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Federal Register

5–3–00 **Wednesday**
Vol. 65 No. 86 **May 3, 2000**
Pages 25623–25828

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WASHINGTON, DC

WHEN: May 23, 2000 at 9:00 am.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

RIN 3206–AI99

Reduction in Force Notices

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to remove the regulations requiring 120 day reduction in force notices for certain Department of Defense employees because the implementing statute is expiring.

EFFECTIVE DATE: This regulation is effective on June 2, 2000.

FOR FURTHER INFORMATION, CONTACT: Jacqueline Yeatman on (202) 606–0960, FAX (202) 606–2329, TDD (202) 606–0023 or by email at jryeatma@opm.gov

SUPPLEMENTARY INFORMATION: The regulations in paragraph (a)(2) of section 351.801 of 5 CFR part 351 were published on June 8, 1993, implementing section 4433 of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484). The statute provided that Department of Defense employees who received reduction in force notices between January 20, 1993, and January 31, 1998, were entitled to a 120 day notice period if a significant number of employees were affected. Later, Public Law 103–337 was enacted. This law extended the requirement for a longer notice period until January 31, 2000. Because this section of the Public Law is expiring, OPM is deleting the regulatory material in 5 CFR part 351 that contains these requirements.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only Federal employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 351

Administrative practice and procedure, Government Employees.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, the Office of Personnel Management is amending 5 CFR part 351 as follows:

PART 351—REDUCTION IN FORCE

1. The authority citation for part 351 continues to read as follows:

Authority: 5 U.S.C. 1302, 3502, 3502; sec. 351.801 also issued under E.O. 12828, 58 FR 2965.

Subpart H—Notice to Employee

2. In § 351.801, paragraph (a)(1) is revised, paragraph (a)(2) is removed, paragraph (a)(3) is redesignated as paragraph (a)(2), and paragraph (b) is revised to read as follows:

§ 351.801 Notice period.

(a)(1) Each competing employee selected for release from a competitive level under this part is entitled to a specific written notice at least 60 full days before the effective date of release.

* * * * *

(b) When a reduction in force is caused by circumstances not reasonably foreseeable, the Director of OPM, at the request of an agency head or designee, may approve a notice period of less than 60 days. The shortened notice period must cover at least 30 full days before the effective date of release. An agency request to OPM shall specify:

(1) The reduction in force to which the request pertains;

(2) The number of days by which the agency requests that the period be shortened;

(3) The reasons for the request; and

(4) Any other additional information that OPM may specify.

* * * * *

3. In § 351.805, paragraph (a) is revised to read as follows:

§ 351.805 New notice required.

(a) An employee is entitled to a written notice of at least 60 full days if the agency decides to take an action more severe than first specified.

* * * * *

[FR Doc. 00–10988 Filed 5–2–00; 8:45 am]

BILLING CODE 6325–01–P

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its rules of practice and procedure with respect to the notice an agency must provide when it takes an appealable action against an employee who has both a right to appeal to the Board and a right to file a grievance under a grievance procedure. The amendment is intended to ensure that such an employee understands the consequences of making a choice between the MSPB appeal procedure and the grievance procedure. It also is intended to ensure that, where an employee may pursue both procedures (as in the case of preference eligible employees of the United States Postal Service), the employee understands that the Board's time limit for filing an appeal will not be modified or extended if the employee files a grievance. The amendment also clarifies that preference eligible employees of the United States Postal Service and other employees excluded from the coverage of the Federal Labor-Management Relations Statute may not seek Board review of a final decision on a grievance.

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: On November 1, 1999, the Board published a proposal to amend its rules of practice and procedure at 5 CFR 1201.21(d), regarding the notice an agency must provide when it takes an appealable action against an employee who has both a right to appeal to the Board and

a right to file a grievance under a grievance procedure, and 5 CFR 1201.154(d), regarding the procedures for seeking Board review of a final decision on a grievance (64 FR 58798). The proposed rule requested public comments and allowed 60 days, until January 3, 2000, for receipt of comments.

Comments were received from the Special Counsel, a Federal agency, a labor organization representing Postal Service employees, and a private practitioner who represents appellants before MSPB. The Special Counsel, the labor organization, and the practitioner all supported the proposed rule, and the Federal agency had no objection to it.

Both the Special Counsel and the practitioner suggested that the Board further amend the requirements for agency notices at 5 CFR 1201.21(d). The practitioner suggested that the Board require agencies to spell out the options for ''other elections'' to ''make sure that each filing option and its preclusive effect is covered in the agency notice.'' The Special Counsel suggested that the Board require agencies to include notice of the right to file a prohibited personnel practice complaint with the Special Counsel and the requirement for making an election among a grievance, an appeal to MSPB, and a complaint to the Special Counsel.

Each of these suggestions would expand the proposed amendment to 5 CFR 1201.21(d) beyond what it was originally meant to do—require agencies to spell out the options available between the MSPB appeal procedure and any applicable grievance procedure, and the consequences of choosing one or the other. The proposed rule was directed at a problem with notices identified in Board cases involving Postal Service employees. The Board has not identified a pattern of cases where such problems occur with any regularity with other agencies or in situations other than where an appellant has a right to challenge an agency personnel action under both the MSPB appeal procedure and a grievance procedure.

In particular cases, statutory complaint procedures other than the MSPB appeal procedure also may be available, depending on the nature of the claims raised by the appellant. For example, an appellant who claims prohibited discrimination may be able to file a complaint under the regulations of the Equal Employment Opportunity Commission. An appellant who claims that the agency's action was the result of a prohibited personnel practice may be able to file a complaint with the Special Counsel. An appellant who claims that the action was the result of an unfair labor practice may be able to pursue the matter before the Federal Labor Relations Authority.

Imposing a generally applicable all-inclusive notice requirement that would cover all of the possible situations that could occur would place a major burden on agencies to somehow anticipate all options for all claims that an employee might raise. It would also produce more complex notices that could prove extremely confusing to appellants and result in filings under one or more statutory procedures that do not apply to the appellant's particular case. Therefore, the Board is amending 5 CFR 1201.21(d) as proposed, without change.

The Federal agency asked if the Board could provide specific language for agencies to use in their notices. We believe that the regulations sufficiently spell out the requirements for agency notices and that further advice goes beyond our adjudicatory role.

The practitioner also suggested that the references to 5 U.S.C. 7121 and 7702 in 5 CFR 1201.154(d) be expanded to include explanations of what the statutes require and how they operate. While it is impractical for the Board to spell out in detail the grievance procedures set out in 5 U.S.C. 7121, the Board agrees that 5 CFR 1201.154(d) can be clarified. This subsection is amended in the final rule to specify that it applies where an appellant, other than an employee of the Postal Service or an employee otherwise excluded from the Federal Labor-Management Relations Statute, requests Board review of a final decision on a grievance and alleges prohibited discrimination before the Board. The amendment also includes a clarifying statement that a final decision on a grievance is usually the decision of an arbitrator. As to explaining the mixed case procedures of 5 U.S.C. 7702, this is accomplished by subpart E of part 1201, of which section 1201.154 is a part.

The Board is publishing this rule as a final rule pursuant to 5 U.S.C. 1204(h).

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends 5 CFR part 1201 as follows:

PART 1201—PRACTICES AND PROCEDURES

1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204 and 7701, unless otherwise noted.

2. Amend § 1201.21 by revising paragraph (d) to read as follows:

§ 1201.21 Notice of appeal rights.

* * * * *

(d) Notice of any right the employee has to file a grievance, including:

(1) Whether the election of any applicable grievance procedure will result in waiver of the employee's right to file an appeal with the Board;

(2) Whether both an appeal to the Board and a grievance may be filed on the same matter and, if so, the circumstances under which proceeding with one will preclude proceeding with the other, and specific notice that filing a grievance will not extend the time limit for filing an appeal with the Board; and

(3) Whether there is any right to request Board review of a final decision on a grievance in accordance with § 1201.154(d).

3. Amend § 1201.154 by revising the introductory text of paragraph (d) to read as follows:

§ 1201.154 Time for filing appeal; closing record in cases involving grievance decisions.

* * * * *

(d) This paragraph does not apply to employees of the Postal Service or to other employees excluded from the coverage of the federal labor-management relations laws at chapter 71 of title 5, United States Code. If the appellant has filed a grievance with the agency under a negotiated grievance procedure, he may ask the Board to review the final decision on the grievance if he alleges before the Board that he is the victim of prohibited discrimination. Usually, the final decision on a grievance is the decision of an arbitrator. A full description of an individual's right to pursue a grievance and to request Board review of a final decision on the grievance is found at 5 U.S.C. 7121 and 7702. The appellant's request for Board review must be filed within 35 days after the date of issuance of the decision or, if the appellant shows that the decision was received more than 5 days after the date of issuance, within 30 days after the date the appellant received the decision. The appellant must file the request with the Clerk of the Board, Merit Systems

Protection Board, Washington, DC 20419. The request for review must contain:

* * * * *

Dated: April 26, 2000.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 00–10959 Filed 5–2–00; 8:45 am]

BILLING CODE 7400–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[Docket No. FV00–945–1 IFR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule would relax pack requirements to allow handlers to ship U.S. No. 2 grade potatoes in one-piece 50-pound cartons to better meet buyer needs. Currently, only U.S. No. 1 and better grade potatoes can be shipped in cartons. The relaxed pack requirements will enable handlers to ship a substantial amount of U.S. No. 2 grade potatoes in cartons and help maximize producer returns.

DATES: Effective May 4, 2000. Comments must be received by July 3, 2000.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dennis L. West, Marketing Specialist, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone: (503) 326–2724, Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

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

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement No. 98 and Marketing Order No. 945, both as amended (7 CFR part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

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

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

Sections 945.51 and 945.52 of the order provide authority for the establishment and modification of regulations applicable to the handling of potatoes. Section 945.341 establishes minimum maturity and pack requirements for potatoes handled subject to the Idaho-Eastern Oregon potato marketing order. Current requirements provide, in part, that all potatoes packed in cartons shall be inspected and certified as meeting U.S. No. 1 grade or better. All varieties shall meet the maturity requirement of slightly skinned (except the Norgold variety from August 1–15, and the White Rose and red skinned varieties from August 1–December 31 can be moderately skinned). During other periods of the year, the White Rose and red skinned varieties are not subject to maturity requirements. Size shall be conspicuously marked on all cartons (except when used as a master container). The grade requirements are based on the U.S. Standards for Grades of Potatoes (7 CFR 51.1540–51.1566), and the size must be marked consistent with § 51.1545 of the standards.

This rule will relax pack requirements to allow handlers to ship U.S. No. 2 grade potatoes in one-piece 50-pound fiberboard cartons of natural kraft color provided the carton is permanently and conspicuously marked as to grade. This will enable handlers to ship a substantial amount of U.S. No. 2 potatoes in cartons, thus meeting customer demands and maximizing producer returns.

The Idaho-Eastern Oregon Potato Committee, the agency responsible for local administration of the marketing order, met on January 18, 2000, and again by telephone on February 3, 2000, and unanimously recommended the relaxation of pack requirements to allow handlers to ship U.S. No. 2 or better grade potatoes in one-piece 50-pound fiberboard cartons of natural kraft color provided the cartons are permanently and conspicuously marked as to grade.

To meet the needs of the food service industry, the Committee recommended the relaxation of pack requirements to allow handlers to ship U.S. No. 2 grade potatoes in one-piece 50-pound fiberboard cartons of natural kraft color that are permanently and conspicuously marked as to grade. Currently, potatoes packed in cartons are required to grade at least U.S. No. 1. At its meeting on January 18, 2000, the unanimous consensus of the Committee was that pack requirements should be relaxed. The Committee then conducted a telephone vote on February 3, 2000, and unanimously passed a motion to relax the pack requirements.

Customers have been requesting U.S. No. 2 grade potatoes in 50-pound cartons because of difficulties encountered in handling the currently used 50-pound burlap or paper bags. The burlap bags are messy, difficult to handle, and do not stack well on pallets. The paper bags often tear and are equally difficult to handle or stack. Warehouses that use electronic bar codes have reported less administration and recordkeeping problems with cartons than bags because the codes are more legible on cartons.

Many customers now purchase potatoes from other areas where U.S. No. 2 potatoes are packed in 50-pound cartons. The Committee would like to respond to these changing market conditions so that handlers will remain

competitive with the other areas and not lose sales.

The Committee also recognized the need to distinguish these U.S. No. 2 grade potatoes in cartons from the industry's traditional premium U.S. No. 1 grade pack in cartons. Without such a distinction, buyers might become confused and the U.S. No. 2 grade potatoes in cartons might have a price depressing effect on the premium U.S. No. 1 grade pack in cartons. The Committee was also concerned that buyers not have the opportunity to re-lid cartons with misleading or erroneous information on the pack and grade of the potatoes. Therefore the Committee included in their recommendation that the fiberboard cartons be of one-piece construction, of a natural kraft color, and permanently and conspicuously marked to grade.

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

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

There are approximately 63 handlers of Idaho-Eastern Oregon potatoes who are subject to regulation under the marketing order and about 1,600 potato producers in the regulated area. Small agricultural service firms, which include potato handlers, have been defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A majority of these handlers and producers may be classified as small entities.

This rule would relax pack requirements to allow handlers to ship U.S. No. 2 grade potatoes in one-piece 50-pound fiberboard cartons of natural kraft color provided the cartons are permanently and conspicuously marked as to grade. This would enable handlers to ship a substantial amount of U.S. No. 2 potatoes in cartons, thus meeting customer demands and maximizing producer returns.

The Idaho-Eastern Oregon Potato Committee, the agency responsible for local administration of the marketing order, met on January 18, 2000, and again by telephone on February 3, 2000, and unanimously recommended the relaxation of pack requirements.

The relaxation of pack requirements to allow handlers to ship U.S. No. 2 grade potatoes in one-piece 50-pound fiberboard cartons of natural kraft color provided the cartons are permanently and conspicuously marked as to grade is expected to allow the industry to ship more potatoes. Currently, potatoes packed in cartons are required to grade at least U.S. No. 1. At its meeting on January 18, 2000, the unanimous consensus of the Committee was that pack requirements should be relaxed. The Committee then conducted a telephone vote on February 3, 2000, and unanimously passed the pack relaxation motion.

Customers have been requesting U.S. No. 2 grade potatoes in 50-pound cartons because of difficulties experienced in handling the currently used 50-pound burlap or paper bags. The burlap bags are messy, difficult to handle, and do not stack well on pallets. The paper bags often tear and are equally difficult to handle or stack. Warehouses that use electronic bar codes have reported less administration and recordkeeping problems with cartons than bags because the codes are more legible on cartons.

Many customers now purchase potatoes from other areas where U.S. No. 2 potatoes are packed in 50-pound cartons. The Committee would like to respond to these changing market conditions so that handlers will remain competitive with other areas and not lose sales.

The Committee also recognized the need to distinguish the U.S. No. 2 grade potatoes in cartons from this industry's traditional premium U.S. No. 1 grade pack in cartons. Without such a distinction, buyers might become confused and the U.S. No. 2 grade potatoes in cartons might have a price depressing effect on the premium U.S. No. 1 grade pack in cartons. The Committee was also concerned that buyers not have the opportunity to re-lid cartons with misleading or erroneous information on the pack and grade of the potatoes. Therefore, the Committee included in its recommendation that the fiberboard cartons be of one-piece construction, of a natural kraft color, and be permanently and conspicuously marked to grade.

At the meetings the Committee discussed the impact of allowing U.S. No. 2 potatoes in one-piece 50 pound cartons. The Committee believes that the recommendation should increase the sale of U.S. No. 2 grade potatoes to the food service industry. Information from the Committee indicates that during an average season, approximately 10 percent of the fresh potato shipments from the production area are of U.S. No. 2 grade, and that approximately 20 percent of the potatoes going to the food service industry are of U.S. No. 2 grade. This action is expected to further increase shipments to the food service industry, and help the Idaho-Eastern Oregon potato industry benefit from the increased growth in the food service industry.

The relaxation of pack requirements allowing handlers to ship U.S. No. 2 grade potatoes in cartons might require the purchase of new equipment that can handle one-piece cartons. However, these costs are expected to be minimal and would be offset by the benefits of being able to ship U.S. No. 2 grade potatoes in that manner. The benefits of this rule are not expected to be disproportionately greater or lesser for small entities than large entities.

As alternatives to this action, the Committee considered various alternatives to distinguish U.S. No. 2 grade potatoes packed in cartons from the traditional premium carton pack of U.S. No. 1 grade potatoes. The Committee decided that it was important that there be a clear distinction between the packs to ensure that the shipments of U.S. No. 2 potatoes in cartons not negatively impact the market for U.S. No. 1 potatoes in cartons.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large potato handlers and importers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meetings were widely publicized throughout the potato industry, and all interested persons were invited to attend the meetings and participate in Committee deliberations. Like all Committee meetings, the January 18, 2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The Committee itself is composed of eight members, of whom three are handlers and five are producers. Finally, interested persons are invited to submit

information on the regulatory and informational impacts of this action on small businesses.

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

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

A 60-day comment period is provided to allow interested persons to respond to this interim final rule. All written comments timely received will be considered before a final determination is made on this matter.

Pursuant to 5 U.S.C. 553, it also is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee unanimously recommended this relaxation in pack requirements; (2) handlers would like to take advantage of the relaxation as soon as possible to better meet buyer needs; (3) handlers are aware of this action which was discussed by the Committee at public meetings; and (4) handlers are currently shipping U.S. No. 2 grade potatoes.

List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth above, 7 CFR part 945 is amended as follows:

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES OF IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR part 945 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 945.341, paragraph (b)(2) is removed, and paragraphs (b)(3) and (b)(4) are redesignated as paragraphs (b)(2) and (b)(3), respectively, and paragraph (c)(2) is revised to read as follows:

§ 945.341 Handling regulation.

* * * * *

(c) * * *

(2) Potatoes packed in cartons (except when used as a master container) shall be either:

(i) U.S. No. 1 grade or better, except potatoes of U.S. Extra No. 1 shall be no smaller than 110 size nor larger than 60 size; or

(ii) U.S. No. 2 grade in one-piece 50-pound fiberboard cartons of natural kraft color, provided the cartons are permanently and conspicuously marked as to grade.

* * * * *

Dated: April 28, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–11089 Filed 5–1–00; 11:22 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–338–AD; Amendment 39–11709; AD 2000–09–01]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–8 series airplanes, that currently requires a revision to the Airplane Flight Manual Supplement to ensure that the main deck cargo door is closed, latched, and locked; repetitive inspections of the wire bundle and door latch rollers to detect damage; and repair or replacement of damaged components. This amendment requires, among other actions, modification of the indication and hydraulic systems of the main deck cargo door, and installation of a means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked. This amendment is prompted by the FAA's determination that certain main deck cargo door systems do not provide an adequate level of safety; the latching and locking mechanisms are not of adequate design to prevent structural deformation in the event of component jamming; and that there is an absence of a means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked. The actions specified by this AD are intended to prevent opening of the cargo door while the airplane is in flight, and consequent rapid decompression of the airplane including possible loss of the door, flight control, or severe structural damage.

DATES: Effective June 7, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 7, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from National Aircraft Service, Inc. (NASI), 9133 Tecumseh-Clinton Road, Tecumseh, MI 49286. 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 FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neil, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5320; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93–20–02, amendment 39–8709 (58 FR 53635, October 18, 1993), which is applicable to certain McDonnell Douglas Model DC–8 series airplanes, was published in the **Federal Register** on December 22, 1999 (64 FR 71689). The action proposed to continue to require a revision to the Airplane Flight Manual Supplement (AFMS) to ensure that the main deck cargo door is closed, latched, and locked; repetitive inspections of the wire bundle and door latch rollers to detect damage; and repair or replacement of damaged components. The action also proposed to require, among other actions, modification of the indication and hydraulic systems of the main deck cargo door, and installation of a means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked.

Comment Received

Interested persons have been afforded an opportunity to participate in the

making of this amendment. Due consideration has been given to the comment received.

Revise Alternative Method of Compliance (AMOC) Paragraph

One commenter requests that the proposed AD be revised to include a statement that any AMOC approved previously in accordance with AD 93–20–02 is acceptable for compliance with paragraph (b) of this AD. The commenter states that it has received FAA approval of an AMOC to paragraph (a) of AD 93–20–02 for an installation of a door warning system that includes an Airplane Flight Manual Supplement (AFMS) other than that approved for STC SA1802SO.

The FAA concurs. AMOC approvals to paragraph (a) or (b) of AD 93–20–02 continue to apply to paragraphs (a) and (b) of this final rule, respectively. Therefore, the FAA has revised paragraph (g) of the final rule accordingly. However, operators that received AMOC's to AD 93–20–02 must still comply with the requirements of paragraphs (c), (d), and (e) of this AD.

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 previously described. 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

There are approximately 32 Model DC–8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 29 airplanes of U.S. registry will be affected by this AD.

The actions that are currently required by AD 93–20–02, and retained is this AD, take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $1,740, or $60 per airplane, per inspection cycle.

It will take 1 work hour per airplane to accomplish the new replacement of circuit breakers, at an average labor rate of $60 per work hour. Required parts will cost approximately $265 per airplane. Based on these figures, the cost impact of this new replacement required by this AD on U.S. operators is estimated to be $9,425, or $325 per airplane.

It will take 80 work hours per airplane to accomplish the new modification of the hydraulic systems, at an average labor rate of $60 per work hour. Required parts will cost approximately $20,000 per airplane. Based on these figures, the cost impact of this new modification required by this AD on U.S. operators is estimated to be $719,200, or $24,800 per airplane.

The cost impact figures discussed above are 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 removing amendment 39–8709 (58 FR 53635, October 18, 1993), and by adding a new airworthiness directive (AD), amendment 39–11709, to read as follows:

2000–09–01 McDonnell Douglas:

Amendment 39–11709. Docket 99–NM–338–AD. Supersedes AD 93–20–02, Amendment 39–8709.

Applicability: Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration in accordance with Supplemental Type Certificate (STC) SA1802SO or SA421NW; certificated in any category.

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 (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent opening of the cargo door while the airplane is in flight, and consequent rapid decompression of the airplane including possible loss of the door, flight control, or severe structural damage, accomplish the following:

Restatement of Requirements of AD 93–20–02

Actions Addressing the Main Deck Cargo Door

(a) Within 7 days after January 21, 1992 (the effective date of AD 92–02–05, amendment 39–8141), and thereafter at intervals not to exceed 100 hours time-in-service, perform the following inspections:

(1) Inspect the cargo door wire bundle between the exit point of the cargo liner and the attachment point on the cargo door to detect crimped, frayed, or chafed wires; and inspect for damaged, loose, or missing hardware mounting components. Prior to further flight, repair any damaged wiring or hardware mounting components in accordance with FAA-approved maintenance procedures.

(2) Inspect the cargo door latch rollers in the lower sill of the cargo door opening of the airplane to ensure that all twelve rollers can be freely rotated by hand. Prior to further flight, replace any discrepant roller components found, and repair any rollers that cannot be rotated freely by hand, in accordance with FAA-approved maintenance procedures.

(b) Within 7 days after November 17, 1993 (the effective date of AD 93–20–02, amendment 39–8709), revise the Limitations Section of the appropriate FAA-approved Airplane Flight Manual Supplement (AFMS) by replacing item 5 in the AFMS for SA1802SO, and item 6 in the AFMS for

SA421NW, with the following. (This may be accomplished by inserting a copy of this AD into the AFMS.)

''Prior to initiating the cargo door closing sequence, a flight crew member must verify that the cargo door warning light is illuminated. After the door closing sequence is complete, and visual verification has been made that the latches are closed and the lockpins are properly engaged, a flight crew member must verify that the cargo door warning light is extinguished, and then conduct a PRESS-TO-TEST of the warning light to ensure that the light is operational. Pull the cargo door circuit breakers labeled ''pump'' and ''valve'' prior to takeoff. Methods for documentation of compliance with the preceding procedures must be approved by the FAA Principal Maintenance Inspector (PMI).''

New Requirements of This AD

Actions Addressing the Main Deck Cargo Door Powered Lock Systems

(c) Except as provided by paragraph (f) of this AD, within 30 days after the effective date of this AD, unless previously accomplished within the last 18 months prior to the effective date of this AD, replace the circuit breakers of the main deck cargo door labeled ''pump'' and ''valve'' with new circuit breakers.

Actions Addressing the Main Deck Cargo Door Hydraulic Systems

(d) Within 18 months after the effective date of this AD, modify the mechanical and hydraulic systems of the main deck cargo door, in accordance with National Aircraft Service, Inc. (NASI) Service Bulletin SB–99–01, Revision A, dated October 15, 1999.

Actions Addressing the Main Deck Cargo Door Indication System

(e) Within 18 months after the effective date of this AD, modify the indication system of the main deck cargo door to indicate to the pilots whether the main deck cargo door is closed, latched, and locked; install a means to visually inspect the locking mechanism of the main deck cargo door; install a means to remove power to the door while the airplane is in flight; and install a means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked; in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 2: Installation of NASI Vent Door System STC ST01116CH, is an approved means of compliance with the requirements of paragraph (e) of this AD.

(f) Compliance with both paragraphs (d) and (e) of this AD constitutes terminating action for the requirements of both paragraphs (a) and (b) of this AD, and the AFMS revision required by paragraph (b) of this AD may be removed. Compliance with paragraph (e) of this AD within 30 days after the effective date of this AD eliminates the requirement to comply with paragraph (c) of this AD.

Alternative Methods of Compliance

(g)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(2) Alternative methods of compliance to paragraph (a) of AD 93–20–02, amendment 39–8709, approved previously in accordance with that AD, are approved as alternative methods of compliance with only paragraph (a) of this AD.

(3) Alternative methods of compliance to paragraph (b) of AD 93–20–02, amendment 39–8709, approved previously in accordance with that AD, are approved as alternative methods of compliance with only paragraph (b) of this AD.

Special Flight Permits

(h) 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

(i) The modification required by paragraph (d) of this AD shall be done in accordance with National Aircraft Service, Inc. (NASI) Service Bulletin SB–99–01, Revision A, dated October 15, 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 National Aircraft Service, Inc. (NASI), 9133 Tecumseh-Clinton Road, Tecumseh, MI 49286. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on June 7, 2000.

