 1:52 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.215E]

Elementary School Counseling Demonstration Program

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for Fiscal Year 2000.

Purpose of Program: To assist local educational agencies to establish or expand elementary school counseling programs.

Absolute Priority: Under 34 CFR 75.105(c)(3) and Title X, Section 10102 of the Elementary and Secondary Education Act, the Assistant Secretary gives an absolute preference to applications that meet the following priority. The Assistant Secretary funds under this competition *only* applications that meet this absolute priority.

Under the absolute funding priority for this grant competition, LEA projects must establish or expand elementary school counseling programs at schools with at least one grade below fifth and no grade higher than eighth.

Eligible Applicants: Local educational agencies.

Applications Available: April 18, 2000.

Deadline for Receipt of Applications: June 9, 2000.

Note: We must receive all applications no later than 4:30 p.m. Eastern Time on the deadline date. Applications received after that date and time will not be read. Postmarked dates will not be accepted. This requirement takes exception to the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.102. Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, this exception to EDGAR makes procedural changes only and does not establish new substantive policy. Therefore, under 5 U.S.C. 553 (b)(A), the Assistant Secretary for OESE has determined that proposed rulemaking is not required. Applications by mail should be sent to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.215E, Room 3633, ROB #3, Washington, D.C. 20202–4725. The address for applications delivered by hand is: U.S. Department of Education, Application Control Center, Attention: CFDA #84.215E, Regional Office Building #3, Room 3633, 7th and D Streets, SW, Washington, DC 20202–4725.

Deadline For Intergovernmental Review: June 19, 2000.

Available Funds: $20,000,000.

Maximum Grant: $400,000.

Estimated Range of Awards: $250,000–$400,000.

Estimated Average Size of Awards: $325,000.

Estimated Number of Awards: 60.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 77, 79, 80, 81, 82, 85, 97, 98, 99; and (b) the Notice of Final Priority and Selection Criteria for FY 2000 published elsewhere in this issue of the **Federal Register**.

FOR APPLICATIONS OR INFORMATION CONTACT: Loretta Riggans, Safe and Drug-Free Schools Program, 400 Maryland Avenue, SW, Room 3E220, Washington, DC 20202–6123. Telephone: (202) 260–2661. The e-mail address is:

loretta—riggans@ed.gov.

Internet: www.ed.gov/offices/OESE/SDFS.

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Program Authority: 20 U.S.C. 8002.

Michael Cohen,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 00–9782 Filed 4–14–00; 1:52 pm]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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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. 1374/P.L. 106–183

To designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building''. (Apr. 13, 2000; 114 Stat. 200)

H.R. 3189/P.L. 106–184

To designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office''. (Apr. 14, 2000; 114 Stat. 201)

Last List April 11, 2000

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