Appendix 1

Excerpt from an FAA Memorandum to Director-Airworthiness and Technical Standards of ATA, dated March 20, 1992.

''(1) *Indication System:*

(a) The indication system must monitor the closed, latched, and locked positions, directly.

(b) The indicator should be *amber* unless it concerns an outward opening door whose opening during takeoff could present an immediate hazard to the airplane. In that case the indicator must be *red* and located in plain view in front of the pilots. An aural warning is also advisable. A display on the master caution/warning system is also acceptable as an indicator. For the purpose of complying with this paragraph, an immediate hazard is defined as significant reduction in controllability, structural damage, or impact with other structures, engines, or controls.

(c) Loss of indication or a false indication of a closed, latched, and locked condition must be improbable.

(d) A warning indication must be provided at the door operators station that monitors the door latched and locked conditions directly, unless the operator has a visual indication that the door is fully closed and locked. For example, a vent door that monitors the door locks and can be seen from the operators station would meet this requirement.

(2) *Means to Visually Inspect the Locking Mechanism*:

There must be a visual means of directly inspecting the locks. Where all locks are tied to a common lock shaft, a means of inspecting the locks at each end may be sufficient to meet this requirement provided no failure condition in the lock shaft would go undetected when viewing the end locks. Viewing latches may be used as an alternate to viewing locks on some installations where there are other compensating features.

(3) *Means to Prevent Pressurization*:

All doors must have provisions to prevent initiation of pressurization of the airplane to an unsafe level, if the door is not fully closed, latched and locked.

(4) *Lock Strength*:

Locks must be designed to withstand the maximum output power of the actuators and maximum expected manual operating forces treated as a limit load. Under these conditions, the door must remain closed, latched and locked.

(5) *Power Availability*:

All power to the door must be removed in flight and it must not be possible for the flight crew to restore power to the door while in flight.

(6) *Powered Lock Systems*:

For doors that have powered lock systems, it must be shown by safety analysis that inadvertent opening of the door after it is fully closed, latched and locked, is extremely improbable.''

Issued in Renton, Washington, on April 24, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–10674 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release Nos. IC–24424, IS–1221; File No. S7–15–99]

RIN 3235–AH55

Custody of Investment Company Assets Outside the United States

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a new rule and rule amendments under the Investment Company Act to address the custody of investment company assets outside the United States. The rule and rule amendments establish new standards governing the maintenance of an investment company's assets with a foreign securities depository. These standards are designed to provide a framework under which an investment company can protect its assets while maintaining them with a foreign securities depository.

DATES: *Effective Date:* June 12, 2000. *Compliance Date:* July 2, 2001. Section III of this release contains more information on transition prior to the compliance date.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Attorney, Office of Regulatory Policy, at (202) 942–0690, or Thomas M.J. Kerwin, Senior Counsel, at (202) 942–0660, in the Division of Investment Management, Securities and Exchange Commission, 450 5th Street NW, Washington DC 20549–0506.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (''Commission'') today is adopting new rule 17f–7 [to be codified at 17 CFR 270.17f–7], amendments to rule 17f–5 [17 CFR 270.17f–5] and conforming amendments to rule 7d–1 [17 CFR 270.7d–1] and rule 17f–4 [17 CFR 270.17f–4] under the Investment Company Act of 1940 [15 U.S.C. 80a] (the ''Investment Company Act'').[1]

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Executive Summary

The Commission is adopting new rule 17f–7 under the Investment Company Act and amendments to rule 17f–5, the rule that governs the custody of the assets of registered management investment companies (''funds'') with custodians outside the United States. The new rule and rule amendments will permit funds to maintain their assets in foreign securities depositories based on conditions that reflect the operations and role of these depositories. Depositories are systems for the central handling of securities in which transactions in securities are processed through adjustment of electronic account records rather than delivery of certificates.

The rule and amendments we are adopting today establish basic standards for foreign depositories that funds may use, and generally require that a fund's contract with its global custodian obligate the custodian to analyze and monitor the custody risks of using a depository, and provide information about the risks to the fund or its adviser, as well as any information regarding material changes in the risks. Unlike amended rule 17f–5, rule 17f–7 does not contain any provisions regarding the delegation of authority under the rule. Decisions to maintain assets with a depository would be made by the fund or its adviser, based upon information provided by the global custodian.

I. Background

Rule 17f–5 was adopted in 1984,[2] and extensively revised in 1997 (''1997 Amendments'') to reflect significant developments in foreign investment by U.S. funds and the Commission's greater experience with foreign custody arrangements.[3] The 1997 Amendments expanded the types of foreign banks and securities depositories that may serve as custodians of fund assets, and required that the selection of a foreign custodian be based on whether the fund's assets will be subject to reasonable care if maintained with that custodian.[4] In 1998, as a result of difficulties experienced by funds, their advisers and bank custodians in applying the standards of rule 17f–5 to the use of foreign depositories, representatives of funds asked the Commission to delay the compliance date for the 1997 Amendments.[5] The Commission suspended the compliance date for most of the 1997 Amendments in May 1998.[6] Representatives of funds and bank custodians then submitted a proposal to further amend rule 17f–5 to change the standards by which foreign depositories are evaluated.[7]

[1] Unless otherwise noted, all references to rules 17f–5, 17f–4, and 7d–1 (or any paragraph of those rules) will be to 17 CFR 270.17f–5, 270.17f–4, and 270.7d–1, as amended by this release.

[2] *See* Exemption for Custody of Investment Company Assets Outside the United States, Investment Company Act Release No. 14132 (Sept. 7, 1984) [49 FR 36080 (Sept. 14, 1984)]. Section 17(f) of the Investment Company Act, which governs fund custody arrangements, does not address the use of a foreign custodian. The Commission adopted rule 17f–5 under its exemptive authority in section 6(c) of the Act [15 U.S.C. 80a–6(c)] and under its authority in section 38(a) of the Act [15 U.S.C. 80a–38(a)].

[3] *See* Custody of Investment Company Assets Outside the United States, Investment Company Act Release No. 22658 (May 12, 1997) [62 FR 26923 (May 16, 1997)] (the ''1997 Release'').

[4] *See* Custody of Investment Company Assets Outside the United States, Investment Company Act Release No. 23815 (Apr. 29, 1999) [64 FR 24489 (May 6, 1999)] (the ''Proposing Release''), at nn.4–10 and accompanying text.

[5] The history of rule 17f–5 is discussed in greater detail in the introductory section of the Proposing Release. *See* Proposing Release, *supra* note 4, at nn.2–17 and accompanying text.

[6] *See* Custody of Investment Company Assets Outside the United States, Investment Company Act Release No. 23201 (May 21, 1998) [63 FR 29345 (May 29, 1998)]. A further extension remains in effect today. *See* Custody of Investment Company Assets Outside the United States; Extension of Compliance Date, Investment Company Act Release No. 23814 (Apr. 29, 1999) [64 FR 24488 (May 6, 1999)] (extending compliance date until the Commission acts on 1999 proposals or May 1, 2000). The compliance date for the amended definition of ''eligible foreign custodian'' remained June 16, 1998. Compliance with the 1997 Amendments will become moot when amended rule 17f–5 and new rule 17f–7 take effect. *See infra* notes 38 to 40 and accompanying text (discussing effective date and compliance date for amended rule and new rule; prior to the compliance date, a fund may comply with the 1997 Amendments or follow other compliance options).

[7] *See* Proposing Release, *supra* note 4, at nn.13 & 15 and accompanying text. The submitted proposal (the ''ICI/Bank Proposal'') would have deemed fund assets maintained with a depository to be subject to reasonable care if eight objective criteria were met. *See id.* at n.16. Under a revised joint proposal submitted in 1999, the foreign custody manager would have (i) considered other information known to it that established certain compliance problems, and (ii) monitored depository arrangements for material changes. *See id.*

Last year, we proposed amendments to rule 17f–5 and a new rule 17f–7.[8] We received letters from seven commenters on the proposals.[9] Commenters generally favored the proposals, but also recommended changes.[10] We are adopting new rule 17f–7 with modifications that respond to certain of the issues raised by commenters; we are adopting the amendments to rule 17f–5 substantially as proposed.[11]

II. Discussion

A. Foreign Securities Depositories: Rule 17f–7

New rule 17f–7 permits a fund to maintain assets with a foreign securities depository if certain conditions are met. First, the depository must be an ''eligible securities depository'' as described below. Second, the fund's ''primary custodian'' must provide the fund or its adviser with an analysis of the custodial risks of using the depository, monitor the depository on a continuing basis and notify the fund of any material changes in risks associated with using the depository. The rule defines a primary custodian (often referred to as a ''global custodian'') as a U.S. bank or qualified foreign bank (as defined by rule 17f–5) that contracts directly with the fund to provide custodial services for foreign assets.[12]

1. Eligible Securities Depository. Under the rule, funds and their custodians may maintain their assets with a foreign securities depository only if it is an ''Eligible Securities Depository.'' An eligible securities depository must act as or operate a system for the central handling of securities that is regulated by a foreign financial regulatory authority.[13] In addition, an eligible securities depository must: [14]

- (Hold assets on behalf of the fund under safekeeping conditions no less favorable than those that apply to other participants; [15]
- (Maintain records that identify the assets of participants, and keep its own assets separated from the assets of participants;
- (Provide periodic reports to participants; and
- (Undergo periodic examination by regulatory authorities or independent accountants.[16]

The proposed rule included within the definition of eligible securities depository certain foreign transfer agents that perform custodial functions analogous to those of a depository.[17] Commenters urged that the rule not address these types of arrangements, which are found in countries such as Russia and Ukraine.[18] Commenters pointed out that while some transfer agents may be analogous to securities depositories, others clearly are not, and some transfer agents perform some but not all the functions of a depository. We have decided to accept the recommendations of these commenters, and will continue to address the use of these transfer agents on a case-by-case basis.[19]

2. Risk Analysis, Monitoring and Notification. The definitional requirements for an eligible securities depository described above are minimum requirements that all foreign securities depositories must meet before a fund may rely on the rule to place fund assets with them. We also are adopting, as a condition for use of the rule, a requirement that the custody risks of using the eligible securities depository be analyzed and monitored by the primary custodian or its agent.

Rule 17f–7 requires that a fund's primary custodian [20] furnish the fund or its investment adviser an analysis of the custody risks of using an eligible securities depository before the fund places its assets with the depository.[21] The fund's contract with its primary custodian also must require the custodian to monitor these risks on a

[8] *See* Proposing Release, *supra* note 4.

[9] The commenters included an individual attorney, an investment adviser, a bank custodian, a depository operator, two trade associations and a bar association. The comment letters and a summary of the comments prepared by the Commission staff are available in the Commission's Public Reference Room, 450 5th Street, NW, Washington, DC (File No. S7–15–99).

[10] Commenters representing the bank custodians and the Investment Company Institute expressed a preference for the ICI/Bank Proposal. As we noted in the Proposing Release, we did not believe the ICI/Bank Proposal would adequately resolve the issues raised because the reliance on limited objective criteria may not adequately identify the potential risks of depository arrangements in a changing global marketplace. In addition, we were concerned that the ICI/Bank Proposal might unduly narrow the evaluation of potential risks and reduce incentives to provide relevant information to funds. *See* Proposing Release, *supra* note 4, at n.19 and accompanying text.

[11] We are also adopting conforming amendments to rules 7d–1 and 17f–4 substantially as proposed.

[12] *See* rule 17f–7(b)(2). One commenter noted that some funds may not contract directly with the custodian that is primarily responsible for global custody arrangements. Instead, a fund may contract with a domestic custodian that subcontracts with a global custodian to handle the fund's foreign custody arrangements. The risk analysis and monitoring requirements of rule 17f–7 reflect these alternative arrangements by providing that the Primary Custodian ''or its agent'' (*i.e.,* the global custodian) may furnish the information required by the rule. *See* rule 17f–7(a)(1)(i).

[13] *See* rule 17f–7(b)(1)(i) and (ii). As proposed, the definition of eligible securities depository would have applied only to the depository system itself. At one commenter's suggestion, we have expanded the definition of eligible securities depository to include the operator of a depository system.

[14] *See* rule 17f–7(b)(1)(iii) to (vi). The following requirements reflect five of the eight requirements suggested in the ICI/Bank Proposal. *See supra* note 7.

[15] As proposed, rule 17f–7 would have required an eligible securities depository to treat a fund no less favorably than other participants with respect to all conditions generally, rather than ''safekeeping'' conditions. Two commenters suggested that the rule should permit different business conditions, such as different credit terms or volume-adjusted fees, because they do not imply different levels of safekeeping protection. We agree with this point and have modified the rule accordingly. *See* rule 17f–7(b)(1)(iii).

[16] As proposed, rule 17f–7 would have required an eligible securities depository to be subject to periodic ''review,'' rather than ''examination,'' by regulators or auditors. The change in the final rule is intended to distinguish this requirement from the requirement that a foreign financial regulatory authority regulate the depository. *See* rule 17f–7(b)(1)(vi).

[17] *See* Proposing Release, *supra* note 4, at nn.32–34 and accompanying text. Interpretations by Commission staff have treated U.S.-based transfer agents as depositories when they maintain records of the ownership of uncertificated securities not held in a conventional depository. *See, e.g.,* American Pension Investors Trust, SEC No-Action Letter (Feb. 1, 1991) (custodian for fund of funds could maintain fund's investments in uncertificated shares of underlying funds with the domestic transfer agents of those funds acting as deemed depositories); FundVest, SEC No-Action Letter (Nov. 21, 1984) (similar position).

[18] In the case of Russia, for example, hundreds of registrars typically are used to record securities transfers. *See* Proposing Release, *supra* note 4, at n.33 and accompanying text.

[19] In urging the Commission to continue to address the use of transfer agents on a case-by-case basis, commenters suggested that it would be burdensome to obtain a risk analysis of the many transfer agents (such as the registrars in Russia) that funds might use, and that transfer agents may not meet all of the requirements of an eligible securities depository. We note, however, that the staff provided no-action assurance in the past to allow funds to hold assets with foreign transfer agents that perform some custodial functions, based upon representations that the transfer agents would be subject to similar oversight. Those no-action letters were issued in reliance on representations that, among other things, the transfer agents' activities would be monitored, independent auditors would verify the share registry, and the fund's board of directors would receive quarterly reports. *See, e.g.,* Templeton Russia Fund, Inc., SEC No-Action Letter (Apr. 18, 1995) and Russia Growth Fund, Inc., SEC No-Action Letter (May 20, 1997). Because rule 17f–7 does not address the use of foreign transfer agents, funds should continue to follow the applicable no-action letters or exemptive relief on which they rely to hold assets with those transfer agents.

[20] *See* rule 17f–7(a)(1)(i)(A). A local subcustodian or other agent may prepare the initial risk analysis on behalf of the primary custodian.

[21] *See id.* We recognize that in certain emergency circumstances a fund may need to move its assets to a depository in order to protect its assets before a risk analysis of the new depository can be prepared. In those circumstances, we would expect the initial risk analysis of the new depository to be provided as soon as possible after the fund places its assets with that depository. *See infra* ''Part III. Effective Date,'' for a discussion of the treatment of fund assets in the custody of a foreign securities depository before the fund's depository arrangements are subject to the requirements of rule 17f–7.

continuing basis,[22] and promptly notify the fund or its adviser of any material change.[23]

We have written the risk analysis requirements of the rule broadly to provide custodians with flexibility to tailor the risk analysis to the specific risks involved in the use of each particular depository.[24] The rule does not prescribe specific factors or types of risk to be considered in a risk analysis. As a general matter we expect that an analysis will cover a depository's expertise and market reputation, the quality of its services, its financial strength,[25] any insurance or indemnification arrangements, the extent and quality of regulation and independent examination of the depository,[26] its standing in published ratings, its internal controls and other procedures for safeguarding investments, and any related legal protections.

Rule 17f–7 does not assign a role to the investment adviser or fund board, but is designed to assure that sufficient material information about depositories is provided to the fund or adviser in a timely manner. The decision whether to place fund assets with a depository should be made by the adviser (subject to oversight of the fund's board) or the fund, after consideration of the information provided by the primary custodian or its agent,[27] and based on standards of care that are generally applicable to fund advisers and directors.[28] The decision to place fund assets with a depository does not have to be made separately, but may be made in the overall context of the decision to invest in a particular country.

As proposed, rule 17f–7 would have permitted a fund to rely on indemnification or insurance that adequately protects the fund from all custody risks of using the depository, as an alternative to the risk analysis and monitoring requirement.[29] Several commenters urged that we not adopt this alternative, and pointed out that, if we did, they would need guidance on the scope and amount of indemnification adequate to meet the requirements of the rule.[30] In light of the issues raised by commenters and the likelihood that this alternative would not be used by funds, we have decided not to adopt it. Instead, as noted above, we suggest that insurance and indemnification arrangements are factors that a risk analysis would cover.[31]

3. Exercise of Care. Rule 17f–7 requires the fund's contract with its primary custodian to provide that the primary custodian will agree to exercise reasonable care, prudence and diligence in performing its duties under the rule, or adhere to a higher standard of care.[32] This standard of care is the same required of foreign custody managers under rule 17f–5,[33] and is similar to standards for U.S. custodians under commercial law. [34]

B. Foreign Bank Custodians: Rule 17f–5

Amended rule 17f–5 will continue to govern a fund's use of a foreign bank custodian. As amended, the rule excludes arrangements with foreign securities depositories from its scope because they are addressed by rule 17f–7. The amended rule also reflects other clarifying changes from the previous version of the rule.[35] A note to amended rule 17f–5 (and a similar note to rule 17f–7) explains that when a depository arrangement involves one or more foreign bank custodians through which assets are maintained with the depository, rule 17f–5 applies to the fund's or its custodian's use of each foreign bank subcustodian, while rule

[22] *See* rule 17f–7(a)(1)(i)(B). The proposed rule would have required the primary custodian to ''continuously'' monitor the custody risks of using a foreign depository. One commenter argued that the term ''continuously'' could imply that the primary custodian must learn of material changes affecting a depository more quickly than it learns of developments affecting other subcustodians such as a foreign bank. As adopted, rule 17f–7 mirrors a requirement imposed in the United Kingdom that custodians be subject to a ''continuing risk assessment.'' *See* United Kingdom Securities and Futures Authority, Board Notice 433, New Safekeeping Rules, Custody Rule 4–107(1), Assessment of Custodian (July 21, 1997) (after a firm makes an appropriate risk assessment of an eligible custodian, it must undertake a ''continuing risk assessment''). The requirement that monitoring of custody risk occur on a ''continuing basis'' better reflects the Commission's view, expressed in the Proposing Release, that there should be an ongoing assessment of the custody risks associated with a depository, and that the level of this monitoring should be based on the specific facts and circumstances related to the foreign depository and the country in which the depository operates. *See* Proposing Release, *supra* note 4, at nn.38–43 and accompanying text. As with the preparation of the initial risk analysis, a local subcustodian or other agent may monitor custody risks on behalf of the primary custodian.

[23] A commenter suggested that a primary custodian should be permitted to suspend its monitoring and notification activities if political developments or other circumstances interfere with these obligations. The Commission anticipates that exceptional developments will be addressed in a report to the fund and that the primary custodian, in performing its duties under the contract, will make a reasonable effort to continue to monitor further developments or to resume monitoring as soon as practicable in these circumstances.

[24] One commenter pointed out that certain transnational depositories may perform depository and global custodial functions. Under the rule, the risk analysis of a transnational depository that also performs custodial functions should take into consideration any information reasonably available to the primary custodian from the depository regarding its custodial network (*e.g.,* the local bank subcustodian's internal controls, financial strength, and information regarding enforceability of judgments).

[25] Relevant measures of financial strength might include the level of settlement guarantee funds, collateral requirements, lines of credit, or insurance as compared with participants' daily settlement obligations.

[26] This factor relates to requirements under the definition of an eligible securities depository.

[27] We recognize that fund boards do not typically have the expertise to make day-to-day decisions regarding foreign depository arrangements, and we assume that a fund board will delegate these responsibilities to the fund's adviser, subject to the board's general oversight, even though the rule does not require delegation. As we stated in the Proposing Release, when custodial risks are a material factor in the decision to enter or exit a market, we would expect the adviser to inform the board of the risks based on the risk analysis and other information provided by the primary custodian or its agent. *See* Proposing Release, *supra* note 4, at nn.51–53 and accompanying text.

[28] These standards generally require the exercise of care, but do not set limits on the risks that a fund or its adviser may find acceptable for the fund's depository arrangements.

[29] *See* Proposing Release, *supra* note 4, at text accompanying nn.35–37.

[30] Some commenters said that guidance would be needed on whether the rule would allow for common insurance exclusions (such as insurrection, natural disasters, or governmental action). Some commenters also suggested that coverage against negligence by a depository (as distinguished from larceny or embezzlement) might be unavailable or prohibitively expensive, and that reasonable coverage limits and deductible amounts would need to be defined.

[31] For example, the primary custodian could determine that certain risks are mitigated by indemnification or insurance.

[32] *See* rule 17f–7(a)(1)(ii). As proposed, rule 17f–7 also would have required the custodian or subcustodian to agree to exercise reasonable care in ''all other conduct relating to custody arrangements.'' The rule as adopted does not include this latter provision because, as one commenter pointed out, it would broadly apply to some custody activities that may be unrelated to the use of a depository (*e.g.,* activities not related to analysis of the depository and monitoring of risks).

[33] *See* rule 17f–5(b)(3).

[34] *See* Uniform Commercial Code, § 8–504 and cmt. 3, and § 8–509 (1994) (securities intermediary must perform its duties under the Code, including duties to follow certain procedures in maintaining financial assets and to exercise care in selecting subcustodians, with ''due care in accordance with reasonable commercial standards,'' unless modified by regulatory requirements or contractual provisions that meet a ''good faith'' standard).

[35] Amended rule 17f–5 uses the term ''foreign assets'' in place of ''fund assets'' to clarify that assets maintained with a foreign custodian may not be the exclusive property of the fund. *See* U.C.C. § 8–503(b) and cmt. 1 (1994) (entitlement holder's property interest in securities held by its securities intermediary is a pro rata interest shared with other customers of the intermediary). The amended rule also refers to ''maintaining assets with'' an eligible foreign custodian rather than ''selecting'' a custodian, and uses the term ''eligible foreign custodian'' throughout the rule. In addition, the amended rule provides that the fund's foreign custody manager, as well as the fund itself, may place and maintain fund assets with an eligible foreign custodian. *See* amended rule 17f–5.

17f–7 applies to the subcustodian's use of the depository itself.[36]

C. Conforming Amendments

Conforming amendments to rules 17f–4 and 7d–1 clarify references to rule 17f–5 by adding a reference to rule 17f–7. One commenter recommended that the word ''foreign'' be deleted from the reference to a ''foreign eligible securities depository'' in the proposed amendment to rule 17f–4 because it is too restrictive. As adopted, the amendment to rule 17f–4 does not include the word ''foreign,'' and refers instead to an ''eligible securities depository'' as defined in new rule 17f–7.[37]

III. Effective Date

New rule 17f–7 and the amendments to rule 17f–5 will be effective June 12, 2000. Compliance with the new rule and rule amendments will not be required until July 2, 2001.[38] In the interim, a fund may operate its foreign custody arrangements in accordance with the new rule and amendments or with the 1997 Amendments to rule 17f–5,[39] or it may comply with ''old'' rule 17f–5 as it existed prior to the 1997 Amendments (but subject to the definition of an eligible foreign custodian under the 1997 Amendments).[40]

IV. Cost-Benefit Analysis

The Commission is sensitive to the costs and benefits of its rules. In the Proposing Release, we requested comments and specific data regarding the costs and benefits of the proposed rule and rule amendments, but commenters did not address any specific costs or quantify any benefits.

New rule 17f–7 and the amendments to rule 17f–5 respond to concerns expressed by global custodians and fund managers that rule 17f–5, as amended in 1997, is not workable. The new rule and rule amendments also address our concerns that, as a result of global custodians' unwillingness to assume delegated responsibilities under rule 17f–5, obligations to evaluate depositories' custodial capabilities may fall to fund boards, which lack the relevant knowledge and expertise to make these evaluations.

We believe that new rule 17f–7 will benefit investors by establishing a workable framework under which assets may be maintained in foreign depositories consistent with the investor protection goals of the Investment Company Act. In adopting this rule, we recognize that investment in many foreign countries presents custodial risks that cannot be avoided, including the use of local securities depositories. The rule seeks to reduce the risks by requiring that fund advisers (or funds) be fully apprised of these risks when they make the decision to invest in the country on an ongoing basis. The rule will also benefit funds and their shareholders by freeing fund boards of the responsibility to make findings concerning foreign depositories that often remained with them after the 1997 Amendments because of global custodians' refusals to accept delegated responsibility. As a result, fund boards should have more time to address other issues that are important to investors.

New rule 17f–7 and the amendments to rule 17f–5 may impose costs. Although the new rule sets minimum requirements for depositories, it does not dictate a standard for custody risks. A depository may fail, causing losses to investors, despite the diligence of global custodians, funds and advisers.

Global custodians should not incur materially greater costs under new rule 17f–7, which generally requires them to perform duties they may perform already under custodial contracts.[41] Rule 17f–7 may have the effect of requiring global custodians to exercise a greater degree of vigilance in monitoring depositories (or to refrain in the future from reducing their diligence) because it requires them to monitor a depository ''on a continuing basis,'' and in this respect may impose some costs. It is unlikely, however, that these costs will be material, since many custodians already monitor their foreign subcustodians, the countries in which these subcustodians are located, and foreign securities depositories. Existing custodial agreements with funds may need to be amended because of rule 17f–7 and the amendments to rule 17f–5. We expect that global custodians may pass on additional costs to mutual funds, but that the costs are unlikely to materially affect overall fund expense ratios, in part because custodial fees are not calculated on an hourly basis.

The Commission staff estimates that approximately 3,690 fund portfolios will be affected by rule 17f–7 and the amendments to rule 17f–5.[42] The staff estimates that during the first year after rule 17f–7 goes into effect, approximately 15 global custodians (or their agents)[43] will make an average of 80 responses per custodian, and that each response will require approximately 10 hours, for a total annual burden for global custodians of 12,000 hours.[44] The staff estimates that during the first year after the amendments to rule 17f–5 go into effect, approximately 15 global custodians will be required to make an average of 80 responses per custodian concerning the use of foreign custodians other than depositories, requiring 10 hours per response.[45] In addition, during that first year, the staff estimates that each custodian will require approximately 96 hours for an additional ''response'' under rule 17f–5, which involves renegotiating the custodial contract with the fund and establishing a system to monitor custody arrangements for the fund. The total annual burden associated with the amendments to rule

[36] *See* Note to amended rule 17f–5; Note to rule 17f–7.

[37] This change clarifies that an eligible securities depository may include, for example, a branch of a U.S. bank that meets the other requirements of the definition of an eligible securities depository.

[38] A fund may undertake to comply with new rule 17f–7 and amended rule 17f–5 before the compliance date. With respect to fund assets in the custody of a foreign securities depository before it has begun to comply with rule 17f–7, we expect the fund or its adviser to determine whether the depository is an eligible securities depository as defined by the rule, and to obtain an initial risk analysis of the depository by the compliance date.

[39] Compliance with the 1997 Amendments will become moot when amended rule 17f–5 and new rule 17f–7 take effect. See supra note 6 (clarifying the status of the compliance date for the 1997 Amendments). Therefore, the Commission is extending the compliance date of the 1997 Amendments to the effective date of the rule and amendments we are adopting today.

[40] *See* Custody of Investment Company Assets Outside the United States, Investment Company Act Release No. 23201 (May 21, 1998) [63 FR 29345 (May 29, 1998)] at nn.7 & 9 and accompanying text. The fund may apply any of these alternative frameworks separately to each foreign custodian or subcustodian it uses. The fund's arrangement with a particular foreign custodian, subcustodian, or depository should comply in its entirety with amended rule 17f–5 and new rule 17f–7, or with rule 17f–5 as amended by the 1997 Amendments, or with old rule 17f–5 as it existed prior to the 1997 Amendments (but subject to the amended definition of an eligible foreign custodian).

[41] Rule 17f–7 should not materially increase a custodian's risk of liability because most custodial contracts will probably continue to limit the custodian's liability, particularly with respect to information it may receive from third parties.

[42] This information is based on data reported by funds on Form N–SAR [17 CFR 274.101].

[43] This estimate is based on staff review of custody contracts and other research.

[44] These estimates assume that each of the 15 custodians services an average of 250 client portfolios within 40 fund complexes, that a single response by each custodian can simultaneously address approximately 6 client portfolios in a fund complex. A ''response'' may involve the preparation of risk analyses of depository arrangements, the monitoring of depositories for material changes in risks and the preparation of notices for funds of material changes in risks related to these depositories.

[45] These estimates assume that each of the 15 custodians services an average of 250 client portfolios within 40 fund complexes, that a single response by each custodian can simultaneously address approximately 6 client portfolios in a fund complex. A ''response'' may involve establishing bank custody arrangements for approximately 40 fund complexes, preparing reports to fund boards and monitoring custody functions.

17f–5 for global custodians during the first year will be approximately 13,440 hours (15 global custodians × 896 hours per global custodian).

Under rule 17f–7, funds or their advisers will bear the cost of evaluating the information provided by global custodians and making decisions regarding the continued use of a depository (and in this respect, continued investment in the country where the depository is located). We believe that in the context of foreign depository arrangements, this allocation of costs is appropriate in light of (i) the unwillingness of global custodians to assume responsibilities that may overlap with investment decisions and (ii) the extent to which the decision to use a foreign depository may affect an investment strategy that contemplates investment in a particular foreign market. An adviser's costs (and the related fund's costs) should not materially increase because of the rule, since decisions concerning use of a depository likely are part of the overall decision to invest in a country, and are decisions that funds and their advisers made prior to adoption of rule 17f–7. Savings under rule 17f–5 may offset increased costs to funds and their advisers with respect to new rule 17f–7, since fund directors will no longer have to make time-consuming ''reasonable care'' determinations regarding foreign depositories.

The staff estimates that during at least the first year after rule 17f–7 goes into effect, approximately 650 investment advisers [46] may make an average of 3 responses per adviser under the new rule, requiring a total of approximately 25 hours for each adviser.[47] The total annual burden for funds and their advisers under rule 17f–7 will be approximately 16,250 hours. The staff further estimates that during the first year after the amendments to rule 17f–5 go into effect, the total annual burden associated with the rule's requirements will be approximately 7,380 hours (3,690 portfolios × 2 hours per portfolio).[48] The removal of custody arrangements involving securities depositories from amended rule 17f–5 may eliminate as many as 28,600 burden hours from the current total burden hours for funds and their advisers.[49]

It is unclear whether the new rule and rule amendments will increase or decrease investments in funds holding foreign securities. Custody risks are only one factor investors may consider before deciding to invest in a particular fund. Fund managers may have more information regarding custodial risks because of the new rule and amendments, and this may affect their decisions regarding where to invest a fund's assets, or in some cases, when to remove a fund's assets from a country. The new rule and rule amendments may affect competition among custodians, but are unlikely to significantly change the tasks that custodians currently perform. The rules allow third parties to prepare risk analyses and monitor depositories for changes in risks for custodians. It is unclear whether custodians will pass the costs of utilizing these third party service providers to funds or investors. Many custodians already may be using the services of these providers.

V. Effects on Efficiency, Competition and Capital Formation

Section 2(c) of the Investment Company Act requires the Commission, when engaging in rulemaking that requires it to consider or determine whether an action is consistent with the public interest, to consider whether the action will promote efficiency, competition and capital formation.[50] The Commission has considered these factors.

As discussed above, the Commission anticipates that new rule 17f–7 and the amendments to rule 17f–5 will provide a workable framework under which a fund can protect its assets while maintaining them with a foreign securities depository. These rule changes may marginally promote efficiency in custody arrangements involving foreign assets by better delineating the responsibilities of fund boards, fund advisers and custodians with respect to custody of investment company assets outside the United States, whether an eligible foreign custodian or an eligible securities depository holds them. It is unlikely that the rule changes will have any material effect on competition among custodians, because the rules do not substantially change the duties of custodians, or increase the potential universe of custodians or depositories. The rule changes should also have little effect on domestic capital formation because the rules relate only to foreign custody of fund assets. There are relatively few funds affected by the new rule and amendments, compared to the total number of funds. Similarly, the total dollar amount invested in funds affected by the rule and amendments is also relatively small, compared to the total amount invested in all funds.

VI. Paperwork Reduction Act

Certain provisions of new rule 17f–7 and the amendments to rule 17f–5 contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995.[51] The Commission submitted the collection of information requirements contained in the rule and rule amendments to the Office of Management and Budget (''OMB'') for review in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11.[52] An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the agency displays a valid OMB control number.[53]

A. New Rule 17f–7

New rule 17f–7 contains some collection of information requirements. Under the rule, an eligible securities depository must meet certain minimum standards. The fund or its investment

[46] Commission staff estimates that there are 3,690 portfolios with securities held by a foreign custodian or foreign securities depository, and that these portfolios are divided among approximately 1,327 registered funds with approximately 650 fund complexes that may share the same investment adviser, board of directors, U.S. bank custodian or all of these entities. Each board of directors and its delegates for a fund complex could therefore meet rule 17f–7's requirements by simultaneously approving similar arrangements for some 6 portfolios in the same complex. The estimated hour burdens are based on discussions with representatives of funds about the burdens of analogous requirements in another custody rule.

[47] These estimates assume that one adviser manages 6 portfolios, and that each adviser would make 3 responses annually requiring a total of 25 hours for each adviser. A ''response'' may involve addressing depository compliance with minimum requirements, and reviews of risk analyses and notifications for the fund complex. The staff also assumes that fund boards will delegate most of the responsibility for reviewing risk analyses and notifications to a fund's adviser. To the extent fund boards do not delegate these responsibilities, funds will bear the costs of reviewing risk analyses and notifications.

[48] The staff estimates that 2 hours of board or adviser time will be required annually to make the necessary findings concerning foreign custody managers required by amended rule 17f–5.

[49] This estimate assumes that without the amendments, under rule 17f–5, approximately 650 investment advisers would have to make an average of 3 responses per adviser annually (requiring a total of approximately 44 hours for each adviser) to address depository arrangements. The 44 hours include: 10 hours establishing custody arrangements with depositories and making ''reasonable care'' determinations, 24 hours monitoring depository arrangements, and 10 hours reporting to fund boards.

[50] 15 U.S.C. 80a–2(c).

[51] 44 U.S.C. 3501–3520.

[52] The titles of the collections of information are ''Custody of Investment Company Assets Outside the United States'' and ''Custody of Investment Company Assets with a Foreign Securities Depository.'' The OMB control numbers for the rules are as follows: rule 17f–7 (3235–0529, expires Aug. 31, 2002); rule 17f–5 (3235–0269, expires Aug. 31, 2002).

[53] 44 U.S.C. 3506(c)(1)(B)(v).

adviser will generally determine whether the depository complies with those requirements based on information provided by the fund's primary custodian. The depository custody arrangement also must meet certain conditions. The fund or its adviser must receive from the primary custodian (or its agent) an initial risk analysis of the depository arrangements, and the fund's contract with its primary custodian must state that the custodian will monitor risks and promptly notify the fund or its adviser of material changes in risks. The primary custodian and other custodians also must agree to exercise reasonable care.

The staff estimates that during the first year after rule 17f–7 goes into effect, approximately 650 investment advisers will review an average of 3 risk analyses per adviser under the rule, requiring a total of approximately 25 hours for each adviser. Each of these ''responses'' by an adviser may address depository compliance with the minimum requirements of the rule, and require the adviser to review risk analyses or notifications of material changes in risks related to a depository.[54] The total annual burden associated with these requirements of the rule during the first year is estimated to be approximately 16,250 hours (650 advisers × 25 hours per adviser). The staff further estimates that during the first year after the proposed rule goes into effect, approximately 15 global custodians will make an average of 80 responses per custodian under the rule that will require approximately 10 hours per response.[55] A ''response'' by a global custodian may involve the preparation of the risk analysis, the monitoring of depository risks or the preparation of subsequent notifications of material changes in depository risks. The total annual burden associated with these requirements of the new rule is estimated to be approximately 12,000 hours (15 custodians × 800 hours). Therefore, the total annual burden associated with all collection of information requirements of new rule 17f–7 during the first year after its adoption is estimated to be 28,250 hours (16,250 + 12,000).

B. Amendments to Rule 17f–5

The amendments to rule 17f–5 do not substantively change the rule's collection of information requirements, which will continue to apply when a fund (*i.e.,* a registered management investment company) maintains its assets with a foreign bank custodian. The amendments remove custody arrangements with foreign securities depositories from the rule, however, so that the rule's requirements no longer apply to these custody arrangements. In general, therefore, the amendments reduce the information collection burdens of rule 17f–5.

The requirements of amended rule 17f–5 that may call for the collection of information are substantially the same as under the current rule. The fund's board of directors must find that it is reasonable to rely on each delegate it selects to act as the fund's foreign custody manager. The delegate must agree to provide written reports that notify the board when the fund's assets are placed with a foreign custodian and when any material change occurs in the fund's custody arrangements. The delegate must agree to exercise reasonable care, prudence, and diligence, or to adhere to a higher standard of care. When the foreign custody manager selects an eligible foreign custodian, it must determine that the fund's assets will be subject to reasonable care if maintained with that custodian, and that the written contract that governs each custody arrangement will provide reasonable care for fund assets. The contract must contain certain specified provisions or others that provide at least equivalent care. The foreign custody manager must establish a system to monitor the contract and the appropriateness of continuing to maintain assets with the eligible foreign custodian.

The Commission's staff estimates that during the first year after the amendments go into effect, approximately 3,690 fund portfolios[56] will be required to make an average of one response per portfolio under amended rule 17f–5, requiring approximately 2 hours of director time per response, to make the necessary findings concerning foreign custody managers.[57] A ''response'' by a fund portfolio may involve the directors making certain findings concerning foreign custody managers, and the review and ratification of custodial contracts. The total annual burden associated with these requirements of the amended rule during the first year is estimated to be approximately 7,380 hours (3,690 portfolios × 2 hours per portfolio). The staff further estimates that during the first year after the amended rule goes into effect, approximately 15 global custodians[58] will be required to make an average of 80 responses per custodian concerning the use of foreign custodians other than depositories, requiring approximately 10 hours per response, plus one additional response per custodian that requires approximately 96 hours per response.[59] A ''response'' by a custodian under the amended rule may involve negotiating new custodial contracts with funds, establishing bank custody arrangements for fund complexes, preparing reports for funds and establishing a system to monitor custody arrangements. The total annual burden associated with these requirements of the rule during the first year is estimated to be approximately 13,440 hours (15 global custodians × 896 hours per global custodian). Therefore, the total burden of all collection of information requirements of rule 17f–5 during the first year after its amendment is estimated to be approximately 20,820 hours (7,380 + 13,440).[60]

[54] These estimates assume that one adviser manages 6 portfolios, and that each adviser will make 3 responses annually requiring a total of 25 hours for each adviser to address depository compliance with minimum requirements, and reviews of risk analyses or notifications for the adviser's fund complex. The 25 hours would include 5 hours spent to verify depository compliance with minimum requirements, and 20 hours spent to review risk analyses or notifications for the fund complex.

[55] These estimates assume that each of 15 custodians services an average of 250 client portfolios within 40 fund complexes, that a single response by each custodian can simultaneously address approximately 6 client portfolios in a fund complex, and that each custodian makes approximately 80 annual responses requiring 10 hours per response to prepare risk analyses of depository arrangements and monitor risks, and to provide notices of material changes in risks to its clients.

[56] This information is based on data reported by funds on Form N–SAR [17 CFR 274.101].

[57] The staff estimates that these 3,690 portfolios are divided among approximately 1,327 registered funds within approximately 650 fund complexes that may share the same investment adviser, board of directors, U.S. bank custodian, or all of these entities. Each board of directors and its delegates for a fund complex could therefore meet rule 17f–5's requirements by simultaneously approving similar arrangements for some 6 portfolios in the same complex. The estimated hour amounts are based on discussions with representatives of funds about the burdens of analogous requirements in another custody rule.

[58] This estimate is based on staff review of custody contracts and other research.

[59] These estimates assume that each of 15 custodians services an average of 250 client portfolios within 40 fund complexes, that a single response by each custodian can simultaneously address approximately 6 client portfolios in a fund complex, and that each custodian makes approximately 80 responses annually requiring 10 hours per response to establish bank custody arrangements for approximately 40 fund complexes and report to their fund boards, and one response annually requiring 96 hours per response to establish a system to monitor custody arrangements for these clients.

[60] The number of responses may decline substantially after the first year because some responses made during that year (*e.g.,* negotiating a custodial contract with a fund or establishing a

Continued

The staff estimates that the amendments' removal of custody arrangements involving securities depositories from rule 17f–5 will eliminate as much as 28,600 additional burden hours currently imposed by the rule's collection of information requirements. This estimate assumes that without the amendments, approximately 650 investment advisers[61] would have to make an average of 3 responses per adviser annually (*i.e.,* making reasonable care determinations), requiring a total of approximately 44 hours for each adviser, to address depository arrangements.[62]

As reflected in the following summary of the burden hours associated with the collection of information requirements in old rule 17f–5, rule 17f–5 as amended, and new rule 17f–7, the staff estimates that the net effect of the new rule and rule amendments will be to reduce the total annual paperwork burden by 350 hours:

Rule	Paperwork burden hours
Old rule 17f–5	49,420 hours.
Rule 17f–5 as amended	20,820 hours.
New rule 17f–7	28,250 hours.
Net reduction	350 hours.

The information collection requirements imposed by the new rule and rule amendments are required for those funds that decide to rely on the rules to obtain the benefit of maintaining assets in foreign custody arrangements. Funds that do not maintain assets in foreign custody arrangements are not required to rely on the rules. Responses to the collections of information will not be kept confidential.

VII. Summary of Final Regulatory Flexibility Analysis

The Commission has prepared a Final Regulatory Flexibility Analysis (''FRFA'') in accordance with 5 U.S.C. 604 relating to new rule 17f–7, the amendments to rule 17f–5, and the conforming amendments to rules 7d–1 and 17f–4. A summary of the Initial Regulatory Flexibility Analysis (''IRFA''), which was prepared in accordance with 5 U.S.C. 603, was published in the Proposing Release. The following is a summary of the FRFA.

A. Need for and Objectives of the Rule and Rule Amendments

Rule 17f–5 governs the custody of the assets of registered management investment companies (''funds'') with custodians outside the United States. The Commission amended the rule in 1997 to modernize its conditions. In 1998, representatives of funds and bank custodians informed the Commission that some conditions of the rule presented problems regarding the use of foreign securities depositories.

The Commission is adopting new rule 17f–7 and amendments to rule 17f–5, pursuant to the authority set forth in sections 6(c), 7(d), 17(f), and 38(a) of the Investment Company Act [15 U.S.C. 80a–6(c), –7(d), –17(f), and –37(a)], to permit funds to maintain their assets in foreign securities depositories based on conditions that reflect the operations and role of these depositories. New rule 17f–7 establishes new provisions for the use of depositories. The rule requires every foreign securities depository that holds fund assets to meet specified minimum standards. The rule also requires a custody arrangement with a depository to meet certain risk-limiting conditions. The fund or its adviser must receive an initial risk analysis of the depository arrangement from the primary custodian (or its agent), and the fund's contract with its primary custodian must state that the custodian will monitor those risks and notify the fund or its adviser of material changes in the risks. The primary custodian and other custodians involved in the depository arrangement also must agree to exercise reasonable care.

The amendments to rule 17f–5 remove custody arrangements with foreign securities depositories from the rule. This eliminates the applicability to depository arrangements of requirements that certain findings be made by the fund board, its investment adviser or global custodian, and that certain specified terms or equivalent protections appear in the rules of the depository. The conforming amendments to rules 7d–1 and 17f–4 clarify references to rule 17f–5 by adding a reference to rule 17f–7 as well.

B. Significant Issues Raised by Public Comments

The Commission received no public comments on the IRFA.

C. Small Entities Subject to the Rules

The new rule and rule amendments affect, among other persons, the approximately 15 global custodians that act as foreign custody managers for funds under rule 17f–5 and as primary custodians under rule 17f–7. None of these global custodians likely qualifies as a small entity, because each custodian is a major bank with a global branch network or global ties to other banks.[63] The new rule and rule amendments also affect the funds that invest in foreign markets and their investment advisers. Few if any of the affected funds and advisers are small entities.[64]

On balance, the impact of the new rule and rule amendments on global custodians, funds, and advisers is not expected to be great, because the burdens of the new rule's requirements will be offset in part by the elimination of burdens by amended rule 17f–5. For this reason, and because few if any of the affected entities would qualify as small entities, the new rule and rule amendments are unlikely to have a significant impact on a substantial number of small entities.

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements

New rule 17f–7 establishes new requirements for arrangements with depositories. As described above, the new rule requires each foreign securities depository that holds fund assets to meet specified minimum requirements. Depository arrangements also must meet other risk-limiting conditions. The fund or its adviser must receive an initial risk analysis of the depository arrangement from the primary custodian (or its agent), and the fund's contract with its primary custodian must state that the custodian will monitor the risks and promptly notify the fund of any material changes in risks. The primary custodian and other custodians also must agree to exercise reasonable care.

system to monitor custody arrangements) will suffice for some time thereafter.

[61] *See supra* note 57.

[62] These estimates assume that one adviser manages 6 portfolios, and that each adviser would make 3 responses annually requiring a total of 44 hours to approve depository custody arrangements for each fund complex, report to fund boards, and establish a system to monitor depository arrangements for the fund complex. The 44 hours would include 10 hours spent to establish custody arrangements with depositories and make ''reasonable care'' determinations, 24 hours spent to monitor depository arrangements, and 10 hours spent to report to fund boards.

[63] A bank is considered by the Small Business Administration to be a small entity if it has less than $100 million in assets. *See* 13 CFR 121.201 (1999). *See also* 5 USC 601(3). A bank's assets are determined by averaging its total assets reported for each of the last four quarters. *See* 13 CFR 121.201 at n.7.

[64] A fund is considered a small entity if it, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less. *See* 17 CFR 270.0–10. An adviser is considered a small entity if it has assets under management of less than $25 million, has total assets of less than $5 million, and is not in a control relationship with other advisers or persons that are not small entities. *See* 17 CFR 275.0–7. Most funds that invest in foreign securities are part of a fund complex that holds net assets of more than $50 million, and are advised by advisers with assets under management of $25 million or more.

The amendments to rule 17f–5 retain existing reporting, recordkeeping, and other compliance requirements of the rule without substantive changes, insofar as they apply to custody arrangements with a foreign bank custodian. The amendments would remove a custody arrangement with a foreign depository from the rule, eliminating the necessity for compliance with the rule's requirements in these arrangements.

E. Agency Action To Minimize Effects on Small Entities

The Regulatory Flexibility Act directs the Commission to consider significant alternatives that would accomplish the stated objective, while minimizing any significant economic impact on small entities. In considering adoption of the new rule and amendments, the Commission considered: (i) establishing different compliance or reporting standards that take into account the resources available to small entities; (ii) clarifying, consolidating or simplifying the compliance requirements for small entities; (iii) using performance rather than design standards; and (iv) exempting small entities from coverage of all or part of the rule.

We believe that further clarification, consolidation, or simplification of the compliance requirements is not necessary. In addition, performance standards are impracticable with respect to the amendments and new rule. The Commission believes that different requirements for small entities would also be inconsistent with the protection of investors, particularly in light of the fact that rule 17f–7 establishes only minimum requirements for foreign securities depositories.

As discussed above, none of the global custodians affected by new rule 17f–7 or the amendments to rule 17f–5 and few, if any, of the affected funds and advisers are likely to be considered small entities for purposes of the Regulatory Flexibility Act. As further discussed above, the impact of the amendments is likely to be limited, because burdens under the new rule will be offset in part by reduced burdens by amended rule 17f–5. Therefore, the potential impact of the new rule and rule amendments on small entities will not be significant.

The FRFA is available for public inspection in File No. S7–15–99, and a copy may be obtained by contacting Jaea F. Hahn, Attorney, at (202) 942–0690, Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549–0506.

VIII. Statutory Authority

The Commission is adopting new rule 17f–7, amending rule 17f–5, and adopting conforming amendments to rules 7d–1 and 17f–4 pursuant to authority set forth in sections 6(c), 7(d), 17(f), and 38(a) of the Investment Company Act [15 U.S.C. 80a–6(c), 80a–7(d), 80a–17(f) and 80a–37(a)].

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Rules

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 270 continues to read in part as follows:

Authority: 15 U.S.C. 80a–1 *et seq.,* 80a–34(d), 80a–37, 80a–39 unless otherwise noted:

* * * * *

2. Section 270.7d–1 is amended by revising the introductory text of paragraph (b)(8)(v) to read as follows:

§ 270.7d–1 Specification of conditions and arrangements for Canadian management investment companies requesting order permitting registration.

* * * * *

(b) * * *

(8) * * *

(v) Except as provided in § 270.17f–5 and § 270.17f–7, applicant will appoint, by contract, a bank, as defined in section 2(a)(5) of the Act (15 U.S.C. 80a–2(a)(5)) and having the qualification described in section 26(a)(1) of the Act (15 U.S.C. 80a–26(a)(1)), to act as trustee of, and maintain in its sole custody in the United States, all of applicant's securities and cash, other than cash necessary to meet applicant's current administrative expenses. The contract will provide, *inter alia,* that the custodian will:

* * * * *

3. Section 270.17f–4 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 270.17f–4 Deposits of securities in securities depositories.

* * * * *

(b) A registered management investment company (investment company) or any qualified custodian may deposit all or any part of the securities owned by the investment company in an Eligible Securities Depository as defined in § 270.17f–7 in accordance with the provisions of § 270.17f–7 and applicable provisions of § 270.17f–5, or in:

* * * * *

4. Section 270.17f–5 is revised to read as follows:

§ 270.17f–5 Custody of investment company assets outside the United States.

(a) *Definitions.* For purposes of this section:

(1) *Eligible Foreign Custodian* means an entity that is incorporated or organized under the laws of a country other than the United States and that is a Qualified Foreign Bank or a majority-owned direct or indirect subsidiary of a U.S. Bank or bank-holding company.

(2) *Foreign Assets* means any investments (including foreign currencies) for which the primary market is outside the United States, and any cash and cash equivalents that are reasonably necessary to effect the Fund's transactions in those investments.

(3) *Foreign Custody Manager* means a Fund's or a Registered Canadian Fund's board of directors or any person serving as the board's delegate under paragraphs (b) or (d) of this section.

(4) *Fund* means a management investment company registered under the Act (15 U.S.C. 80a) and incorporated or organized under the laws of the United States or of a state.

(5) *Qualified Foreign Bank* means a banking institution or trust company, incorporated or organized under the laws of a country other than the United States, that is regulated as such by the country's government or an agency of the country's government.

(6) *Registered Canadian Fund* means a management investment company incorporated or organized under the laws of Canada and registered under the Act pursuant to the conditions of § 270.7d–1.

(7) *U.S. Bank* means an entity that is:

(i) A banking institution organized under the laws of the United States;

(ii) A member bank of the Federal Reserve System;

(iii) Any other banking institution or trust company organized under the laws of any state or of the United States, whether incorporated or not, doing business under the laws of any state or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under the authority of the Comptroller of the Currency, and which is supervised and examined by state or federal authority having supervision over banks, and

which is not operated for the purpose of evading the provisions of this section; or

(iv) A receiver, conservator, or other liquidating agent of any institution or firm included in paragraphs (a)(7)(i), (ii), or (iii) of this section.

(b) *Delegation.* A Fund's board of directors may delegate to the Fund's investment adviser or officers or to a U.S. Bank or to a Qualified Foreign Bank the responsibilities set forth in paragraphs (c)(1), (c)(2), or (c)(3) of this section, *provided that:*

(1) *Reasonable Reliance.* The board determines that it is reasonable to rely on the delegate to perform the delegated responsibilities;

(2) *Reporting.* The board requires the delegate to provide written reports notifying the board of the placement of Foreign Assets with a particular custodian and of any material change in the Fund's foreign custody arrangements, with the reports to be provided to the board at such times as the board deems reasonable and appropriate based on the circumstances of the Fund's arrangements; and

(3) *Exercise of Care.* The delegate agrees to exercise reasonable care, prudence and diligence such as a person having responsibility for the safekeeping of the Fund's Foreign Assets would exercise, or to adhere to a higher standard of care, in performing the delegated responsibilities.

(c) *Maintaining Assets with an Eligible Foreign Custodian.* A Fund or its Foreign Custody Manager may place and maintain the Fund's Foreign Assets in the care of an Eligible Foreign Custodian, *provided that:*

(1) *General Standard.* The Foreign Custody Manager determines that the Foreign Assets will be subject to reasonable care, based on the standards applicable to custodians in the relevant market, if maintained with the Eligible Foreign Custodian, after considering all factors relevant to the safekeeping of the Foreign Assets, including, without limitation:

(i) The Eligible Foreign Custodian's practices, procedures, and internal controls, including, but not limited to, the physical protections available for certificated securities (if applicable), the method of keeping custodial records, and the security and data protection practices;

(ii) Whether the Eligible Foreign Custodian has the requisite financial strength to provide reasonable care for Foreign Assets;

(iii) The Eligible Foreign Custodian's general reputation and standing; and

(iv) Whether the Fund will have jurisdiction over and be able to enforce judgments against the Eligible Foreign Custodian, such as by virtue of the existence of offices in the United States or consent to service of process in the United States.

(2) *Contract.* The arrangement with the Eligible Foreign Custodian is governed by a written contract that the Foreign Custody Manager has determined will provide reasonable care for Foreign Assets based on the standards specified in paragraph (c)(1) of this section.

(i) The contract must provide:

(A) For indemnification or insurance arrangements (or any combination) that will adequately protect the Fund against the risk of loss of Foreign Assets held in accordance with the contract;

(B) That the Foreign Assets will not be subject to any right, charge, security interest, lien or claim of any kind in favor of the Eligible Foreign Custodian or its creditors, except a claim of payment for their safe custody or administration or, in the case of cash deposits, liens or rights in favor of creditors of the custodian arising under bankruptcy, insolvency, or similar laws;

(C) That beneficial ownership of the Foreign Assets will be freely transferable without the payment of money or value other than for safe custody or administration;

(D) That adequate records will be maintained identifying the Foreign Assets as belonging to the Fund or as being held by a third party for the benefit of the Fund;

(E) That the Fund's independent public accountants will be given access to those records or confirmation of the contents of those records; and

(F) That the Fund will receive periodic reports with respect to the safekeeping of the Foreign Assets, including, but not limited to, notification of any transfer to or from the Fund's account or a third party account containing assets held for the benefit of the Fund.

(ii) The contract may contain, in lieu of any or all of the provisions specified in paragraph (c)(2)(i) of this section, other provisions that the Foreign Custody Manager determines will provide, in their entirety, the same or a greater level of care and protection for the Foreign Assets as the specified provisions, in their entirety.

(3)(i) *Monitoring the Foreign Custody Arrangements.* The Foreign Custody Manager has established a system to monitor the appropriateness of maintaining the Foreign Assets with a particular custodian under paragraph (c)(1) of this section, and to monitor performance of the contract under paragraph (c)(2) of this section.

(ii) If an arrangement with an Eligible Foreign Custodian no longer meets the requirements of this section, the Fund must withdraw the Foreign Assets from the Eligible Foreign Custodian as soon as reasonably practicable.

(d) *Registered Canadian Funds.* Any Registered Canadian Fund may place and maintain its Foreign Assets outside the United States in accordance with the requirements of this section, *provided that:*

(1) The Foreign Assets are placed in the care of an overseas branch of a U.S. Bank that has aggregate capital, surplus, and undivided profits of a specified amount, which must not be less than $500,000; and

(2) The Foreign Custody Manager is the Fund's board of directors, its investment adviser or officers, or a U.S. Bank.

Note to § 270.17f–5: When a Fund's (or its custodian's) custody arrangement with an Eligible Securities Depository (as defined in § 270.17f–7) involves one or more Eligible Foreign Custodians through which assets are maintained with the Eligible Securities Depository, § 270.17f–5 will govern the Fund's (or its custodian's) use of each Eligible Foreign Custodian, while § 270.17f–7 will govern an Eligible Foreign Custodian's use of the Eligible Securities Depository.

5. Section 270.17f–7 is added to read as follows:

§ 270.17f–7 Custody of investment company assets with a foreign securities depository.

(a) *Custody arrangement with an eligible securities depository.* A Fund, including a Registered Canadian Fund, may place and maintain its Foreign Assets with an Eligible Securities Depository, *provided that:*

(1) *Risk-limiting safeguards.* The custody arrangement provides reasonable safeguards against the custody risks associated with maintaining assets with the Eligible Securities Depository, including:

(i) *Risk analysis and monitoring.* (A) The fund or its investment adviser has received from the Primary Custodian (or its agent) an analysis of the custody risks associated with maintaining assets with the Eligible Securities Depository; and

(B) The contract between the Fund and the Primary Custodian requires the Primary Custodian (or its agent) to monitor the custody risks associated with maintaining assets with the Eligible Securities Depository on a continuing basis, and promptly notify the Fund or its investment adviser of any material change in these risks.

(ii) *Exercise of care.* The contract between the Fund and the Primary

Custodian states that the Primary Custodian will agree to exercise reasonable care, prudence, and diligence in performing the requirements of paragraphs (a)(1)(i)(A) and (B) of this section, or adhere to a higher standard of care.

(2) *Withdrawal of assets from eligible securities depository.* If a custody arrangement with an Eligible Securities Depository no longer meets the requirements of this section, the Fund's Foreign Assets must be withdrawn from the depository as soon as reasonably practicable.

(b) *Definitions.* The terms *Foreign Assets, Fund, Qualified Foreign Bank, Registered Canadian Fund,* and *U.S. Bank* have the same meanings as in § 270.17f–5. In addition:

(1) *Eligible Securities Depository* means a system for the central handling of securities as defined in § 270.17f–4 that:

(i) Acts as or operates a system for the central handling of securities or equivalent book-entries in the country where it is incorporated, or a transnational system for the central handling of securities or equivalent book-entries;

(ii) Is regulated by a foreign financial regulatory authority as defined under section 2(a)(50) of the Act (15 U.S.C. 80a–2(a)(50));

(iii) Holds assets for the custodian that participates in the system on behalf of the Fund under safekeeping conditions no less favorable than the conditions that apply to other participants;

(iv) Maintains records that identify the assets of each participant and segregate the system's own assets from the assets of participants;

(v) Provides periodic reports to its participants with respect to its safekeeping of assets, including notices of transfers to or from any participant's account; and

(vi) Is subject to periodic examination by regulatory authorities or independent accountants.

(2) *Primary Custodian* means a U.S. Bank or Qualified Foreign Bank that contracts directly with a Fund to provide custodial services related to maintaining the Fund's assets outside the United States.

Note to § 270.17f–7: When a Fund's (or its custodian's) custody arrangement with an Eligible Securities Depository involves one or more Eligible Foreign Custodians (as defined in § 270.17f–5) through which assets are maintained with the Eligible Securities Depository, § 270.17f–5 will govern the Fund's (or its custodian's) use of each Eligible Foreign Custodian, while § 270.17f–7 will govern an Eligible Foreign Custodian's use of the Eligible Securities Depository.

Dated: April 27, 2000.
By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11000 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 203 and 205

[Docket Nos. 92N–0297 and 88N–0258]

RIN 0905–AC81

Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date; Reopening of Administrative Record

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; delay of effective date; reopening of administrative record.

SUMMARY: The Food and Drug Administration (FDA) is delaying until October 1, 2001, the effective date and reopening the administrative record to receive additional comments regarding certain requirements of a final rule published in the **Federal Register** of December 3, 1999 (64 FR 67720). The other provisions of the final rule become effective on December 4, 2000. The final rule implements the Prescription Drug Marketing Act of 1987 (PDMA), as modified by the Prescription Drug Amendments of 1992 (PDA) and the FDA Modernization Act of 1997 (the Modernization Act). FDA is delaying the effective date for certain requirements relating to wholesale distribution of prescription drugs by distributors that are not authorized distributors of record. FDA is also delaying the effective date of another requirement that would prohibit blood centers functioning as ''health care entities'' to act as wholesale distributors of blood derivatives. The agency is taking this action to address numerous concerns about the provisions raised by affected parties.

DATES: The effective date for §§ 203.3(u) and 203.50, and the applicability of § 203(q) to wholesale distribution of blood derivatives by health care entities, added at 64 FR 67720, December 3, 1999, is delayed until October 1, 2001. The administrative record is reopened until July 3, 2000, to receive additional comments on these provisions.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Lee D. Korb, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

PDMA (Public Law 100–293) was enacted on April 22, 1988, and was modified by the PDA (Public Law 102–353, 106 Stat. 941) on August 26, 1992. The PDMA as modified by the PDA amended sections 301, 303, 503, and 801 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 331, 333, 353, 381) to, among other things, establish requirements for the wholesale distribution of prescription drugs.

Section 503(e)(1)(A) of the act states that each person who is engaged in the wholesale distribution of a prescription drug who is not the manufacturer or an authorized distributor of record for the drug must, before each wholesale distribution of a drug, provide to the person receiving the drug a statement (in such form and containing such information as the Secretary may require) identifying each prior sale, purchase, or trade of the drug, including the date of the transaction and the names and addresses of all parties to the transaction. Section 503(e)(4)(A) of the act states that, for the purposes of section 503(e), the term ''authorized distributors of record'' means those distributors with whom a manufacturer has established an ''ongoing relationship'' to distribute the manufacturer's products.

On December 3, 1999, the agency published final regulations in part 203 (21 CFR part 203) implementing these and other provisions of PDMA (64 FR 67720). Section 203.50 requires that, before the completion of any wholesale distribution by a wholesale distributor of a prescription drug for which the seller is not an authorized distributor of record to another wholesale distributor or retail pharmacy, the seller must provide to the purchaser a statement identifying each prior sale, purchase, or trade of the drug. The identifying statement must include the proprietary and established name of the drug, its dosage, the container size, the number of containers, lot or control numbers of the drug being distributed, the business

name and address of all parties to each prior transaction involving the drug, starting with the manufacturer, and the date of each previous transaction. Section 203.3(b) defines ''authorized distributor of record'' as a distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's products. ''Ongoing relationship'' is defined in 203.3(u) to mean an association that exists when a manufacturer and a distributor enter into a written agreement under which the distributor is authorized to distribute the manufacturer's products for a period of time or for a number of shipments. If the distributor is not authorized to distribute a manufacturer's entire product line, the agreement must identify the specific drug products that the distributor is authorized to distribute.

Thus, the final rule requires unauthorized distributors (i.e., those distributors who do not have a written authorization agreement) to provide a drug origin statement to purchasers showing the entire prior sales history of the drug back to the first sale by the manufacturer. As discussed in the preamble to the final rule (64 FR 67720 at 67747), manufacturers and authorized distributors of record are not required to provide an identifying statement when selling a drug, although the agency encouraged them to do so voluntarily to permit unauthorized distributors to continue to be able to purchase products from them.[1]

The provisions in the final rule related to wholesale distribution of prescription drugs by unauthorized distributors (i.e., §§ 203.3(u) and 203.50) were adopted from the provisions in the proposed rule published in the **Federal Register** of March 14, 1994 (59 FR 11842), and are essentially the same as the proposed provisions, except the definition for ''ongoing relationship'' in the proposed rule was revised to eliminate certain requirements.[2] The agency received two comments on the proposed definition of ongoing relationship and one comment on proposed § 203.50, and responded in detail to those comments in the preamble to the final rule (see 64 FR 67720 at 67727, 67728, and 67747).

Section 503(c)(3)(A) of the act states that no person may sell, purchase, or trade, or offer to sell, purchase, or trade any drug that was purchased by a public or private hospital or other health care entity. Section 503(c)(3)(B) states several exceptions to section 503(c)(3)(A), none of which are relevant to this discussion. Section 503(c)(3) also states that ''[f]or purposes of this paragraph, the term 'entity' does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.''

In the final rule of December 3, 1999, § 203.20 provides, with certain exceptions, that no person may sell, purchase, or trade, or offer to sell, purchase, or trade any prescription drug that was purchased by a public or private hospital or other health care entity or donated or supplied at a reduced price to a charitable organization. In § 203.3(q) of the final rule, ''Health care entity'' is defined as meaning any person that provides diagnostic, medical, surgical, or dental treatment, or chronic or rehabilitative care, but does not include any retail pharmacy or wholesale distributor. Under both the act and the final rule, a person could not simultaneously be a health care entity and a retail pharmacy or wholesale distributor. Thus, under the final rule, blood centers functioning as health care entities could not engage in wholesale distribution of prescription drugs, except for blood and blood components intended for transfusion, which are exempt from the PDMA under § 203.1 of the final rule. Blood and blood components include whole blood, red blood cells, platelets and cryoprecipitated antihemophilic factor which are prepared by blood banks who collect blood from donors and separate out the components using physical or mechanical means. Blood derivatives are derived from human blood, plasma, or serum through a chemical fractionation manufacturing process. Examples of blood derivative products include albumin, antihemophilic factor, immune globulin, and alpha-1 anti-tripsin. As discussed in the preamble to the final rule in response to comments (64 FR 67720 at 67725, 67726, and 67727), blood derivative products are not blood or blood components intended for transfusion and therefore could not be distributed by health care entities, including full service blood centers that function as health care entities, after the final rule goes into effect.

II. Description and Rationale for a Partial Delay of the Effective Date of the Final Rule

A. Wholesale Distribution by Unauthorized Distributors

Since publication of the final rule, the agency has received letters and petitions and has had other communications with industry, industry trade associations, and members of Congress objecting to the provisions in §§ 203.3(u) and 203.50. In early February 2000, the agency met with representatives from the wholesale industry and industry associations. The meeting participants discussed their concerns with both: (1) The requirement in § 203.3(u) that there be a written authorization agreement between a manufacturer and distributor for the distributor to be considered an authorized distributor of record under § 203.3(b), and (2) the requirement in § 203.50 that unauthorized distributors provide an identifying statement showing all prior sales going back to the manufacturer.

The meeting participants asserted that manufacturers are unwilling to enter into written authorization agreements with the majority of smaller wholesalers so that these wholesalers cannot become authorized distributors of record for the drugs they sell and, hence, must provide an identifying statement for these drugs. The meeting participants also said that smaller wholesalers cannot obtain an identifying statement showing all prior sales of the drugs they purchase for sale because a large portion of these drugs are purchased from authorized distributors who are not required to provide identifying statements and are unwilling to voluntarily provide them. The meeting participants asserted that authorized distributors will not voluntarily provide identifying statements when they sell drugs to unauthorized distributors because it would require them to change their warehouse and business procedures, which would entail additional effort and expense.

The meeting participants asserted that implementation of the final rule will prevent over 4,000 smaller, unauthorized distributors from distributing drugs to their customers and may put them out of business, at least with respect to their prescription drug wholesale business. They also asserted that because many of their customers are smaller retail outlets that are not served by larger distributors, implementation of the final rule may leave certain markets for prescription drugs, and ultimately consumers for prescription drugs, underserved.

[1] An unauthorized wholesale distributor that purchases a product from a manufacturer or authorized distributor of record without an identifying statement showing the prior sales of the drug could not provide an identifying statement to its purchasers and, therefore, could not conduct further wholesale transactions of the drug in compliance with § 203.50.

[2] The proposed rule defined ''ongoing relationship'' to require a written agreement and, in addition, the following two requirements that were eliminated in the final rule: (1) That a sale be completed under the written agreement and (2) that the distributor be listed on the manufacturer's list of authorized distributors.

In addition to the meeting discussed above and other informal communications that FDA has had with industry, industry associations, and Congress, FDA received a petition for stay of action requesting that the relevant provisions of the final rule be stayed until October 1, 2001. The agency also received a petition for reconsideration from the Small Business Administration (SBA) requesting that FDA reconsider the final rule and suspend its effective date based on the projected severe economic impact it would have on over 4,000 small businesses. The petitions argued that the requirement for a written agreement in § 203.3(u) is unreasonable because manufacturers are not willing to enter such agreements with the majority of smaller distributors. The petitions also asserted that authorized wholesalers are not now able and could not provide, at a reasonable cost, an identifying statement to their unauthorized distributor customers that meets the requirements of § 203.50 of the final rule. The SBA petition asserted that, if the effective date of the final rule is not stayed, drug products now in the inventory of wholesalers will have to be cleared and new orders will have to cease or be severely limited in order to comply with the final rule's December 4, 2000 effective date, with corresponding disruptions in the distribution of drugs possible by summer, 2000.

B. Distribution of Blood Derivatives by Health Care Entities

Since the time of the proposed rule, FDA has received 2 letters, one from a large blood center and the other from an association representing the blood center industry, and has held several meetings to discuss the implications of the regulations on blood centers that distribute blood derivative products and provide health care as a service to the hospitals and patients they serve. The blood center industry asserts that the regulations and, particularly the definition of ''health care entity,'' will severely inhibit their ability to provide full service care to the detriment of client hospitals and the patients they serve, and may disrupt the distribution of these products to the public. The agency has also received a letter from a member of Congress on this issue. Although the agency was aware of this issue at the time the final rule was published, we believed that application of § 203.3(q) to blood centers would not result in a disruption in the distribution of blood derivative products. However, comments and information provided by representatives of the blood center industry have persuaded us that the final rule could disrupt the availability of blood derivative products to the public.

C. Partial Delay of the Effective Date

Based on the concerns expressed by industry, industry associations, and Congress about implementing §§ 203.3(u) and 203.50 by the December 4, 2000, effective date, the agency has decided to delay the effective date for those sections of the final rule until October 1, 2001. Additionally, the agency has decided to delay the applicability of § 203.3(q) to wholesale distribution of blood derivatives by health care entities, until October 1, 2001. All other provisions of the rule will become effective on December 4, 2000. This action should not be construed to indicate that FDA necessarily agrees with or has made decisions about the substantive arguments made in the petitions and other submissions related to implementation of §§ 203.3(u) and 203.50 or § 203.3(q), as it applies to wholesale distribution of blood derivatives by health care entities.

III. Reopening of the Administrative Record

The agency believes that providing additional time before these are to become effective is appropriate to permit the agency to obtain more information about the possible consequences of implementing these provisions, to further evaluate the issues involved, and to seek a legislative resolution to these issues, if necessary. Therefore, the agency is reopening the administrative record to receive additional comments on these provisions from interested individuals. Regarding §§ 203.3(u) and 203.50, the agency is especially interested in gaining further insight into the potential impact of the provisions on the wholesale distribution system generally, and on the ability of smaller pharmacies and other prescription drug retailers to obtain prescription drugs. In addition, the agency is seeking comments on the potential economic impact of the provisions on smaller wholesale distributors that are not authorized distributors of record. Regarding § 203.3(q), the agency also invites comment on the economic and public health impact of including full service blood centers under the definition of ''health care entity,'' thereby prohibiting the wholesale distribution of blood derived products by such entities.

Interested persons may submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, written comments regarding this proposal by July 3, 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. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This action is being taken under FDA's authority under 21 CFR 10.35(a). The Commissioner of Food and Drugs finds that this delay of the effective date is in the public interest.

Dated: April 26, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–10920 Filed 4–28–00; 12:34 pm]

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's Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's name and address for Global Pharmaceutical Corp.

DATES: This rule is effective May 3, 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: Global Pharmaceutical Corp., Castor and Kensington Aves., Philadelphia, PA 19124, has informed FDA of a change of sponsor's name and address to IMPAX Laboratories, Inc., 30831 Huntwood Ave., Hayward, CA 94544. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change of sponsor's name and 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 the 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.

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry for ''Global Pharmaceutical Corp.'' and by alphabetically adding an entry for ''IMPAX Laboratories, Inc., 30831 Huntwood Ave., Hayward, CA 94544''; and in the table in paragraph (c)(2) in the entry for ''000115'' by removing the sponsor name and address and by adding their place ''IMPAX Laboratories, Inc., 30831 Huntwood Ave., Hayward, CA 94544.

Dated: April 24, 2000.

Claire M. Lathers,

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

[FR Doc. 00–10932 Filed 5–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 560

Iranian Transactions Regulations: Licensing of Imports of, and Dealings in, Certain Iranian-Origin Foodstuffs and Carpets

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: The Treasury Department is amending the Iranian Transactions Regulations to add general licenses authorizing the importation into the United States of, and dealings in, certain Iranian-origin foodstuffs and carpets and related transactions.

EFFECTIVE DATE: April 28, 2000.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing (tel.: 202/622–2480), Barbara C. Hammerle, Deputy Chief Counsel (tel.: 202/622–2410), Office of Foreign Assets Control, U.S. Treasury Department, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

On March 17, 2000, Secretary of State Madeleine K. Albright announced that economic sanctions against Iran would be eased to allow Americans to purchase and import carpets and food products such as dried fruits, nuts, and caviar from Iran. To implement this policy, the Treasury Department's Office of Foreign Assets Control (''OFAC'') is amending the Iranian Transactions Regulations, 31 CFR part 560 (the ''Regulations''), to authorize, by general license, the importation into the United States of, and dealings in, certain Iranian-origin foodstuffs and carpets and related transactions.

Section 560.534(a) of this final rule authorizes the importation into the United States of Iranian-origin foodstuffs intended for human consumption that are classified under chapters 2–23 of the Harmonized Tariff Schedule of the United States (''HTS''). Items that are classified in chapters 2–23 of the HTS that are not foodstuffs intended for human consumption are not authorized for importation into the United States by this section. This final rule also authorizes the importation into the United States of Iranian-origin carpets and other textile floor coverings and carpets used as wall hangings that are classified under chapter 57 or heading 9706.00.0060 of the HTS. Items that are classified under heading 9706.00.0060 (''Antiques of an age exceeding one hundred years/Other'') that are not carpets and other textile floor coverings or carpets used as wall hangings are not authorized for importation into the United States by this section.

Section 560.534(b) of this rule authorizes U.S. persons, wherever located, to engage in transactions or dealings in such Iranian-origin foodstuffs and carpets, provided that such transactions or dealings do not involve a prohibited exportation to Iran or the Government of Iran. Section 560.534(c) sets forth the effect of this rule on open and closed enforcement actions initiated by the U.S. Government prior to the effective date of this final rule.

Transactions ordinarily incident to the transactions authorized in § 560.534 and necessary to give effect thereto also are authorized as set forth in § 560.405. Section 560.405 is amended to exclude from the scope of permitted incidental transactions letter of credit services relating to transactions authorized in § 560.534. See § 560.405(e). Those letter of credit services that are authorized are set forth separately in § 560.535. Forms of financing other than letters of credit are permitted as incidental transactions as set forth in § 560.405, provided that such forms of financing do not involve a debit or credit to an account of a person in Iran or of the Government of Iran maintained on the books of a U.S. depository institution. See § 560.534(d). Brokering services relating to transactions authorized by this final rule also are authorized. See § 560.535(c). Examples of transactions permitted under this final rule are set forth in §§ 560.534(e) and 560.535(e).

Technical changes are made to § 560.405, to clarify that loading of licensed cargo in Iran is a permitted incidental transaction, and to § 560.524, to clarify that the importation into the United States of qualifying household goods and personal effects is permitted regardless of the time elapsed since the importer's arrival in the United States from Iran.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553) (the ''APA'') requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting and Procedures Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information were previously approved by the Office of Management and Budget (''OMB'') under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 560

Administrative practice and procedure, Agricultural commodities, Banks, banking, Carpets and rugs, Drugs, Exports, Foods, Foreign trade, Imports, Information, Investments, Iran, Loans, Medical devices, Penalties, Reporting and recordkeeping requirements, Services, Specially designated nationals, Terrorism, Transportation.

For the reasons set forth in the preamble, 31 CFR part 560 is amended as set forth below:

PART 560—IRANIAN TRANSACTIONS REGULATIONS

1. The authority citation for part 560 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2332d; 22 U.S.C. 2349aa–9; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR, 1995 Comp., p. 356; E.O. 13059, 62 FR 44531, 3 CFR, 1997 Comp., p. 217.

Subpart D—Interpretations

2. Section 560.405 is amended by revising paragraph (b), removing the word ''and'' at the end of paragraph (c), revising paragraph (d), and adding paragraph (e), to read as follows:

§ 560.405 Transactions incidental to a licensed transaction authorized.

* * * * *

(b) Provision of any transportation services to or from Iran not explicitly authorized in or pursuant to this part other than loading or discharging licensed or exempt cargo there;

* * * * *

(d) Financing of licensed sales for exportation or reexportation of agricultural commodities or products, medicine or medical equipment to Iran or the Government of Iran (see § 560.532); and

(e) Letter of credit services relating to transactions authorized in § 560.534. See § 560.535(a).

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

3. Section 560.524 is amended by adding a sentence to the end of paragraph (b) to read as follows:

§ 560.524 Household goods and personal effects.

* * * * *

(b) * * * For purposes of this paragraph, household and personal effects include all articles meeting the criteria stated in this paragraph regardless of the time elapsed since the importer's arrival in the United States from Iran.

4. Section 560.534 is added to subpart E to read as follows:

§ 560.534 Importation into the United States of, and dealings in, certain foodstuffs and carpets authorized.

(a) The importation into the United States, from Iran or a third country, of the following goods of Iranian-origin is authorized:

(1) Foodstuffs intended for human consumption that are classified under chapters 2–23 of the Harmonized Tariff Schedule of the United States;

(2) Carpets and other textile floor coverings and carpets used as wall hangings that are classified under chapter 57 or heading 9706.00.0060 of the Harmonized Tariff Schedule of the United States.

(b) United States persons, wherever located, are authorized to engage in transactions or dealings in or related to the categories of Iranian-origin goods described in paragraph (a) of this section, provided that the transaction or dealing does not involve or relate to goods, technology, or services for exportation, reexportation, sale, or supply, directly or indirectly, to Iran or the Government of Iran, other than services described in § 560.405 (''Transactions incidental to a licensed transaction authorized'').

(c) This section does not affect any open enforcement action initiated by the U.S. Government prior to April 28, 2000, or any seizure, forfeiture, penalty, or liquidated damages case that is considered closed in accordance with Customs or other agency regulations. This section also does not authorize the importation into the United States of goods that are under seizure or detention by U.S. Customs officials pursuant to Customs laws or other applicable provisions of law, until any applicable penalties, charges, duties, or other conditions are satisfied. This section does not authorize importation into the United States of goods for which forfeiture proceedings have commenced or of goods that have been forfeited to the U.S. Government, other than through Customs disposition by selling at auction.

(d) Iranian accounts. Nothing in this section authorizes a debit or credit to an account of a person located in Iran or of the Government of Iran maintained on the books of a U.S. depository institution.

(e) Examples. The following are examples of transactions permitted under this section:

(1) A United States person living abroad is permitted to purchase or sell an Iranian-origin carpet, as long as the sale is not to Iran or the Government of Iran.

(2) A United States person may process a documentary collection relating to the importation into the United States of Iranian-origin pistachios, but payment under the documentary collection may not involve the crediting of an account of a person located in Iran or of the Government of Iran maintained on the books of a U.S. depository institution.

5. Section is 560.535 is added to subpart E to read as follows:

§ 560.535 Letters of credit and brokering services relating to certain foodstuffs and carpets.

(a) Purchases from Iran or the Government of Iran. United

States depository institutions are authorized to issue letters of credit in favor of a beneficiary in Iran or the Government of Iran to pay for purchases from Iran or the Government of Iran of the categories of Iranian-origin goods described in § 560.534(a), provided that such letters of credit are not advised, negotiated, paid, or confirmed by the Government of Iran.

(b) Transactions or dealings in Iranian-origin goods other than purchases from Iran or the Government of Iran. United States depository institutions are authorized to issue, advise, negotiate, pay, or confirm letters of credit to pay for transactions in or related to the categories of Iranian-origin goods described in § 560.534(a), other than purchases from Iran or the Government of Iran, provided that such letters of credit are not issued, advised, negotiated, paid, or confirmed by the Government of Iran.

(c) Brokering. United States persons, wherever located, are authorized to act as brokers for the purchase or sale of the categories of Iranian-origin goods described in § 560.534(a), provided that the goods are not for exportation,

reexportation, sale, or supply, directly or indirectly, to Iran or the Government of Iran.

(d) *Iranian accounts.* Nothing in this section authorizes a debit or credit to an account of a person located in Iran or of the Government of Iran maintained on the books of a U.S. depository institution.

(e) Examples. The following are examples of transactions permitted under this section:

(1) A United States depository institution may issue a letter of credit in favor of a person in Iran to finance the importation into the United States of Iranian-origin caviar; the letter of credit may be confirmed by a third-country bank that is not included within the definition of the term Government of Iran.

(2) A United States depository institution may advise or confirm a letter of credit issued by a third-country bank that is not included within the definition of the term Government of Iran to finance the purchase from a third country of Iranian-origin carpets by a U.S. person or third-country national.

(3) A United States person may broker the sale of Iranian-origin carpets from Iran to a third-country national located outside Iran.

(4) A bank that is owned or controlled by the Government of Iran may forward letter of credit documents, strictly on a documentary collection basis, either directly to a United States depository institution or to a third country bank that is not included within the definition of the term Government of Iran and that is party to a letter of credit issued by a United States depository institution. The Iranian bank may not, however, send the documents on an ''approval'' basis, since it is not and cannot be party to the letter of credit.

Note to § 560.535: See §§ 560.304 and 560.313 for information relating to individuals and entities that are included within the definition of the term Government of Iran. Some entities meeting this definition are listed in appendix A to this part. See also § 560.516 for information relating to authorized transfers to Iran by U.S. depository institutions relating to licensed transactions.

Dated: April 26, 2000.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: April 27, 2000.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 00–11009 Filed 4–28–00; 2:25 pm]

BILLING CODE 4810–25–P

DEPARTMENT OF TRANSPORTATION

33 CFR Part 100

[CGD07–00–035]

RIN 2115–AE47

Special Local Regulations: South Carolina Aquarium Grand Opening Fireworks Display, Charleston Harbor, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary Special Local Regulations are being adopted for the: South Carolina Aquarium Grand Opening fireworks display. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations become effective at 8:30 p.m. and terminate at 10 p.m. EDT on May 20, 2000.

FOR FURTHER INFORMATION CONTACT: Lt. Simone Brisco at (843) 724–7628.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and making these regulations effective less than 30 days after the **Federal Register** publication. Publishing an NPRM and delaying the effective date would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public as there will be numerous spectator craft in the area, the event date is scheduled for May 20, 2000, and the permit request was only recently received.

Background and Purpose

These regulations are required to provide for the safety of life on navigable waters because of the inherent danger of the storage and launching of fireworks in the vicinity of spectator craft in Charleston Harbor, Charleston, SC. These regulations prohibit non-participating vessels from entering the area surrounding the two fireworks barges.

Regulatory Evaluation

This proposal 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). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The regulated area will only be in effect for approximately 1½ hours.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic effect upon a substantial number of small entities. ''Small entities'' include small business, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

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 as the regulations will only be in effect for 1½ hours in a limited area and the event will be highly publicized.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–221), we offer 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 entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. 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 requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

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 safety that may disproportionately affect children.

Environment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2–1, paragraph 34(h) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends part 100 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.49 CFR 1.46, and 33 CFR 100.35.

2. Add temporary § 100.35T–07–035 to read as follows:

§ 100.35T–07–035 South Carolina Aquarium Grand Opening fireworks display, Charleston Harbor, Charleston, SC.

(a) *Regulated Area.* The rectangular regulated area in Charleston Harbor is bounded on the north by a line drawn along latitude 32°47′38″ N, on the south by a line along 32°46′40″ W, on the east by a line along longitude 79°54′57″ W and on the west by a line along 79°55′23″ W. All coordinates referenced use Datum: NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Group Charleston, SC.

(c) *Special Local Regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. Spectator craft may remain in a spectator area to be established by the event sponsor, The South Carolina Aquarium.

(d) *Dates.* These regulations become effective at 8:30 p.m. and terminate at 10 p.m. EDT on May 20, 2000.

Dated: April 20, 2000

G. W. Sutton,

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

[FR Doc. 00–10942 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–00–127]

Drawbridge Operation Regulations: Fore River, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District has issued a temporary deviation from the existing drawbridge regulations for the Quincy Weymouth SR3A Bridge, mile 3.5, across the Fore River between Quincy and Weymouth, Massachusetts. This deviation allows the bridge owner to keep the bridge in the closed position for 4 hours, 8 a.m. to 12 p.m., on May 6, 2000. This deviation is necessary to facilitate necessary repairs to the bridge.

DATES: This deviation is effective on May 6, 2000.

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

SUPPLEMENTARY INFORMATION: The Quincy Weymouth SR3A Bridge has a vertical clearance of 33 feet at mean high water and 43 feet at mean low water. The existing regulations for the bridge in 33 CFR 117.621 require the bridge to open on signal, except that; from 6:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays observed in the locality, the draw need not be opened. The draw shall open on signal at all times for self-propelled vessels greater than 10,000 gross tons.

The bridge owner, the Massachusetts Highway Department (MHD), asked the Coast Guard to allow the bridge to remain closed on May 6, 2000, from 8 a.m. to 12 p.m. to facilitate electrical repairs at the bridge.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation is authorized under 33 CFR 117.35.

Dated: April 24, 2000.

Robert F. Duncan,

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

[FR Doc. 00–10945 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–00–128]

Drawbridge Operation Regulations: Piscataqua River, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District has issued a temporary deviation from the existing drawbridge regulations for the Sarah M. Long (Route 1 Bypass) Bridge, mile 4.0, across the Piscataqua River between Kittery, Maine and Portsmouth, New Hampshire. This deviation allows the bridge owner to keep the bridge in the closed position for 5 hours, 12 p.m. through 5 p.m., on May 17, 2000. This deviation is necessary to facilitate electrical repairs at the bridge.

DATES: This deviation is effective on May 17, 2000.

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

SUPPLEMENTARY INFORMATION: The Sara Long (Route 1 Bypass) Bridge has a vertical clearance of 10 feet at mean high water and 18 feet at mean low water. The existing regulations for the bridge in 33 CFR 117.531(c) require the bridge to open on signal, except that; from 15 May through 31 October, from 7 a.m. to 7 p.m., the draw need be opened only at quarter of and quarter after the hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in paragraph (a)(1). Paragraph (a)(1) states that vessels over 100 gross tons, inbound ferry service vessels and inbound commercial fishing vessels shall be passed through the draw as soon as possible without delay at any time.

The bridge owner, the New Hampshire Department of Transportation, asked the Coast Guard to allow the bridge to remain closed for 5 hours, 12 p.m. through 5 p.m., on May 17, 2000, to facilitate electrical repairs at the bridge.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation is authorized under 33 CFR 117.35.

Dated: April 24, 2000.

Robert F. Duncan,

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

[FR Doc. 00–10944 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–00–037]

RIN 2115–AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Mile 1021.9 and 1022.6, Palm Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Commander, Seventh Coast Guard District is temporarily changing the regulations governing the Flagler Memorial Bridge, mile 1021.9 and the Royal Park Bridge, mile 1022.6 across the Atlantic Intracoastal Waterway at Palm Beach, Florida. This temporary rule allows the bridge owner to keep the Royal Park Bridge in the closed position from 7:25 a.m. to 7:45 a.m. and the Flagler Memorial Bridge in the closed position from 7:25 a.m. to 8:15 a.m., on Sunday, May 21, 2000. This action is necessary to facilitate the National Medical Center and Beckman Research Institute's first annual Palm Beach Walk for Hope Against Breast Cancer 5k Run/Walk.

DATES: These regulations become effective at 7:25 a.m. and terminate at 8:15 a.m. on May 21, 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 [CGD07–00–037] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 406, Miami, FL 33131 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Miss Evelyn Smart, Project Officer, Seventh Coast Guard District, at (305) 536–6546.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM is impracticable because we received notice of this event very recently, not leaving time for both a NPRM and a delayed effective date. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

On Sunday, May 21, 2000, the National Medical Center and Beckman Research Institute will be hosting their first annual 5K Run/Walk. Beginning at Trinity Park at 7:30 a.m., the run/walk participants will head south on Flagler Drive then head east on the Royal Park Bridge (estimated time of closure 7:25 a.m. to 7:45 a.m.), then the route will continue east on Royal Palm Way, turn north on Coconut Palm Way, then east on Royal Poinciana then head east on Flagler Bridge (estimated time of closure 7:25 a.m. until 8:15 a.m.) this provides the walkers from 7:32 a.m. until 8:15 a.m. to clear the final bridge.

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, l979) and the bridges will only remain closed for a maximum of 50 minutes and there will be less traffic because this is a Sunday morning.

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. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

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 as the bridges will only remain closed to traffic for a maximum of 50 minutes.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

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.lC, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117 Bridges

Temporary Regulations.

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

PART 117—[AMENDED]

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

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

2. From 7:25 a.m. through 8:15 a.m. on May 21, 2000, in § 117.261, paragraphs (u) and (v) are suspended and new paragraphs (rr) and (ss) are added to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(rr) *Flagler Memorial (SR A1A) bridge, mile 1021.9 at Palm Beach.* The draw shall open on signal; except that, from 7:25 a.m. to 7:45 a.m. on May 21, 2000, the draw need not open.

(ss) *Royal Park (SR 704) bridge, mile 1022.6 at Palm Beach.* The draw shall open on signal; except that, from 7:25 a.m. to 8:15 a.m. on May 21, 2000, the draw need not open.

Dated: April 18, 2000.

T.W. Allen

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

[FR Doc. 00–10943 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300989; FRL–6550–9]

RIN 2070–AB78

Pyridate; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of pyridate in or on peppermint tops, spearmint tops, Brassica, head and stem subgroup, and collards. The Interregional Research Project Number 4 and Novartis Crop Protection, Inc., requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective May 3, 2000. Objections and requests for hearings, identified by docket control number OPP–300989, must be received by EPA on or before July 3, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300989 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–3194; and e-mail address: brothers.shaja@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300989. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information

and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of January 24, 2000 (65 FR 3682) (FRL–6399–6), and August 5, 1998 (63 FR 41835) (FRL–6017–1), EPA issued notices pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of pesticide petitions (PP) 9E6025 and 6F4754 for tolerances by the Interregional Research Project Number 4, New Jersey Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, and Novartis Crop Protection Inc., 18300 Greensboro, NC 27419–8300, respectively. These notices included a summary of petitions prepared by Novartis Crop Protection Inc., the registrant. There were no comments received in response to the notice of filing.

These petitions requested that 40 CFR 180.462 be amended by establishing tolerances for combined residues of the herbicide pyridate, [*O*-(6-chloro-3-phenyl-4-pyridazinyl)-*S*-octyl-carbonothioate and the metabolite CL–9673 (6-chloro-3-phenyl-pyradazine-4-ol), and conjugates of CL–9673], in or on peppermint tops and spearmint tops at 0.20, Brassica, head and stem subgroup, and collards at 0.03 parts per million (ppm).

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. * * *''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of, and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for combined residues of pyridate on peppermint tops and spearmint tops at 0.20 ppm, Brassica, head and stem subgroup, and collards at 0.03 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by pyridate are discussed in Unit II.A. of the Final Rule on Pyridate Pesticide Tolerance published in the **Federal Register** on October 7, 1998 (63 FR 53837) (FRL 6036–2).

B. Toxicological Endpoints

1. *Acute toxicity*. The acute dietary endpoint selected for the acute dietary risk assessment was 20 milligrams/kilogram/day (mg/kg/day) based on the subchronic (90–day) dog study with a no observed adverse effect level (NOAEL) of 20 mg/kg/day. The lowest observed adverse effect level (LOAEL) was 60 mg/kg/day based on ataxia and emesis observed within 1–3 hours of dosing beginning on the first day. An uncertainty factor of 100 (10X for interspecies extrapolation and 10X for intraspecies variations) was used to determine the acute Reference Dose (RfD) of 0.2 mg/kg/day. The acute Population Adjusted Dose (aPAD) is equal to the acute RfD divided by the FQPA Safety Factor. Since the FQPA Safety Factor was reduced to 1X, the aPAD is equal to the acute RfD.

2.*Chronic toxicity*. EPA has established the chronic RfD for pyridate at 0.11 mg/kg/day. This RfD is based on a NOAEL of 10.8 mg/kg/day from the chronic/carcinogenicity study in rats where decreased body weight gain was reported at the LOAEL of 67.5 mg/kg/day. This dose was supported by the results of the 3-generation reproduction toxicity study. The NOAEL was 10.8 mg/kg/day based on the reported decrease in pup weights at 67.5 mg/kg/day on postnatal day 14 and 21 in both generations. An uncertainty factor of 100 (10X for interspecies extrapolation and 10X for intraspecies variation) was used to determine the chronic Reference Dose (cRfD) of 0.11 mg/kg/day. The chronic Population Adjusted Dose (cPAD) is equal to the chronic RfD divided by the FQPA Safety Factor. Since the FQPA Safety Factor was reduced to 1X, the cPAD is equal to the chronic RfD.

3. *Carcinogenicity*. Pyridate is not carcinogenic in either the rat or the mouse. Therefore, no carcinogenic endpoint was selected.

C. Exposures and Risks

1. *From food and feed uses*. Tolerances have been established (40 CFR 180.462) for the combined residues of pyridate, in or on a variety of raw agricultural commodities. Permanent tolerances are established for combined residues of pyridate, the metabolite CL–9673, and conjugates of CL–9673 in/on cabbage, corn, and peanut at 0.03 ppm. Risk assessments were conducted by EPA to assess dietary exposures from pyridate as follows:

i. *Acute exposure and risk*. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. Tier 1 acute dietary exposure analyses from food for pyridate were performed with the Dietary Exposure Evaluation Model (DEEM™) using published and proposed tolerance level residues and 100% crop treated (CT) for all commodities. Therefore, the acute risk was analyzed at the 95th percentile. The acute dietary risk estimates from food are less than 1% of the aPAD for the general U.S. population and all population subgroups. The results of the analyses indicate that the acute dietary risks from food associated with the existing and proposed uses of pyridate do not exceed EPA's level of concern for the U.S. population or any population subgroup.

ii. *Chronic exposure and risk*. Tier 1 chronic dietary exposure analyses from food for pyridate were performed with the DEEM™ using published and proposed tolerance level residues and

100% CT for all commodities. The chronic dietary risk from food estimates are less than 1% of the cPAD for the general U.S. population and all population subgroups. The results of the analyses indicate that the chronic dietary risks from food associated with the existing and proposed uses of pyridate do not exceed EPA's level of concern for the U.S. population or any population subgroup

2. *From drinking water*. Although pyridate does not possess the environmental fate parameters associated with a compound that could leach to ground water, the fate parameters of its degradate CL–9673 seem to indicate that it has the potential to leach to ground water especially in soils of low organic matter. In unusual conditions such as flooding, where an aerobic conditions exist in the top soil layers for up to 60 days, CL–9673 could persist and possibly leach to ground water or run off to surface water. Pyridate is not listed in the EPA Pesticides in Ground Water Database, nor is there an EPA Maximum Contaminant Level or health advisory.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/ Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI–GROW, which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water.

The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end run off scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use the estimates environmental concentration (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparisons (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to pyridate, they are further discussed in the aggregate risk sections below.

EPA has calculated DWLOCs for both acute and chronic risks. To calculate the DWLOC for acute exposure relative to an acute toxicity endpoint, the acute dietary food exposure (from DEEM was subtracted from the aPAD to obtain the acceptable acute exposure to pyridate in drinking water. To calculate the DWLOC for chronic (non-cancer) exposure relative to a chronic toxicity endpoint, the chronic dietary food exposure (from DEEM) was subtracted from the cPAD to obtain the acceptable chronic (non-cancer) exposure to pyridate in drinking water. DWLOCs were then calculated using default body weights and drinking water consumption figures.

i. *Acute exposure*. Based on the GENEEC and SCI–GROW models the EECs of pyridate in drinking water for acute exposures are estimated to be 97 parts per billion (ppb) for surface water and 5 ppb for ground water.

ii.*Chronic exposure*. Based on the GENEEC and SCI–GROW models the EECs in drinking water for chronic exposures are estimated to be 25 ppb for surface water and 5 pbb for ground water.

3. *From non-dietary exposure*. There are no residential or non- occupational uses for pyridate; therefore, residential exposures are not expected.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether pyridate has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, pyridate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that pyridate has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk*. A high-end exposure estimate from residues in food was calculated for the general U.S. population and all population subgroups. The acute dietary exposure from food for all populations subgroups (<1% aPAD) is below EPA's level of concern. The maximum EECs of pyridate in surface and ground water are less than EPA's DWLOCs for pyridate as a contribution to acute aggregate exposure (Table 1).

TABLE 1. AGGREGATE RISK ASSESSEMENT FOR ACUTE EXPOSURE

Population Subgroups	% aPAD mg/kg/day	Food Exposure mg/kg/day	SCI–GROW (ppb)	GENEEC (ppb)	DWLOC (ppb)
U.S. population (48 contiguous states)	<1	0.000151	5	97	7,000
Non-nursing infants	<1	0.000278	5	97	2,000
Children 1–6 yrs. old	<1	0.000303	5	97	2,000
Females 13+ yrs. old (nursing) (60 kg body weight assumed)	<1	0.000149	5	97	7,000
Males 13–19 yrs. old	<1	0.000141	5	97	7,000

Therefore, EPA concludes with reasonable certainty that residues of pyridate in drinking water do not contribute significantly to the aggregate acute human health risk at the present time considering the present uses and uses proposed in this action. Acute risk estimates resulting from aggregate exposure to pyridate in food and water are below EPA's level of concern for all population subgroups.

2. *Chronic risk*. Using the Tier 1 exposure assumptions described in this unit, EPA has concluded that aggregate exposure to pyridate from food will utilize <1% of the cPAD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is infants or children. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to pyridate in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as indicated in Table 2.

TABLE 2. CHRONIC (NON-CANCER) AGGREGATE RISK ASSESSMENT

	cPAD mg/kg/day	Food Exposure mg/kg/day	SCI–GROW (ppb)	GENEEC (ppb)	DWLOC (ppb)
U.S. population (48 contiguous states)	<1	0.000048	5	25	3,900
Non-nursing infants	<1	0.000121	5	25	1,100
Children 1–6 yrs	<1	0.000114	5	25	1,100
Females 13+ (nursing)	<1	0.000046	5	25	3,900
Males 13–19 yrs.	<1	0.000057	5	25	3,900

EPA concludes that there is a reasonable certainty that no harm will result from aggregate chronic exposure to pyridate residues.

3. *Short- and intermediate-term risk*. Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. Because there are no uses of pyridate that could result in residential exposures, the short- and intermediate-term aggregate risk assessment for pyridate takes into account exposure estimates only from dietary consumption of pyridate (food and drinking water). EPA concludes that there is a reasonable certainty that no harm will result from aggregate short- and intermediate-term exposure to pyridate residues.

4. *Aggregate cancer risk for U.S. population*. Pyridate is not carcinogenic in either the rat or the mouse, and therefore is not expected to pose a cancer risk to humans.

5. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to pyridate residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*—i. *In general*. In assessing the potential for additional sensitivity of infants and children to residues of pyridate, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined interspecies and intraspecies variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies*. The developmental toxicity study in Wistar HAN rats resulted in increased incidences of missing and ossified sternebrae and decreased fetal body weight. Maternal toxicity was characterized by a decrease in the mean body weight and food consumption and clinical signs which were indicative of neurotoxicity (ventral body position, dyspnea, sedation and loss of reaction to external stimuli). Developmental and maternal NOAELs were 165 mg/kg/day. In the developmental toxicity study in New Zealand White rabbits, no developmental effects were reported at the NOAEL of 600 mg/kg/day and maternal toxicity was characterized by decreased body weight and body weight gain, decreased food consumption, increased incidences of dried feces and increased incidences of abortion at the LOAEL of 600 mg/kg/day. The maternal NOAEL was 300 mg/kg/day.

iii. *Reproductive toxicity study*. The 3–generation reproduction study in rats resulted in a decrease in maternal body weight gain and a decrease in pup weight gain at postnatal days 14 and 21. Both parental and offspring toxicity were reported at the high dose of 67.5 mg/kg/day.

iv. *Prenatal and postnatal sensitivity*. The data demonstrated no indication of increased sensitivity *in utero* and postnatal exposure to pyridate.

v. *Conclusion*. There is a complete toxicity data base for pyridate, and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. The Agency believes that reliable data support using the standard 100-fold safety factor for assessing sensitivity to residues of pyridate and that an additional 10-fold margin of safety for infants and children is not warranted.

2. *Acute risk*. As presented in Table 1 above, EPA does not expect the aggregate exposure to exceed 100% of the aPAD.

3. *Chronic risk*. Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to pyridate from food will utilize <1% of the cPAD for infants and children. EPA generally has no concern for exposures below 100% of the cPAD,

because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to pyridate in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD.

4. *Short- or intermediate-term risk*. Because there are no uses of pyridate that could result in residential exposures, the acute aggregate risk assessment for pyridate takes into account exposure estimates only from dietary consumption of pyridate (food and drinking water).

5. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to pyridate residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

The nature of the residue in plants and ruminant animals is adequately understood. The residue of concern in plants consist of pyridate, the metabolite CL–9673, and conjugates of CL–9673, all expressed as pyridate.

B. Analytical Enforcement Methodology

The analytical method is a total residue procedure using ultraviolet-high pressure liquid chromotography. The method has undergone validation in EPA laboratories and is suitable to enforce tolerances.

The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

C. International Residue Limits

There is neither a Codex proposal, nor Canadian or Mexican limits for residues of pyridate in the subject crops. Therefore, a compatibility issue is not relevant to the proposed tolerances.

V. Conclusion

Therefore, the tolerance is established for combined residues of pyridate and its metabolite CL–9673 and conjugates of CL–9673, in or on peppermint tops and spearmint tops at 0.20 ppm, Brassica, head and stem subgroup, and collards at 0.03 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300989 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before July 3, 2000.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–300989, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes tolerances under FFDCA section 408(d) in response to the petitions submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 17, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[Amended]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. In § 180.462, by alphabetically adding the following commodities to the table in paragraph (a) to read as follows:

§ 180.462 Pyridate; tolerance for residues.

* * * * *

(a) * * *

Commodity	Parts per million
Brassica, head and stem subgroup	0.03
* * * * *	
Collards	0.03
* * * * *	
Peppermint tops	0.20
* * * * *	
Spearmint tops	0.20

* * * * *

[FR Doc. 00–10813 Filed 5–2–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300996; FRL–6554–8]

RIN 2070–AB78

Fludioxonil; Re-Establishment of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation re-establishes time-limited tolerances for residues of the fungicide fludioxonil in or on apricots, nectarines, peaches, and plums at 5.0 part per million (ppm) for an additional 2-year period. These tolerances will expire and are revoked on December 31, 2001. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on apricots, nectarines, peaches, and plums. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under

an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

DATES: This regulation is effective May 3, 2000. Objections and requests for hearings, identified by docket control number OPP–300996, must be received by EPA on or before July 3, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300996 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Andrew Ertman, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9367; and e-mail address: ertman.andrew@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300996. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA issued a final rule, published in the **Federal Register** of June 24, 1998 (63 FR 34304) (FRL–5797–5), which announced that on its own initiative under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) it established time-limited tolerance for the residues of fludioxonil in or on apricots, nectarines, peaches and plums at 5.0 ppm, with an expiration date of December 31, 1999. EPA established the tolerances because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of fludioxonil on apricots, nectarines, peaches and plums for this year's growing season due to the continuation of the existing emergency conditions in California and South Carolina. These states requested the use of fludioxonil to control brown rot, gray mold rot, and rhizopus rot on these commodities. These fungal pathogens cause latent infection during the period from shuck fall through harvest. When a fruit matures, its disease resistance declines and latent fungal infection turns into a fruit lesion. Lesioned fruit becomes unmarketable. Harvested fruit were treated with the systemic fungicide iprodione up until 1996, when the manufacturer canceled the post-harvest use on stone fruit. During 1997, left over iprodione stock was used, however, many packing houses packed the fruit without a fungicide treatment, which resulted in significant yield and quality losses of the produce. Significant economic losses are expected to growers without the use of fludioxonil. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of fludioxonil on apricots, nectarines, peaches, and plums for control of brown rot, gray mold rot, and *Rhizopus* rot in California and South Carolina.

EPA assessed the potential risks presented by residues of fludioxonil in or on apricots, nectarines, peaches and plums. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of June 24, 1998 (63 FR 34304). Based on that data and information considered, the Agency reaffirms that re-establishment of the time-limited tolerances will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerances are re-established for an additional 2-year period. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations (CFR). Although these tolerances will expire and are revoked on December 31, 2001, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on apricots, nectarines, peaches, and

plums after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerance. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

III. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300996 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before July 3, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at *tompkins.jim@epa.gov*, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit III.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–300996, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IV. Regulatory Assessment Requirements

This final rule re-establishes time-limited tolerances under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23,

1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 petition under FFDCA section 408, such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq*.) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

V. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 25, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

§ 180.516 [Amended]

2. In § 180.516, by amending the table in paragraph (b) by changing the date for apricots, nectarines, peaches, and plums from ''12/31/99'' to read ''12/31/01''.

[FR Doc. 00–11031 Filed 5–2–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300998; FRL–6555–2]

RIN 2070–AB78

Prohexadione Calcium; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylate) in or on the raw agricultural commodities peanuts, peanut hay, pome fruit group, kidney, and meat byproducts. K-I Chemical U.S.A. Inc. requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective May 3, 2000. Objections and requests for hearings, identified by docket control number OPP–300998, must be received by EPA on or before July 3, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300998 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker (PM 22), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 305–7740; and e-mail address: Giles-Parker.Cynthia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production. Animal production. Food manufacturing. Pesticide manufacturing.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to

the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–300998. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of August 5, 1998 (63 FR 41828) (FRL–5799–6) and August 24, 1999 (64 FR 46191) (FRL–6069–6), EPA issued notices pursuant to section 408 of FFDCA, 21 U.S.C. 346a as amended by FQPA (Public Law 104–170) announcing the filing of a pesticide petition (PP 8F4941) for tolerance by K-I Chemical U.S.A. Inc., Westchester Financial Center, 11 Martine Avenue, 9th Floor, White Plains, NY, 10606. These notices included a summary of the petition prepared by K-I Chemical U.S.A. Inc., the registrant. There were no comments received in response to the notices of filing.

The petition requested that 40 CFR 180 be amended by establishing a tolerance for residues of the plant growth regulator, prohexadione calcium (cyclohexanecarboxylic acid, 3, 5-dioxo-4-(1-oxopropyl)-, ion(1-), calcium, calcium salt) in or on the raw agricultural commodities peanut nutmeat at 1.0, peanut hay at 0.6, pome fruit at 3.0, and cattle meat byproduct (kidney) at 0.1 parts per million (ppm). EPA is editorially correcting the tolerance expressions to read prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylate) in or on the raw agricultural commodities peanuts at 1.0 ppm, peanut hay at 0.6 ppm, pome fruit crop group at 3.0 ppm, kidney of cattle, goats, hogs, horses, and sheep at 0.10 ppm and meat byproducts except kidney of cattle, goats, hogs, horses and sheep at 0.05 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylate) in or on the raw agricultural commodities peanuts at 1.0 ppm, peanut hay at 0.60 ppm, pome fruit group at 3.0 ppm, kidney of cattle, goats, hogs, horses, and sheep at 0.10 ppm and meat byproducts except kidney of cattle, goats, hogs, horses and sheep at 0.05 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by prohexadione calcium are discussed in this unit.

1. A rat acute oral study with a lethal $dose_{50}$ (LD_{50}) greater than 5,000 milligrams (mg)/kilogram (kg) for males and females. None of the acute toxicity studies showed significant toxicity in the battery of tests (acute toxicity categories III and IV for all routes of exposure).

2. A 90-day rat feeding study with a No Observed Adverse Effect Level (NOAEL) of: 73.1 mg/kg/day for males and 80.4 mg/kg/day for females and a Lowest Observed Adverse Effect Level (LOAEL) of 734 mg/kg/day for males and 815 mg/kg/day for females based on squamous cell hyperplasia of the forestomach.

3. A 90-day mouse feeding study with a NOAEL of equal to or greater than 10,244 mg/kg/day for males and equal to or greater than 11,916 mg/kg/day for females, highest dose tested (HDT).

4. A 90-day dog dietary study with a NOAEL of 80 mg/kg/day and a LOAEL of 400 mg/kg/day based on moderate cortical areas of dilated basophilic tubules in the kidneys and decreased potassium levels.

5. A 1-year dog chronic feeding study with a NOAEL of 20 mg/kg/day and a LOAEL of 200 mg/kg/day based on histopathological changes in the kidneys and increased urinary volume and sodium concentrations.

6. A rat chronic feeding/carcinogenicity study with a NOAEL for systemic toxicity of 93.9 mg/kg/day and a LOAEL of 469 mg/kg/day based on decreased white blood cells (WBC) in males. There is no evidence of carcinogenicity under conditions of the study.

7. A mouse carcinogenicity study with a NOAEL for systemic toxicity of 279 mg/kg/day and a LOAEL of 2,847 mg/kg/day based on decreased body weight gain and food utilization and microscopic changes in the stomachs of males. There was no evidence of carcinogenicity under conditions of the study.

8. A 2-generation rat reproduction study with a parental systemic NOAEL of 35.5 mg/kg/day and parental systemic LOAEL of 385 mg/kg/day based on increased mortality and a reproductive NOAEL equal to or greater than 3,850 mg/kg/day (HDT) and an offspring NOAEL of 385 mg/kg/day and an offspring LOAEL of 3,850 mg/kg/day based on decreased pup body weight.

9. A rat developmental study with a maternal and developmental NOAEL

equal to or greater than 1,000 mg/kg/day (HDT).

10. A rabbit developmental study with a maternal NOAEL of 40 mg/kg/day and a maternal LOAEL of 200 mg/kg/day based on increased mortality, abortions, and decreased maternal body weight gain and a developmental NOAEL equal to or greater than 200 mg/kg/day (HDT). A second rabbit developmental study with a maternal and developmental NOAEL equal to or greater than 150 mg/kg/day (HDT). A third rabbit developmental study with a maternal NOAEL of 100 mg/kg/day and a maternal LOAEL of 350 mg/kg/day based on premature deliveries and a developmental NOAEL equal to or greater than 350 mg/kg/day (HDT).

11. A acute neurotoxicity screening battery with a NOAEL equal to or greater than 2,000 mg/kg (HDT). A subchronic neurotoxicity screening battery with a NOAEL equal to or greater than 1,148 mg/kg/day for males and 1,348 mg/kg/day for females (HDT).

12. Prohexadione calcium was negative for mutagenic/genotoxic effects in a Bacterial reverse mutation assay (Ames test), an *In vitro* mammalian gene mutation assay, an *In vitro* mammalian chromosome aberration (Chinese hampster ovary (CHO) cells) study, an *In vivo* mammalian chromosome aberration (rat bone marrow cells) study, a Mammalian erythrocyte micronucleus test, an unscheduled DNA synthesis (UDS) in primary rat hepatocytes study, and a Rec assay with *Bacillus subtilis* study.

13. Following oral treatment of rats, prohexadione calcium was rapidly absorbed with highest tissue/carcass concentrations obtained within 30 minutes; however, absorption became saturated at the highest dose. The test material did not accumulate in the tissues. For low dose animals, renal excretion was the primary route of elimination. At the high dose, fecal excretion became the primary route of elimination. The primary excreta metabolite was identified as the free acid.

B. Toxicological Endpoints

1. *Acute toxicity*. EPA could not identify any toxicological effects that could be attributable to a single oral exposure (dose) in any of the available toxicological studies.

2. *Chronic toxicity*. EPA has established the Chronic Reference Dose (cRfD) for prohexadione calcium at 0.80 mg/kg/day. This cRfD is based on both the subchronic and chronic toxicity studies in dogs. Since a similar endpoint of equal severity (minimal and moderate dilation of basophilic tubules) was observed in both studies, the results of the two studies can be evaluated using a single dose-response curve. The NOAEL of 80 mg/kg/day from the subchronic study due to the wider dose spread than in the 1-year study and an uncertainty factor of 100 (10x for interspecies extrapolation, 10x for intraspecies variability) were used to establish the cRfD. The NOAEL of 80 mg/kg/day was based on histopathological changes (dilated basophilic tubules) in the kidneys and clinical chemical changes seen at the LOAEL of 200 mg/kg/day. No additional uncertainty factor is needed because there is no increase in the severity of the lesions over time in the chronic study as compared to the subchronic study. Since an FQPA safety factor of 1x is applicable for chronic dietary risk assessment, the chronic population adjusted dose (cPAD) is equivalent to the cRfD of 0.80 mg/kg/day.

3. *Carcinogenicity*. The Health Effects Division HIARC has classified prohexadione calcium as ''not likely to be carcinogenic to humans'' based on the lack of carcinogenicity in rats and mice.

C. Exposures and Risks

1. *From food and feed uses*. No tolerances have been previously established (40 CFR part 180) for the residues of prohexadione calcium, in or on raw agricultural commodities. Risk assessments were conducted by EPA to assess dietary exposures from prohexadione calcium as follows:

Chronic exposure and risk. The cPAD for prohexadione calcium is 0.8 mg/kg/day. A chronic dietary exposure analysis for prohexadione calcium was performed using the Dietary Exposure Evaluation Model (DEEM™). Tolerance level residues were used and 100% crop treated was assumed for all pome fruit and peanut commodities. The chronic analysis was conducted for the U.S. population and all population subgroups. The chronic exposure estimates (food only) for the U.S. population and all population subgroups were less than 5% of the cPAD.

2. *From drinking water*. The estimated environmental concentration (EEC) for ground water is 0.001 part per billion (ppb) (from screening concentration in ground water (SCI–GROW) modeling). The EECs for surface water (from generic expected environmental concentration (GENEEC) modeling) are 36 ppb for the acute (peak) concentration and 2.6 ppb for the 56-day value (with 3x adjustment factor).

3. *From non-dietary exposure*. There are no non-food uses of prohexadione calcium currently registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. No non-dietary exposures are expected for the general population.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether prohexadione calcium has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, prohexadione calcium does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that prohexadione calcium has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk*. EPA could not identify any toxicological effects that could be attributable to a single oral exposure (dose) in any of the available toxicological studies.

2. *Chronic risk*. Using the DEEM chronic exposure assumptions described in this unit, EPA has concluded that aggregate exposure from food will utilize less than 1% of the cPAD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is all infants (< 1 year old) which utilizes 2.3% of the cPAD. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. The drinking water level of comparisons (DWLOCs) for chronic exposure to prohexadione calcium in drinking water calculated for the U.S. population was 28,000 ppb, for females, 13–50 years old, was 24,000 ppb and for all infants the DWLOC was 8,000 ppb. The EEC for

ground water is 0.001 ppb (from SCI–GROW modeling). The EEC for surface water (from GENEEC modeling) is 2.6 ppb for the 56-day value (with 3x adjustment factor). EPA's chronic DWLOC are well above the estimated exposures for prohexadione calcium in water for the subgroups of concern. Conservative model estimates (GENEEC and SCI–GROW) of the concentrations of prohexadione calcium in surface and ground water indicate that exposure will be minimal.

3. *Short- and intermediate-term risk*. Short- and intermediate-term aggregate risk assessments were not performed because there are no residential uses proposed for prohexadione calcium.

4. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to prohexadione calcium residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*. In assessing the potential for additional sensitivity of infants and children to residues of prohexadione calcium, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined interspecies and intraspecies variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

The prenatal and postnatal toxicology data base for prohexadione calcium is adequate. The results of these studies indicated no quantitative or qualitative increase in susceptibility of rats or rabbits to *in utero* and/or postnatal exposure to prohexadione. No developmental effects were seen at doses up to the limit dose (1,000 mg/kg/day) in the rat developmental toxicity study or up to the highest doses tested (150, 200, and 350 mg/kg/day) in three rabbit developmental toxicity studies. In the 2-generation reproduction study in rats, the effects in the offspring were observed only at treatment levels which resulted in evidence of parental toxicity.

A developmental neurotoxicity (DNT) study is not required. No neuropathology or central nervous system (CNS) malformations were seen in the developmental toxicity studies. In the 2-generation reproduction study in rats, there were no findings in pups that were suggestive of changes in neurological development, although no functional assessment was performed. Additionally, there was no evidence of neurotoxicity in either the acute or subchronic neurotoxicity studies in rats and no evidence of neurotoxicity in other studies.

The Agency concluded that an extra safety factor to protect infants and children is not needed based on the following considerations:

i. The prenatal and postnatal toxicology data base is complete, there is no indication of increased susceptibility, and a developmental neurotoxicity study is not required.

ii. The dietary (food and drinking water) exposure assessments will not underestimate the potential exposures for infants and children from the use of prohexadione calcium (currently there are no proposed residential uses and, therefore, non-occupational exposure is not expected).

2. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to prohexadione calcium residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

The nature of the residue in peanuts, pome fruit crop group, and livestock is adequately understood. The residues of concern for the tolerance expression are parent. Based on the results of animal metabolism studies, tolerances established for kidney and meat byproducts will cover any secondary residues that would occur in animal commodities from the use on peanuts and pome fruits.

B. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography and mass selective detector) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

C. Magnitude of Residues

The qualitative nature of the residue of prohexadione calcium in plants is adequately understood for the purpose of this petition. The metabolism of prohexadione calcium in apples and peanuts is similar. Prohexadione calcium is rapidly metabolized to prohexadione and parent-like oxidative intermediates and ultimately to tricarballylic acid (TCA), citric acid, and other natural products from the plant carbon pool. Only the parent compound needs to be included in the tolerance expression for pome fruit and peanuts and is the only compound to be included in the dietary risk assessments.

D. International Residue Limits

There are no Codex Alimentarius Commission (Codex), Canadian, or Mexican Maximum Residue Levels (MRLs) for prohexadione calcium.

E. Rotational Crop Restrictions

No tolerances for inadvertent residues of prohexadione calcium are required in rotational crops at this time.

V. Conclusion

Therefore, the tolerances are established for residues of prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylate) in or on the raw agricultural commodities peanuts at 1.0 ppm, peanut hay at 0.60 ppm, pome fruit crop group at 3.0 ppm, kidney of cattle, goats, hogs, horses, and sheep at 0.10 ppm, and meat byproducts except kidney of cattle, goats, hogs, horses and sheep at 0.05 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178.

Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300998 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before July 3, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–300998, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 26, 2000.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.547 is added to read as follows:

§ 180.547 Prohexadione calcium; tolerances for residues.

(a) *General.* Tolerances are established for residues of the plant growth regulator, prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, kidney	0.10
Cattle, mbyp (except kidney)	0.05
Goats, kidney	0.10
Goats, mbyp (except kidney)	0.05
Hogs, kidney	0.10
Hogs, mbyp (except kidney)	0.05
Horses, kidney	0.10
Horses, mbyp (except kidney)	0.05
Peanuts	1.0
Peanut hay	0.60
Fruit, pome, group	3.0
Sheep, kidney	0.10
Sheep, mbyp (except kidney)	0.05

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 00–11030 Filed 5–2–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300984; FRL–6497–4]

RIN 2070–AB78

Harpin Protein; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the biochemical pesticide harpin protein on all food commodities when applied/used in agricultural fields and greenhouses for the management of plant diseases, the significant improvement in growth and yields, and the suppression of certain insects and other pests. EDEN Bioscience Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996, requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of harpin protein.

DATES: This regulation is effective May 3, 2000. Objections and requests for hearings, identified by docket control number OPP–300984, must be received by EPA, on or before July 3, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300984 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Diana M. Horne, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8367; and e-mail address: horne.diana@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that

might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–300984. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of September 9, 1999 (64 FR 49010) (FRL–6095–9), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) announcing the filing of a pesticide tolerance petition (PP 9F6027) by EDEN Biosciences, 11816 North Creek Parkway N., Bothell, WA 98011–8205. This notice included a summary of the petition prepared by the petitioner EDEN Bioscience Corporation. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of harpin protein.

III. Risk Assessment

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, section 408(b)(2)(D) requires that the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

IV. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Harpin exhibits no adverse effects in Tier I mammalian toxicity studies; therefore, Tier II and III studies are not required. Acute toxicity studies indicate that Messenger is a Toxicity Category IV substance. No toxicity was observed in acute oral toxicity studies conducted with Messenger. Acute oral and dermal toxicity LD_{50} values for Messenger were greater than 5,000 grams/kilograms (g/kg) in the rat (Toxicity Category IV). The LC_{50} for Messenger was greater than 2 milligrams/liter (mg/L) in an acute inhalation study in the rat. Messenger also showed no effect in eye and dermal irritation studies. For example, the dermal irritation index for Messenger was zero at 500 mg and no eye irritation was shown in the rabbit at 100 mg. There have been no reported incidents of Messenger-induced hypersensitivity in individuals exposed to Messenger during research, production, and/or field testing and there are no published reports indicating that harpin proteins are toxic. Further, the harpin protein has a non-toxic mode of action by eliciting a systemic acquired resistance response in plants, and it has been demonstrated that the product has no direct antimicrobial effect on bacteria and fungi, for species examined to date. For a more complete discussion, see the Harpin Registration Eligibility Document.

V. Aggregate Exposures

In examining aggregate exposure, FQPA directs EPA to take into account available information concerning dietary exposures from pesticide residues in food and drinking water and all other exposures for which there is reliable information. These other sources of exposure include such non-occupational exposures as those resulting from the use of pesticides around the home or in public areas such as parks and schools. The Agency defines acute and chronic aggregate risks to include only dietary (food and water) exposures. Short-, intermediate-, and long-term aggregate exposures are defined to include non-occupational exposures in addition to dietary exposures. Any or all of these aggregate risk assessments may be required for a pesticide depending on its registered uses.

A. Dietary Exposure

Harpin and related harpin proteins are common constituents of plant pathogenic bacteria which are often found on fruits and vegetables. Additional dietary exposure to harpin protein resulting from labeled uses is unlikely to occur because of extremely low use rates and rapid degradation in the field. Furthermore, the lack of demonstrable toxicity in acute studies, and the natural occurrence of harpins in the environment support the establishment of an exemption from the requirement of a tolerance for harpin protein.

1. *Food*. Messenger is applied at very low rates of application (generally 2 to 11.5 grams of active ingredient per acre). Harpin also degrades rapidly in sunlight, high temperatures, and in the presence of chlorine. Because of the low use rates and rapid degradation in the field, no harpin residues are detectable, using available methods, on treated crops even immediately after application. Therefore, the Agency believes that dietary exposure to harpin via consumption of treated food or feed will be negligible.

2. *Drinking water exposure*. Because harpin protein is applied at extremely low use rates and rapidly degrades in the environment, residues are unlikely to occur in ground or surface water. In addition, harpin is highly sensitive to small amounts of chlorine, as contained in many municipal water systems. Therefore, residues of harpin protein are unlikely to occur in drinking water.

B. Other Non-Occupational Exposure

The Agency believes that the potential for non-dietary exposure and attendant risks to the general population including infants and children is minimal to non-existent, due to low use rates, the instability of harpin protein in the environment, and lack of demonstrated toxicity. In addition, the label use sites are commercial, agricultural, and horticultural, as opposed to domestic settings; thus, non-occupational exposure to the general population is expected to be minimal.

1. *Dermal exposure*. Harpin is a Toxicity Category IV product, and is not expected to pose any risk via the dermal route of exposure.

2. *Inhalation exposure*. Acute inhalation tests place harpin in Toxicity Category IV, thus risk via the inhalation route is expected to be minimal to non-existent.

VI. Cumulative Effects

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and other substances that have a common mechanism of toxicity.

Consideration of a common mode of toxicity is not appropriate, given that there is no indication of mammalian toxicity of harpin protein and no information that indicates that toxic effects would be cumulative with any other compounds. Moreover, harpin does not exhibit a toxic mode of action in its target pests or diseases.

VII. Determination of Safety for U.S. Population, Infants and Children

Harpin's lack of toxicity has been demonstrated by the results of acute toxicity testing in mammals in which harpin caused no adverse effects when dosed orally and via inhalation at the limit dose for each study. Thus, based on this and other information in this preamble, EPA concludes that there is a reasonable certainty that no harm to the United States population in general, or to infants or children will result from aggregate exposure to harpin residues. This includes all anticipated dietary exposures and all other exposures for which there is reliable information.

VIII. Other Considerations

A. Endocrine Disruptors

The Agency has no information regarding endocrine effects of this biochemical pesticide at this time; however, since there was no demonstrable toxicity in acute tests, there is no evidence to suggest that harpin will adversely affect the endocrine system.

B. Analytical Method

Because this notice establishes an exemption from the requirement of a tolerance, no anlytical method is necessary. The Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation for the reasons enumerated in this preamble, including harpin's lack of toxicity. Accordingly, the Agency has concluded that an analytical method is not needed for enforcement purposes for harpin residues.

C. Codex Maximum Residue Level

There are no Codex Maximum Residue Levels nor any tolerances or exemptions issued for harpin protein outside the United States.

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300984 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before July 3, 2000.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket number OPP–300984, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

X. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

XI. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 19, 2000.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.1204 is revised to read as follows:

§ 180.1204 Harpin protein; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the biochemical pesticide harpin protein on all food commodities when applied/used in agricultural fields and greenhouses for the management of plant diseases, the significant improvement in growth and yields, and the suppression of certain insects and other pests.

[FR Doc. 00–11029 Filed 5–2–00; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 414

[HCFA–1111–IFC]

RIN 0938–AK14

Medicare Program; Criteria for Submitting Supplemental Practice Expense Survey Data

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule establishes criteria for physician and non-physician specialty groups for submitting supplemental practice expense survey data for use in determining payments under the physician fee schedule. This interim final rule solicits public comments on the criteria for supplemental surveys.

DATES: Effective Date: This regulation is effective May 3, 2000.

Comment Period: We will consider comments concerning criteria for supplemental surveys if we receive the comments at the appropriate address, as provided below, no later than 5 p.m. on July 3, 2000.

ADDRESSES: Mail written comments (one original and three copies) to the following address ONLY: Health Care Financing Administration, Department of Health and Human Services, Attn: HCFA–1111–IFC, P.O. Box 8013, Baltimore, MD 21244–8013.

If you prefer, you may deliver by courier, your written comments (one original and three copies) to one of the following addresses: Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201 or C5–14–03, Central Building, 7500 Security Boulevard, Baltimore, MD 21244–1850. Comments mailed to those addresses may be delayed and could be considered late.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–1111–IFC.

Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC 20201, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

FOR FURTHER INFORMATION CONTACT: Kenneth Marsalek, (410) 786–4502.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legislative History

Since January 1, 1992, Medicare has paid for physicians' services under section 1848 of the Social Security Act (the Act), ''Payment for Physicians' Services.'' The Act requires that payments under the fee schedule be based on national uniform relative value units (RVUs) based on the relative resources used in furnishing a service. Section 1848(c) of the Act requires that national RVUs be established for physician work and practice and malpractice expenses.

Under the formula set forth in section 1848(b)(1) of the Act, the amount paid for each service under the physician fee schedule is the product of three factors—(1) A nationally uniform relative value for the service; (2) a geographic adjustment factor (GAF) for each physician fee schedule area; and (3) a nationally uniform conversion factor (CF) for the service. The CF converts the relative values into payment amounts.

For each physician fee schedule service, there are three RVU components—(1) Physician work; (2) practice expense; and (3) malpractice expense. In addition, each RVU component has a corresponding geographic practice cost index (GPCI) for each fee schedule area. The GPCIs reflect the relative costs of practice expense and malpractice insurance, and of one quarter of the physician work in an area compared to the national average.

The general formula for calculating the Medicare fee schedule amount for a given service in a given fee schedule area is as follows:

Payment = [(RVU work × GPCI work) + (RVU practice expense × GPCI practice expense) + (RVU malpractice × GPCI malpractice)] × CF.

Section 121 of the Social Security Act Amendments of 1994 (Pub. L. 103–432) required us to develop a methodology for a resource-based system for determining practice expense RVUs for each physician's service beginning in 1998.

The Balanced Budget Act of 1997 was enacted on August 5, 1997, before publication of the October 1997 final rule on the physician fee schedule (62 FR 59103). Section 4505(a) of the BBA delayed the effective date of the resource-based practice expense RVUs until January 1, 1999, while section 4505(b) provided for a 4-year transition, with resource-based practice expense RVUs becoming fully effective in 2002. In addition, section 4505(d)(1)(A) and (d)(1)(B) of the BBA required us to develop new resource-based practice expense RVUs, and section 4505(d)(1)(C) of the BBA required us to develop a refinement process to be used during each of the 4 years of the transition period.

Section 212 of the Balanced Budget Refinement Act of 1999 (BBRA) requires us to establish a process under which we will accept and use, to the maximum extent practicable and consistent with sound data practices, data collected or developed by entities and organizations to supplement the data we normally collect in determining the practice expense component of the physician fee schedule. Section 212(b) states that the process must be available for payments for the 2001 and 2002 physician fee schedules. This time period is consistent with the last years of the 4-year transition period, noted above. Therefore, we are establishing a process for submission of data in calendar years (CY) 2000 and 2001 for use in computing practice expense RVUs for CYs 2001 and 2002 physician fee schedule, respectively. Section 212(a) requires that we promulgate an interim final regulation that permits submission of data for payment rates for 2001.

B. Current Methodology for Computing Practice Expense Relative Value Units

Effective for services furnished beginning January 1, 1999, we established a new methodology for computing resource-based practice expense RVUs. The methodology uses practice expense data from two significant, accessible sources—HCFA's Clinical Practice Expert Panel (CPEP) data and the American Medical Association's (AMA's) Socioeconomic Monitoring System (SMS) data. Current aggregate specialty practice costs are used in the methodology to establish initial estimates of relative resources used in physicians' services across specialties and allocate them to specific procedures.

The SMS collects information on aggregate practice expenses from a random national survey of approximately 4,000 physicians who spend the greatest proportion of their time in patient care activities. The survey includes AMA member and non-AMA member physicians and office and hospital-based physicians. Actual practice expense data by specialty, derived from the 1995 through 1997

SMS survey data, were used to create six cost pools—administrative labor, clinical labor, medical supplies, medical equipment, office supplies, and all other expenses. The three steps used to create cost pools were as follows:

(1) Determination of practice expenses per hour by cost category, using the SMS survey of actual cost data. The practice expense per hour for each physician respondent's practice was calculated as the practice expenses for the practice divided by the total number of hours spent in patient care activities by the physicians in the practice.

(2) Determination of the total number of physician hours, by specialty, spent treating Medicare patients, using physician time data for each procedure code and Medicare claims data.

(3) Calculation of the practice expense pools by specialty and by cost category by multiplying the practice expenses per hour for each category by the total physician hours.

Since many specialties identified in our Medicare claims data did not correspond exactly to the specialties included in the practice expense tables from the SMS survey data, we crosswalked these specialties to the most appropriate SMS specialty category. (For a more detailed discussion of the methodology, you may refer to the June 1998 proposed rule (63 FR at 30826) and the November 1998 final rule with comment (63 FR at 58816).)

C. Refinement of Practice Expense RVUs

In the June 5, 1998 proposed rule (63 FR 30818) and the November 2, 1998 final rule (63 FR 58814), we established the parameters for a refinement process and indicated that RVUs for all codes would be considered interim for CY 1999 and during the transition (through CY 2001). In the November 1998 final rule, we outlined the initial refinement process and the steps we are taking to resolve outstanding general methodological issues.

In the July 22, 1999 proposed rule (64 FR 39609), we stated that we awarded a one-year contract, beginning May 24, 1999, to The Lewin Group to provide technical assistance in evaluating various aspects of the practice expense methodology. These aspects include the following:

- Evaluation of the validity and reliability of the SMS data for specialty and subspecialty groups.
- Identification and evaluation of alternative and supplementary data from sources such as specialty and multi-specialty societies.
- Development of criteria for accepting other surveys and determination of the appropriate form of these surveys.

In the November 2, 1999 final rule (64 FR 59380), we noted the steps our contractor had taken to date, including issuance of its first draft report, ''Practice Expense Methodology,'' dated September 24, 1999. This report, which contains recommendations about a variety of methodology issues and use of oversampling and supplemental surveys, is discussed below. (The report has been placed on our homepage under the title ''Practice Expense Methodology Report.'' Our homepage can be accessed through the HCFA Internet site at http://www.hcfa.gov/medicare/pfsmain.htm.) Also, in the final rule, we indicated that for CY 2000 we would use supplemental survey data from thoracic surgeons to calculate practice expense because this oversample followed the SMS format and was collected by the AMA contractor, thus helping to assure data consistency.

In the September 24, 1999 report, the contractor recommended that we consider supplemental survey data furnished by physician and non-physician specialty groups that have conducted independent surveys that adhere to uniformity of format, sample frame, contractor, and data analysis of information on practice expense and hours spent in patient care. Specifically, the contractor recommended the following criteria:

- Draw the sample from the AMA Physician Masterfile when possible.
- Survey a large enough number of individuals to assure an adequate number of usable responses.
- Conduct the survey based on the SMS survey instruments and protocols, including administration and follow-up efforts.
- Use the same contractor as the SMS and field the survey during the same timeframe.
- Consistently define, throughout the SMS and all additional surveys, practice expense and hours spent in patient care.
- Assign responsibility for data editing and analysis to the AMA's SMS project team.

II. Provisions of the Interim Final Rule

We are amending the Medicare regulations in § 414.22(b) (Relative value units (RVUs)) to add paragraph (b)(6) to establish criteria for physician and non-physician specialty groups for submitting practice expense surveys that may be used for establishing payments in the 2001 physician fee schedule. We use practice expense survey data to establish the specialty-specific practice expense per-hour, and we will consider supplemental data that is obtained through surveys. We are adopting the criteria recommended by The Lewin Group, with some modifications, for supplemental survey data submitted to us by August 1, 2000 for consideration for use in our computation of RVUs for the 2001 physician fee schedule. In addition, we are soliciting public comment on the criteria that we will consider for survey data submitted between August 2, 2000 and August 1, 2001 for use in computing RVUs for the 2002 physician fee schedule.

Any HCFA-designated specialty group may submit supplemental survey data. (Please see the list below for designated specialties.) However, for survey data submitted for payments in 2001, we will give priority consideration to specialties that are not represented or are underrepresented in the SMS data.

HCFA Specialty Code and Description

01—General Practice
02—General Surgery
03—Allergy/Immunology
04—Otology, Laryn., Rhino
05—Anesthesiology
06—Cardiology
07—Dermatology
08—Family Practice
10—Gastroenterology
11—Internal Medicine
12—Manip. Therapy
13—Neurology
14—Neurosurgery
16—OB-GYN
18—Ophthalmology
19—Oral Surgery
20—Orthopedic Surgery
22—Pathology
24—Plastic Surgery
25—Physical Medicine
26—Psychiatry
28—Colorectal Surgery
29—Pulmonary Disease
30—Radiology
33—Thoracic Surgery
34—Urology
35—Chiropractor, Licensed
36—Nuclear Medicine
37—Pediatrics
38—Geriatrics
39—Nephrology
40—Hand Surgery
41—Optometrist
43—CRNA/AA
44—Infectious Disease
46—Endocrinology
48—Podiatry
50—Nurse Practitioners
62—Psychologist (Billing Independently)
65—Physical Therapist (Indep. Practice)
66—Rheumatology
67—Occupational Therapist
68—Clinical Psychologist
69—Independent Laboratory

70—Clinic or Other Group
76—Peripheral Vascular Disease
77—Vascular Surgery
78—Cardiac Surgery
79—Addiction Medicine
80—Clinical Social Worker
81—Critical Care (Intensivists)
82—Hematology
83—Hematology/Oncology
84—Preventive Medicine
85—Maxillofacial Surgery
86—Neuropsychiatry
89—Clinical Nurse Practitioner
90—Medical Oncology
91—Surgical Oncology
92—Radiation Oncology
93—Emergency Medicine
94—Interventional Radiology
95—Indep. Physiological Lab
97—Gynecology/Oncology

We will use several criteria for evaluating supplemental surveys submitted by August 1, 2000. Our criteria expand upon some of our contractor's recommendations, primarily by adopting more specific sampling criteria. We have not accepted several of our contractor's recommendations, but have modified them; we do not require that physician specialties use only the same contractor as the SMS, or that the AMA's SMS project team be assigned responsibility for data editing and analysis. In addition, as discussed below, it is not possible for the AMA to oversample a specialty in time to affect payments for CYs 2001 and 2002. Following are the specific criteria we will use:

• Physician groups must draw their sample from the AMA Physician Masterfile to ensure a nationally representative sample that includes both members and non-members of a physician specialty group. Physician groups must arrange for the AMA to send the sample directly to their survey contractor to ensure confidentiality of the sample; that is, to ensure comparability in the methods and data collected, specialties must not know the names of the specific individuals in the sample. (To request a sample from the Masterfile, contact Scott Birkhead of the AMA at (312) 464–2569. We understand that there is an approximate 1-week response time and a nominal charge for drawing the sample.)

• Non-physician specialties not included in the AMA's SMS must develop a method to draw a nationally representative sample of members and non-members. At a minimum, these groups must include former members in their survey sample. The sample must be drawn by the non-physician group's survey contractor, or another independent party, in a way that ensures the confidentiality of the sample; that is, to ensure comparability in the methods and data collected, specialties must not know the names of the specific individuals in the sample.

• A group (or its contractors) must conduct the survey based on the SMS survey instruments and protocols, including administration and follow-up efforts, and definitions of practice expense and hours in patient care. In addition, any cover letters or other information furnished to survey sample participants must be comparable to such information previously supplied by the SMS contractor to its sample participants. (A copy of the guidelines and procedures may be obtained by contacting Kenneth Marsalek at (410) 786–4502.)

• Use a contractor that has experience with the SMS or a survey firm with experience successfully conducting national multi-specialty surveys of physicians using nationally representative random samples.

• Submit raw survey data to us, including all complete and incomplete survey responses as well as any cover letters and instructions that accompanied the survey, by August 1, 2000 for data analysis and editing to ensure consistency. All personal identifiers in the raw data must be eliminated. (Send data to Health Care Financing Administration, Department of Health and Human Services, Attn: Kenneth Marsalek, C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244–8013.)

• Raw survey data submitted to us between August 2, 2000 and August 1, 2001 will be considered for use in computing practice expense RVUs for CY 2002.

• The physician practice expense data from surveys that we use in our code-level practice expense calculations are the practice expenses per physician hour in the six practice expense categories—clinical labor, medical supplies, medical equipment, administrative labor, office overhead, and other. Supplemental survey data must include data for these categories. Ideally, we would like to calculate practice expense values with precision; however, we recognize that we must achieve a balance because conducting surveys is expensive and there is a tension between achieving large sample sizes, which increases precision, and smaller ones, which conserves costs.

Based on our review of existing physician practice expense surveys, we believe an achievable level of precision is a coefficient of variation, that is, the ratio of the standard error of the mean to the mean expressed as a percent, not greater than 10 percent, for overall practice expenses or practice expenses per hour. For existing surveys the standard deviation is frequently the same magnitude as the mean. If the standard deviation equals the mean, then a usable sample size of 100 will yield a coefficient of variation of 10 percent. For small, homogeneous subspecialties, the variations in practice expenses may be lower because a smaller sample size achieves this level of precision. Other ways of expressing precision (for example, 95 percent confidence intervals) are also acceptable if they are approximately equivalent to a coefficient of variation of 10 percent or better. We will consider surveys for which the precision of the practice expenses are equal to or better than this level of precision and that meet the other survey criteria. Also, we will require documentation regarding how the practice expenses were calculated and will verify the calculations. Of course, we have the statutory authority to determine the final practice expense RVUs.

Since the physician fee schedule is a national fee schedule, we require that the survey be representative of the target population of physicians nationwide. We can presume national representativeness if a random sample is drawn from a complete nationwide listing of the physician specialty or subspecialty and the response rate, the percent of usable responses received from the sample, is high, for example, 80 to 90 percent. If any of these conditions (random sample, complete nationwide listing, and high response rate) are not achieved, then the potential impacts of the deviations upon national representativeness must be explored and documented. For example, if the response rate is low, then justification must be furnished to demonstrate that the responders are not significantly different from non-responders with regard to factors affecting practice expense. Differential weighting of subsamples may improve the representativeness. Minor deviations from national representativeness may be acceptable.

We believe that it is impossible and impractical to set rigid cutoffs for most of these criteria, especially for national representativeness. We are attempting to be as flexible as possible consistent with our goal of obtaining new surveys of practice expense data that are scientifically sound and methodologically consistent with our existing estimates. For instance, a specialty may include different types of physician practices (for example, urban versus rural, academic versus non-academic, interventional versus non-

interventional) that exhibit different patterns of practice expense. Similarly, a stratified sampling of these different types of practices may be a more efficient sampling strategy than a simple random sample of the entire specialty. We welcome surveys with more sophisticated designs and these types of survey variations if relevance to our criteria is documented.

We would need to make the supplemental survey data that we determine complies with the above criteria consistent with the SMS data we are using. Specifically, we are currently using 1994 through 1996 specialty practice expense per-hour data from the SMS. Thus, we would deflate supplemental survey data to be consistent with the timeframe of the data from other specialties from the SMS. For example, since the midpoint of the SMS data we currently use is 1995, we would deflate supplemental survey data to 1995 using the Medicare Economic Index. Therefore, any comparison between supplemental survey information and the SMS practice expense per-hour data we are currently using should take into account that the data should be deflated to 1995 costs. We will make comparable adjustments to bring future supplemental surveys into the same timeframe as SMS data used in the future.

In addition, if a specialty is represented in the SMS data, we will weight average (based on the number of survey responses) the supplemental data with the existing SMS data already being used. If the specialty is not represented in the SMS data, we will substitute the new data for the crosswalked SMS data currently being used for the specialty. Specialties may also wish to consider that under our methodology for determining practice expenses, we calculate specialty specific practice expense RVUs based on estimates of practice expenses for specific procedures in combination with the SMS data. The specialty specific practice expense RVUs are weight averaged based on the frequency of allowed services performed by a given specialty. Thus, supplemental data from a specialty that represents a small proportion of the allowed services for a given procedure code will have little influence on the procedure's final value in the weighted averaging.

Also, some practitioner services (services of certified registered nurse anesthetists, nurse practitioners, clinical nurse specialists, physician assistants, and certified nurse mid-wives) are paid based on a percentage of the physician fee schedule amount. Since the payment under the physician fee schedule for a service performed by a practitioner is required to be based on a percentage of the amount paid to a physician for a service, we are considering whether to use only physician practice expense data in determining the practice expense RVUs for each practitioner service.

The AMA has provided us with information on its plans for collecting future data on physicians' practice expenses. (We are including this information so that physician specialty groups can take it into account in their plans.) The AMA indicated that most experts agree that the optimal method of obtaining practice expense data is to survey physician practices instead of surveying individual physicians about their share of a practice's expenses, as does the SMS. In addition, the AMA has found that it has become increasingly difficult and expensive to collect practice expense data through the SMS. For example, physicians tend to relocate more frequently, are increasingly unwilling to spend 25 to 30 minutes on the telephone to complete the SMS survey, and are increasingly unlikely to have access to the detailed financial information requested in SMS. Based on these considerations, last year the AMA began developing a new practice-level survey. In designing the new practice survey, the AMA is seeking to address some of the limitations of the SMS survey and the questions regarding its appropriateness for use in developing practice expense RVUs.

Drafts of the practice expense survey have been reviewed with outside experts, potential users of the data, and representatives from specialty societies, including the AMA's Specialty Society Relative Value Update Committee and group practices. The AMA is currently conducting a limited pilot of the practice survey with physician-owned practices. The pilot excludes single specialty practices in radiology, anesthesiology, pathology, and emergency medicine. Accounting for these specialties is more complicated, and separate instrumentation will be required. Collection of practice-level data for these specialties will not be implemented in the first practice survey, unless staff from these specialty societies are able to design a survey instrument that the AMA can use. If the pilot of the survey is successful, the AMA plans to conduct the practice survey initially in 2000 and, in alternate years thereafter, the practice expense survey and the SMS survey.

If the CY 2000 practice expense survey is successful, the AMA plans to drop the expense questions from the SMS beginning with the calendar 2001 SMS survey. If the practice expense survey is unsuccessful, the AMA will reconsider its plans for CY 2001 and future years. Under those circumstances, it may be necessary to retain the expense questions in the SMS. However, cost factors may constrain the extent to which the AMA can conduct a complete SMS survey with practice expense questions in CY 2001. Regardless, there are still 2 years of data from the 1998 and 1999 SMS surveys that we can use in updating future practice expense RVUs.

III. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

IV. Use of Interim Final Rule

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved.

In this instance, however, the need to engage in proposed rulemaking is obviated by section 212 of BBRA that requires that we promulgate this regulation on an interim final basis. We are providing a 60-day period for public comment.

V. Information Collection Requirements

Under the Paperwork Reduction Act of 1995 (PRA), we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the PRA requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.

• The quality, utility, and clarity of the information to be collected.

• Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

This interim final rule requests HCFA-designated specialty groups to submit supplemental survey data to us, which meets the requirements of this section, by August 1, 2000, for consideration for payments in 2001. However, for survey data submitted for payments in 2001, we will give priority consideration to specialties that are not represented or are under represented in the SMS data. The burden associated with these requirements is the time necessary for the provider to submit the required data. However, due to the nature of the request, we estimate the number of submissions to average fewer than 10 on an annual basis. Therefore, these requirements are not subject to the PRA, as defined under 5 CFR 1320.3(c).

We have submitted a copy of this interim final rule to OMB for its' review of the information collection and requirements.

If you comment on these information collection and recordkeeping requirements, please mail copies directly to the following: Health Care Financing Administration, Office of Information Services, Information Technology Investment Management Group, Attn: John Burke, HCFA–1111–IFC, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850, and, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Eydt, HCFA Desk Officer, HCFA–1111–IFC.

VI. Regulatory Impact Statement

We have examined the impacts of this interim final rule as required by Executive Order of 1993 (E.O.) 12866, the Unfunded Mandates Reform Act of 1995 (E.O.) 12875 (UMRA) (Pub. L. 104–4), and the Regulatory Flexibility Act of 1980 (RFA) (Pub. L. 96–354), and the Federalism Executive Order of 1999 (E.O.) 13132. E.O. 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 effects, distributive impacts, and equity). The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, non-profit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by non-profit status or by having revenues of $5 million or less annually. For purposes of the RFA, all physicians and non-physician providers are considered to be small entities. Individuals and States are not included in the definition of a small entity.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

Since this rule only provides criteria for physicians and non-physicians who wish to provide data to us in computing RVUs under the physician fee schedule, there are no budgetary implications arising from this rule. Furthermore, this rule is required by statute and, thus, reflects the Congress's view of appropriate agency action.

The UMRA also requires (in section 202) that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year. This final rule with comment will have no consequential effect on State, local, or tribal governments. We believe the private sector cost of this rule falls below these thresholds as well.

For these reasons, we are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined, and we certify, that this rule will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of E.O. 12866, this regulation was reviewed by the Office of Management and Budget.

VII. Federalism

We have examined this rule in accordance with E.O. 13132 and have determined that this final rule will not have any negative impact on the rights, roles, or responsibilities of State, local, or Tribal governments.

List of Subjects in 42 CFR Part 414

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and record keeping requirements, Rural areas, X-rays.

For the reasons set forth in the preamble, 42 CFR chapter IV is amended as follows:

PART 414—PAYMENT FOR PART B MEDICAL AND OTHER HEALTH SERVICES

Part 414 is amended as set forth below:

1. The authority citation for part 414 continues to read as follows:

Authority: Secs. 1102, 1871, and 1881(b)(1) of the Social Security Act (42 U.S.C. 1302, 1395(hh), and 1395rr(b)(1)).

2. In § 414.22, the introductory text is republished and a new paragraph (b)(6) is added to read as follows:

§ 414.22 Relative value units (RVUs).

HCFA establishes RVUs for physicians' work, practice expense, and malpractice insurance.

* * * * *

(b) *Practice expense RVUs.* * * *

* * * * *

(6)(i) HCFA establishes criteria for supplemental surveys regarding specialty practice expenses submitted to HCFA by August 1, 2000 that may be used in determining practice expense RVUs for the 2001 physician fee schedule.

(ii) Any HCFA-designated specialty group may submit a supplemental survey.

(iii) Survey data and related materials submitted to HCFA between August 2, 2000 and August 1, 2001 will be considered for use in determining practice expense RVUs for the 2002 physician fee schedule.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 20, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Approved: April 10, 2000.

Donna E. Shalala,

Secretary.

[FR Doc. 00–10971 Filed 5–2–00; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–833; MM Docket No. 99–8; RM–9433, RM–9692]

Radio Broadcasting Services; Mt. Washington and Jefferson, NH, Newry, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of North Country Radio, allots Channel 247A to Jefferson, NH, as the community's first local aural service and denies the allotment of Channel 247A to Mt. Washington, NH, as the community's second local aural service. This action also dismisses the counterproposal filed by Barry P. Lunderville to allot Channel 247A to Newry, ME, as the community's first local aural service, because of his failure to comply with the subscription and verification requirements of Section 1.52 of the Commission's Rules. See 64 FR 5626, February 4, 1999. Channel 247A can be allotted to Jefferson in compliance with the Commission's mileage separation requirements, with respect to domestic allotments, with a site restriction of 5.1 kilometers (3.2 miles) southeast, at coordinates 44–23–40 NL; 71–25–15 WL, to avoid a short-spacing to Station WGMT, Channel 249C3, Lyndon, VT. Use of these coordinates will not negate the short-spacing to unoccupied and unapplied-for Channel 247C1 at both Sherbrook, Quebec, and Thetford-Mines, Quebec, Canada. Since Jefferson is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government in the allotment, as a specially negotiated, short-spaced allotment, has been requested but has not yet been received. However, rather than delay any further the opportunity to file applications for this channel, we will allot Channel 247A to Jefferson at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian Government, the construction permit will include the following condition: ''Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-United States FM Broadcast Agreement or if objected to by Industry Canada.'' A filing window for Channel 247A at Jefferson will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective May 30, 2000.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–8, adopted April 5, 2000, and released April 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 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.

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 New Hampshire, is amended by adding Jefferson, Channel 247A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–10924 Filed 5–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–834; MM Docket No. 99–6; RM–9431, RM–9596]

Radio Broadcasting Services; St. Johnsbury and Barton, VT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Vermont Broadcast Associates, Inc., allots Channel 262A to Barton, VT, as the community's first local aural service and denies the request of Dana Puopolo to allot Channel 262A to St. Johnsbury, VT, as the community's second local FM and third local aural service. *See* 64 FR 5624, February 4, 1999. Channel 262A can be allotted to Barton in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, without the imposition of a site restriction, at coordinates 44–44–54 North Latitude and 72–10–36 West Longitude. Barton is located within 320 kilometers (200 miles) of the U.S.-Canadian border and use of these coordinates does not negate the short-spacings to the proposed allotment of Channel 262A at Sherbrook, Quebec, and the vacant and proposed to be deleted Channel 262A at Magog, Quebec, Canada. Canadian concurrence in the allotment of Channel 262A at Barton, as a specially-negotiated short-spaced allotment, has been requested but has not yet been received. However, rather than delay any further the opportunity to file applications for this channel, we will allot Channel 262A to Barton at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian Government, the construction permit will include the following condition: ''Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-United States FM Broadcast Agreement or if specifically objected to by Industry Canada.'' A filing window for Channel 262A at Barton will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective May 30, 2000.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–6, adopted April 5, 2000, and released April 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 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.

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 Vermont, is amended by adding Barton, Channel 262A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–10923 Filed 4–28–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 223

[Docket No. 991207322–0115–04; I.D. 042100B]

RIN 0648–AN30

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone

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

ACTION: Temporary rule; request for comments.

SUMMARY: NMFS is closing, for a two-week period, all inshore waters and offshore waters out to 10 nautical miles (nm) (18.5 km) seaward of the COLREGS demarcation line, bounded by 32° N. lat. and 33° N. lat. within the Leatherback Conservation Zone, to fishing by shrimp trawlers required to have a turtle excluder device (TED) installed in each net that is rigged for fishing, unless the TED has an escape opening large enough to exclude leatherback turtles, as specified in the regulations. This action is necessary to reduce mortality of endangered leatherback sea turtles incidentally captured in shrimp trawls.

DATES: This action is effective from April 27, 2000 through 11:59 p.m. (local time) on May 11, 2000.

ADDRESSES: Comments on this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to 301–713–0376. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, (727) 570–5312, (ph. 727–570–5312, fax 727–570–5517, e-mail Chuck.Oravetz@noaa.gov), or Wanda L. Cain, (ph. 301–713–1401, fax 301–713–0376, e-mail Wanda.Cain@noaa.gov).

For assistance in modifying TED escape openings to exclude leatherback sea turtles, fishermen may contact gear specialists at the NMFS, Pascagoula, MS laboratory by phone (228) 762–4591 or fax (228) 769–8699.

SUPPLEMENTARY INFORMATION: Prohibitions to taking sea turtles are governed by regulations implementing the Endangered Species Act at 50 CFR parts 222 and 223. The incidental take of turtles during shrimp fishing in the Atlantic Ocean off the coast of the southeastern United States and in the Gulf of Mexico is excepted from the taking prohibition pursuant to sea turtle conservation regulations at 50 CFR 223.206, which include a requirement that shrimp trawlers have a NMFS-approved TED installed in each net rigged for fishing. The use of TEDs significantly reduces mortality of loggerhead, green, Kemp's ridley, and hawksbill sea turtles. Because leatherback turtles are larger than the escape openings of most NMFS-approved TEDs, use of these TEDs is not an effective means of protecting leatherback turtles.

Through a final rule (60 FR 47713 September 14, 1995), NMFS established regulations to provide protection for leatherback turtles when they occur in locally high densities during their annual, spring northward migration along the Atlantic seaboard. Within the Leatherback Conservation Zone, NMFS may close an area for 2 weeks when leatherback sightings exceed 10 animals per 50 nm (92.6 km) during repeated aerial surveys pursuant to § 223.206(d)(2)(iv)(A) through (C).

An aerial survey conducted on April 20, 2000, along the South Carolina coast documented 28 leatherback turtles over a total survey trackline of approximately 120 nm (222 km). The highest concentrations were noted in waters off the southern half of the state. Twenty-one of the 28 leatherbacks were sighted in the portion of the survey trackline just 36.3 nm (67.2 km) long, from the south end of Pritchards Island (approximately 32°16′ N. lat, 080°36′ W. long.) to the north end of Kiawah Island (approximately 32°35′ N. lat., 079°59° W. long.). In a 8.7-nm (16.1-km) section of the survey trackline flown in a northeasterly direction commencing approximately 1 nm (1.8 km) off the beach at the southern end of Edisto Island (approximately 32°28′ N. lat., 080°20′ W. long.), 7 leatherbacks were sighted. A replicate survey flown later in the flight (same course, speed, and altitude) over the same 8.7 nm section of trackline area sighted 11 leatherbacks. Fishing effort appeared minimal at the time of the survey. Only 8 vessels (7 underway shrimp trawlers and 1 stationary gillnet vessel) were observed during the survey of the South Carolina coast. The paucity of vessels is likely due to the fact that shrimping in state waters off South Carolina (and Georgia) is scheduled to remain closed until mid to late May.

The Assistant Administrator for Fisheries, NOAA (AA), has determined that all inshore waters and offshore waters within 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded by 32° N. lat. and 33° N. lat., within the Leatherback Conservation Zone are closed to fishing by shrimp trawlers required to have a TED installed in each net that is rigged for fishing, unless the TED installed has an escape opening large enough to exclude leatherback turtles, meeting the specifications at 50 CFR 223.207(a)(7)(ii)(B) or 223.207(c)(1)(iv)(B). These regulations specify modifications that can be made to either single-grid hard TEDs or Parker soft TEDs to allow leatherbacks to escape.

The regulations at 50 CFR 223.206(d)(2)(iv) also state that fishermen operating in the closed area with TEDs modified to exclude leatherback turtles must notify the NMFS Southeast Regional Administrator of their intentions to fish in the closed area. This aspect of the regulations does not have a current OMB control number, issued pursuant to the Paperwork Reduction Act. Consequently, fishermen are not required to notify the Regional Administrator prior to fishing in the closed area, but they must still meet the gear requirements.

Classification

This action has been determined to be not significant for purposes of E.O. 12866.

The AA is taking this action in accordance with the requirements of 50 CFR 223.206(d)(2)(iv) to provide protection for endangered leatherback sea turtles from incidental capture and drowning in shrimp trawls. Leatherback sea turtles are occurring in high concentrations in coastal waters in shrimp fishery statistical zone 32. This

action allows shrimp fishing to continue in the affected area and informs fishermen of the gear changes that they can make to protect leatherback sea turtles.

Pursuant to 5 U.S.C. 553(b)(B), the AA finds that there is good cause to waive prior notice and opportunity to comment on this action. It would be contrary to the public interest to provide prior notice and opportunity for comment because providing notice and comment would prevent the agency from implementing the necessary action in a timely manner to protect the endangered leatherback. Notice and opportunity to comment on the leatherback closure procedures was provided through the rulemaking establishing the closure procedures (60 FR 25663, May 12, 1995).

Pursuant to 5 U.S.C. 552(d)(3), the AA finds that there is good cause not to delay the effective date of this rule for 30 days. It would be contrary to the public interest to delay this action because such delay would prevent the agency from implementing the necessary action in a timely manner to protect the endangered leatherback. Accordingly, the AA is making the rule effective April 27, 2000 through May 11, 2000. This closure has been announced on the NOAA weather channel, in newspapers, and other media. Shrimp trawlers may also call (727) 570–5312 for updated area closure information.

As prior notice and an opportunity for public comment are not required to be provided for this notification by 5 U.S.C. 553, or by any other law, the analytical requirements of 5 U.S.C. 601 *et seq.*, are inapplicable.

The AA prepared an Environmental Assessment (EA) for the final rule requiring TED use in shrimp trawls and the regulatory framework for the Leatherback Conservation Zone (60 FR 47713, September 14, 1995). Copies of the EA are available (see **ADDRESSES**).

Dated: April 27, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–10922 Filed 4–27–00; 4:49 pm]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211040–0040–01; I.D. 042800A]

Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/''Other flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for species in the rock sole/flathead sole/''other flatfish'' fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal apportionment of the 2000 halibut bycatch mortality allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery category.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 30, 2000, until 1200 hrs, A.l.t., July 4, 2000.

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

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

The second seasonal apportionment of halibut bycatch mortality allowance specified for the BSAI trawl rock sole/flathead sole/''other flatfish'' fishery category, which is defined at § 679.21(e)(3)(iv)(B)(*2*), was established as 168 metric tons by the Final 2000 Harvest Specifications for Groundfish (65 FR 8282, February 18, 2000).

In accordance with § 679.21(e)(7)(v), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal apportionment of the 2000 halibut bycatch mortality allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery in the BSAI has been caught. Consequently, the Regional Administrator is closing directed fishing for species in the rock sole/flathead sole/''other flatfish'' fishery category by vessels using trawl gear in the BSAI.

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

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent exceeding the second seasonal apportionment of the 2000 halibut bycatch mortality allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery category. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to the public interest. The fleet will soon take the apportionment. Further delay would only result in the second seasonal apportionment of the 2000 halibut bycatch mortality allowance being exceeded. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under U.S.C. 553(d), a delay in the effective date is hereby waived.

Classification

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

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

Dated: April 28, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–10990 Filed 4–28–00; 12:54 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 86
Wednesday, May 3, 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.

FEDERAL ELECTION COMMISSION

11 CFR Part 104

[Notice 2000–9]

Election Cycle Reporting by Authorized Committees

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Election Commission is seeking comment on proposed rules to require authorized committees of Federal candidates to aggregate, itemize and report all receipts and disbursements on an election-cycle basis rather than on the current calendar-year-to-date basis. This requirement reflects recent changes in the Federal Election Campaign Act of 1971. The intent of these proposed rules is to simplify recordkeeping and reporting requirements for authorized committees of Federal candidates and to better disclose receipts and disbursements that occur during an election cycle. Please note that the draft rules that follow do not represent a final decision by the Commission on the issues presented by this rulemaking. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before June 2, 2000.

ADDRESSES: All comments should be addressed to Rosemary C. Smith, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, NW, Washington, DC 20463. Faxed comments should be sent to (202) 219–3923, with printed copy follow-up to insure legibility. Electronic mail comments should be sent to ecyclereport@fec.gov. Commenters sending comments by electronic mail must include their full name, electronic mail address and postal service address within the text of their comments. Comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered. The Commission will make every effort to have public comments posted on its web site within ten business days of the close of the comment period.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary Smith, Assistant General Counsel, or Cheryl Fowle, Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On September 29, 1999, Public Law 106–58 amended section 434(b) of the Federal Election Campaign Act of 1971 (''the Act'' or ''FECA'') to require, *inter alia,* that the Commission draft rules requiring the authorized committees of Federal candidates to aggregate and report their receipts and disbursements [1] on an election-cycle-to-date basis, rather than a calendar-year-to-date basis, as is currently required. The new law requires these rules to be effective for reports covering periods after December 31, 2000.

The new law also requires the Commission to amend its regulations to add a system of administrative fines for violations of the reporting requirements, and to require persons to file electronically if their aggregate contributions or expenditures within a calendar year are, or are expected to be, above a certain threshold amount. These two topics are being addressed in two separate rulemakings. *See* Notice of Proposed Rulemaking, 65 FR 16534 (March 29, 2000) and Notice of Proposed Rulemaking, 65 FR 19339 (April 11, 2000).

The Commission is seeking public comment on proposed amendments to 11 CFR 104.3, 104.7, 104.8 and 104.9 to implement the new statutory requirements regarding election-cycle reporting. Current Commission regulations at 11 CFR 104.3 and 104.8 require authorized committees of Federal candidates to aggregate contributions from each contributor on a per-election basis for purposes of the contribution limits, but to report them on a calendar-year-to-date basis.[2] Other receipts are both aggregated and reported on a calendar-year-to-date basis. Under 11 CFR 104.3 and 104.9, disbursements are both aggregated and reported on a calendar-year-to-date basis. The goals of the amendment to the FECA and the proposed rules are to simplify recordkeeping and reporting for authorized committees by itemizing contributions, other receipts, and disbursements on the same election-cycle-to-date basis, and to provide the public with more relevant information for the current election cycle. 145 Cong. Rec. E1896–02, September 17, 1999 (statement of Hon. William M. Thomas).

Please note that this amendment to the FECA does not affect unauthorized committees and the Commission does not anticipate issuing new rules modifying the calendar year reporting system they currently use, or changing the forms they file.[3]

Definition of Election Cycle

Under current 11 CFR 100.3(b), an election cycle begins on the day after the general election for the office or seat that the candidate seeks and ends on the day of the next general election for that seat or office.[4] For example, for many candidates for the House of Representatives, the 2004 election cycle begins the day after the general election in 2002 and will end on the day of the general election in 2004. Please note that the length of the election cycle varies depending on the office sought.

[1] While the amendment requires all disbursements including operating expenditures to be aggregated and reported on an election-cycle basis, it does not require that operating expenditures be itemized on an election-cycle basis. Thus, the effect of the amendment is that operating expenditures would be reported on the summary pages on an election-cycle basis and itemized on Schedule B on a calendar-year basis. On March 10, 2000, the Commission submitted to Congress a legislative recommendation that Congress amend the FECA by requiring operating expenditures to be itemized on an election cycle basis rather than on a per calendar year basis. The proposed rules proceed on the assumption that Congress will pass an amendment to the Act to correct this inconsistency prior to the January 1, 2001, effective date required by Public Law 106–58.

[2] The Commission notes that publicly funded Presidential candidates are required to provide in their matching fund submissions, contributor information for contributors whose aggregate contributions exceed $200 per calendar year. 11 CFR 9036.1(b)(2). Since this is an issue of matching fund submissions and not a reporting issue, the Commission does not intend to change the matching fund regulations while submissions are being made with respect to the 2000 election.

[3] On March 10, 2000, the Commission sent a legislative recommendation to Congress recommending a clarifying amendment that would remove the election cycle language from 2 U.S.C. 434(b)(6)(B)(iii) and (v) because 2 U.S.C. 434(b)(6)(B) applies solely to unauthorized committees.

[4] Please note that in the case of a runoff election after the general election, the election cycle would end on the day of the runoff election. Advisory Opinions 1993–2 and 1983–16.

The election cycle is two years for candidates for the House of Representatives, six years for Senate candidates and four years for Presidential candidates.

For purposes of the contribution limits of 2 U.S.C. 441a and 11 CFR 110.1 and 110.2, contributions are aggregated on per election basis. See *FEC* v. *Haley,* 852 F.2d 1111, (1988) (''*Haley*''). Contribution aggregation regulations at 11 CFR 110.1 and 110.2 state that post-election contributions can only be made to the extent the recipient committee has net debts outstanding, and these contributions must be properly designated for the previous election. 11 CFR 110.1(b)(3)(i) and 110.2(b)(3)(i). Those regulations further require that any undesignated post-election contributions be applied to the donor's contribution limit for the next election in which the recipient will be a candidate. In *Haley,* the Ninth Circuit Court of Appeals upheld the Commission's aggregation regulations at 11 CFR 110.1, ruling that post-election loan guarantees for a loan used to retire general-election debt were contributions subject to the limits and aggregation rules in Part 110 of 11 CFR.[5]

Changes to FEC Forms 3 and 3P

The Commission recognizes that the amendment to the FECA and the proposed regulations will necessitate several changes to both the paper and electronic FEC Form 3 (used by House and Senate candidates' authorized committees to report receipts and disbursements) and FEC Form 3P (used by Presidential candidates' committees to report receipts and disbursements). While most of the changes to the forms would consist of renaming headings and redrafting certain instructions, Forms 3 and 3P for the post-general election report would have to be substantively changed. Section 434(a)(2)(A)(ii) of the Act and 11 CFR 104.5 require that committees file post-general election reports covering the period from the 19th day before the general election to the twentieth day after the general election. Thus, the post-general election covers two election cycles. Similarly, two election cycles will be covered in the year-end report for candidates who did not participate in the most recent general election (and therefore did not file a post-general election report). Comments are sought as to the simplest and easiest way for committees to report separately the financial activity for each cycle, given that the activity occurred within the time period covered by the post-general election report or year-end report.

Best Efforts

Under current 11 CFR 104.7, treasurers are required to exercise best efforts to obtain, maintain and report certain identifying information for contributors whose contributions aggregate in excess of $200 in a calendar year. The Commission is proposing to amend paragraph (b) of 11 CFR 104.7 to change the references to $200 in a *calendar year* to $200 in an *election cycle* with regard to contributions itemized by authorized committees. This revision would be consistent with the proposed changes to the regulations at 11 CFR 104.3 requiring authorized committees to itemized contributions from any contributor aggregating in excess of $200 per election cycle. Also under the current regulations at 11 CFR 104.7(b), written solicitations are required to contain a clear statement requesting contributor information. The current regulations give two examples of clear statements. The Commission is considering adding two additional examples at 11 CFR 104.7(b)(1)(i)(B) for authorized committees.

Current paragraph (b)(3) of 11 CFR 104.7 requires committees to disclose contributor information not supplied by the contributor if the committees have the information in their records or reports filed within the same ''two-year election cycle.'' Paragraph (b)(4)(ii) of 11 CFR 104.7 requires that if committees file an amendment containing contributor information received after contributions are disclosed, that they must amend every report containing itemized contributions from those contributors for the ''two-year election cycle.'' The Commission seeks comments on possibly revising paragraphs (b)(3) and (b)(4)(ii) to require authorized committees to supply information found in reports filed within the entire election cycle and to amend all reports disclosing itemized contributions from the contributor during the election cycle. This would require authorized committees to maintain copies of records and reports for the entire election cycle (two, four or six years for House, Presidential and Senate candidates respectively). However, the FECA requires committees to maintain records and reports for a period of three years. 2 U.S.C. 432(d). Since these revisions to 11 CFR 104.7(b)(3) and (b)(4)(ii) would require some authorized committees to maintain records for a longer period of time than the FECA requires, the Commission has not included these changes in the proposed rules that follow.

Two Alternatives Regarding Election Cycles

The Commission is seeking comments on two alternatives, neither of which has been included in the proposed rules set out below.

Alternative 1

The first alternative would be to add a new paragraph (c) to 11 CFR 104.1 stating that for reporting purposes only, authorized committees shall begin the ''election cycle'' on January 1 of the year following the general election for a seat or office and shall end the election cycle on December 31 of the calendar year in which the next general election for that seat or office is held (e.g., January 1, 2003, to December 31, 2004, for House candidates). This approach has the advantage of causing less change to current reporting practices and avoiding the need to include election-cycle-to-date figures for two different election cycles in post-general election reports (or year-end reports where no post-general report is filed). Under this alternative, post-general-election contributions received after the general election but before January 1 of the following year would be reported in the election cycle to date totals corresponding to the election cycle in which the general election was held, even though these contributions might count toward the limits for a different election. This approach would introduce a definition of election cycle into the regulations that is different than the one in current 11 CFR 100.3(b) which relates to determining whether an individual is a candidate. To avoid any confusion, a new cross-reference sentence would be added to paragraph 100.3(b) to explain that for reporting purposes, the term *election cycle* is defined at paragraph 104.1(c).

Alternative 2

Under the second alternative approach, which has not been included in the proposed rules set out below, for both reporting and contribution limit purposes, authorized committees would begin the election cycle on the twenty-first day after the general election for the seat or office the candidate is seeking (the day after the end of the post-general election reporting period) and end the election cycle on the twentieth day after

[5] At the time of the *Haley* loan guarantees in 1983, 11 CFR 110.1 stated that properly designated post-primary contributions were allowed only to the extent that the recipient committee had net debts outstanding. AO 1977–24 interpreted these rules to apply also to post-general election contributions. The regulations were clarified in a 1987 rulemaking. *See* Explanation and Justification for Rules on Contributions by persons other than multicandidate committees, 52 FR 761, (January 9, 1987).

the next general election for the seat or office the candidate is seeking (the day the post-general reporting period ends for that election). Under this alternative, both 11 CFR 100.3(b) (election cycle definition) and 11 CFR 104.3 (reporting) would be amended. In addition, the contribution aggregation regulations at 11 CFR 110.1 and 110.2 would be changed to modify the attribution date of undesignated contributions for a general election from election day to the twentieth day after the election. For example, an undesignated contribution made on or before the twentieth day after the election would be considered as aggregating to the contributor's contribution limit for the general election that was just held. Undesignated contributions made after the twentieth day would count toward the contributor's limit for the next election in which the recipient is a candidate.

This alternative would obviate the issue of the post-general election report covering two election cycles. Nevertheless, for candidates who did not participate in the general election (and therefore who do not file a post-general election report), the year-end report would cover activity occurring both before the twentieth day after the election and after the twentieth day, and thus, would cover two election cycles. If the Commission adopts this alternative, it will need to consider which advisory opinions, if any need to be modified or superseded. Another consideration may be whether this change is advisable in light of the *Haley* decision, absent a change in the FECA.

Aggregation of Past Financial Activity

The amendment to the Act requires that the new rules be in effect for reporting periods beginning after December 31, 2000. Consequently, receipts and disbursements made between November 8, 2000 (the day after the general election) and December 31, 2000 will be reported in the year-to-date totals for 2000 in the post-general election report and the year-end report. However, under proposed paragraph (k) of 11 CFR 104.3, these amounts must also be included in the election-cycle-to-date aggregation totals that are reported beginning in 2001. Similarly, some candidates for U.S. Senate in 2002 and 2004 and possibly some Presidential candidates for the 2004 election may have two, three, four or more years of previously reported receipts and disbursements. These amounts must also be included in the election-cycle-to-date figures reported on the first report covering financial activity occurring in 2001.

On the Detailed Summary Page of each report filed for the first election cycle during which these rules take effect, election-cycle-to-date totals should be reported for each category of receipts (except itemized and unitemized contributions from individuals) and each category of disbursements. Please note that the Commission is creating a one-time worksheet to assist authorized committees in aggregating election-cycle-to-date data because this might require some committees to aggregate several years of previously reported receipts and disbursements. However, the Commission does not anticipate making any changes to either the detailed summary page, or schedules of contributions or expenditures, that would necessitate the filing of amendments to reports covering pre-2001 financial activity. The Commission is also considering possible changes to its databases to reflect the election-cycle totals. The Commission welcomes comments on the proposed approach as well as on other alternatives to address these issues.

The Commission seeks comments on the proposed revisions to 11 CFR 104.3, 104.7, 104.8 and 104.9, on the alternatives discussed above, and on any other issues raised by the new statutory requirements regarding election cycle reporting.

List of Subjects in 11 CFR Part 104

Campaign funds, Political committees and parties, Reporting and recordkeeping requirements.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

These proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. The only small entities subject to these proposed regulations are candidates for Federal office and their authorized committees. The proposed rules implement statutory reporting requirements that Congress enacted to reduce inadvertent violations of the contribution limits. Therefore, there would be no significant economic impact on a substantial number of small entities.

For the reasons set out in the preamble, subchapter A, chapter I of title 11 of the Code of Federal Regulations is proposed to be amended as follows:

PART 104—REPORTS BY POLITICAL COMMITTEES

1. The authority citation for part 104 continues to read as follows:

Authority: 2 U.S.C. 431(1), 431(8), 431(9), 432(i), 434, 438(a)(8), 438(b), 439a.

2. Section 104.3 would be amended by revising paragraph (a) introductory text, paragraph (a)(3) introductory text, paragraph (a)(4) introductory text, paragraphs (a)(4)(i), (v) and (vi), paragraph (b) introductory text paragraph (b)(2) introductory text, paragraphs (b)(4)(i) and (vi), paragraph (c) introductory text, and paragraph (i), and by adding paragraph (k) to read as follows:

§ 104.3 Contents of reports (2 U.S.C. 434(b), 439a).

(a) *Reporting of receipts.* Each report filed under § 104.1 shall disclose the total amount of receipts for the reporting period and for the calendar year (or for the election cycle, in the case of an authorized committee) and shall disclose the information set forth at paragraphs (a)(1) through (a)(4) of this section. The first report filed by a committee shall also include all amounts received prior to becoming a political committee under § 100.5 of this chapter, even if such amounts were not received during the current reporting period.

* * * * *

(3) *Categories of receipts for authorized committees.* An authorized committee of a candidate for Federal office shall report the total amount of receipts received during the reporting period and, except for itemized and unitemized breakdowns, during the election cycle in each of the following categories:

* * * * *

(4) *Itemization of receipts for all committees including authorized and unauthorized committees.* The identification (as defined at § 100.12 of this chapter) of each contributor and the aggregate year-to-date (or aggregate election-cycle-to-date, in the case of an authorized committee) total for such contributor in each of the following categories shall be reported.

(i) Each person, other than any committee, who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions aggregate in excess of $200 per calendar year (or per election cycle in the case of an authorized committee), together with the date of receipt and amount of any such contributions, except that the reporting committee may elect to report such information for contributors of lesser amount(s) on a separate schedule;

* * * * *

(v) Each person who provides a rebate, refund or other offset to

operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year (or within the election cycle, in the case of an authorized committee), together with the date and amount of any such receipt; and

(vi) Each person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year (or within the election cycle, in the case of an authorized committee), together with the date and amount of any such receipt.

(b) *Reporting of Disbursements.* Each report filed under § 104.1 shall disclose the total amount of all disbursements for the reporting period and for the calendar year (or for the election cycle, in the case of an authorized) and shall disclose the information set forth at paragraphs (b)(1) through (b)(4) of this section. The first report filed by a committee shall also include all amounts disbursed prior to becoming a political committee under § 100.5 of this chapter, even if such amounts were not disbursed during the current reporting period.

* * * * *

(2) *Categories of disbursements for authorized committees.* An authorized committee of a candidate for Federal office shall report the total amount of disbursements made during the reporting period and, except for itemized and unitemized breakdowns, during the election cycle in each of the following categories:

* * * * *

(4) * * *

(i) Each person to whom an expenditure in an aggregate amount or value in excess of $200 within the election cycle is made by the reporting committee to meet the committee's operating expenses, together with the date, amount and purpose of each expenditure.

* * * * *

(vi) Each person who has received any disbursement(s) not otherwise disclosed under paragraph (b)(4) of this section to whom the aggregate amount or value of such disbursements exceeds $200 within the election cycle, together with the date, amount, and purpose of any such disbursement.

(c) *Summary of contributions and operating expenditures.* Each report filed pursuant to § 104.1 shall disclose for both the reporting period and the calendar year (or the election cycle, in the case of the authorized committee):

* * * * *

(i) *Cumulative reports.* The reports required to be filed under § 104.5 shall be cumulative for the calendar year (or for the election cycle, in the case of an authorized committee) to which they relate, but if there has been no change in a category reported in a previous report during that year (or during that election cycle, in the case of an authorized committee), only the amount thereof need be carried forward.

* * * * *

(k) *Reporting election cycle activity occurring prior to January 1, 2001.* The aggregate of each category of receipt listed in § 104.3(a)(3), except those in § 104.3(a)(3)(i)(A) and (B), and for each category of disbursement listed in § 104.3(b)(2) shall include amounts received or disbursed on or after the day after the last general election for the seat or office for which the candidate is running through December 31, 2000.

3. Section 104.8 would be amended by revising paragraph (a) and the first sentence of paragraph (b) to read as follows:

§ 104.8 Uniform reporting of receipts.

(a) A reporting committee shall disclose the identification of each individual who contributes an amount in excess of $200 to the committee's federal account(s). This identification shall include the individual's name, mailing address, occupation, the name of his or her employer, if any, and the date of receipt and amount of any such contribution. If an individual contributor's name is known to have changed since an earlier contribution reported during the calendar year (or during the election cycle, in the case of an authorized committee), the exact name or address previously used shall be noted with the first reported contribution from that contributor subsequent to the name change.

(b) In each case where a contribution received from an individual in a reporting period is added to previously unitemized contributions from the same individual and the aggregate exceeds $200 in a calendar year (or in an election cycle, in the case of an authorized committee) the reporting committee shall disclose the identification of such individual along with the date of receipt and amount of any such contribution. * * *

* * * * *

4. Section 104.9 would be amended by revising paragraphs (a) and (b) as follows:

§ 104.9 Uniform reporting of disbursements.

(a) Political committees shall report the full name and mailing address of each person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year (or within the election cycle, in the case of an authorized committee) is made from the reporting committee's federal account(s), together with the date, amount and purpose of such expenditure, in accordance with paragraph (b) of this section. As used in this section, *purpose* means a brief statement or description as to the reasons for the expenditure. See 11 CFR 104.3(b)(3)(i)(A).

(b) In each case when an expenditure made to a recipient in a reporting period is added to previously unitemized expenditures to the same recipient and the total exceeds $200 for the calendar year (or for the election cycle, in the case of an authorized committee), the reporting committee shall disclose the recipient's full name and mailing address on the prescribed reporting forms, together with the date, amount and purpose of such expenditure. As used in this section, *purpose* means a brief statement or description as to the reason for the disbursement as defined at 11 CFR 104.3(b)(3)(i)(A).

* * * * *

5. Section 104.7 would be amended by revising the introductory text of paragraph (b), paragraph (b)(1) and the first sentence of paragraph (b)(2) to read as follows:

§ 104.7 Best efforts (2 U.S.C. 432(i)).

* * * * *

(b) With regard to reporting the identification as defined at 11 CFR 100.12 of each person whose contribution(s) to the political committee and its affiliated committees aggregate in excess of $200 in a calendar year (or in an election cycle in the case of an authorized committee) (pursuant to 11 CFR 104.3(a)(4)), the treasurer and the committee will only be deemed to have exercised best efforts to obtain, maintain and report the required information if—

(1)(i) All written solicitations for contributions include a clear request for the contributor's full name, mailing address, occupation and name of employer, and include an accurate statement of Federal law regarding the collection and reporting of individual contributor identifications.

(A) The following are examples of acceptable statements for unauthorized committees, but are not the only allowable statements: ''Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed $200 in a calendar

year;'' and ''To comply with Federal law, we must use best efforts to obtain, maintain, and submit the name, mailing address, occupation and name of employer of individuals whose contributions exceed $200 per calendar year.''

(B) The following are examples of acceptable statements for authorized committees, but are not the only allowable statements: ''Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed $200 in an election cycle;'' and ''To comply with Federal law, we must use best efforts to obtain, maintain, and submit the name, mailing address, occupation and name of employer of individuals whose contributions exceed $200 per election cycle.''

(ii) The request and statement shall appear in a clear and conspicuous manner on any response material included in a solicitation. The request and statement are not clear and conspicuous if they are in small type in comparison to the solicitation and response materials, or if the printing is difficult to read or if the placement is easily overlooked.

(2) For each contribution received aggregating in excess of $200 per calendar year (or per election cycle, in the case of an authorized committee) which lacks required contributor information, such as the contributor's full name, mailing address, occupation or name of employer, the treasurer makes at least one effort after the receipt of the contribution to obtain the missing information. * * *

* * * * *

Dated: April 27, 2000.

Darryl R. Wold,

Chairman, Federal Election Commission.

[FR Doc. 00–10962 Filed 5–2–00; 8:45 am]

BILLING CODE 6715–01–U

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 900, 940, 950, 955 and 956

[No. 2000–20]

RIN 3069–AA98

Federal Home Loan Bank Acquired Member Assets, Core Mission Activities, Investments and Advances

AGENCY: Federal Housing Finance Board.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is proposing to add a new part 955 to its regulations to authorize the Federal Home Loan Banks (Banks) to hold acquired member assets (AMA) and to amend its recently adopted part 940 to enumerate the types of core mission assets (CMA) that must be addressed in the Banks' strategic business plans. The Finance Board is also proposing related changes to its regulations governing the Banks' investment and advances authorities.

DATES: Comments on this proposed rule must be received in writing on or before June 2, 2000.

ADDRESSES: Comments should be mailed to: Elaine L. Baker, Secretary to the Board, by electronic mail at *bakere@fhfb.gov,* or by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: James L. Bothwell, Director and Chief Economist, (202) 408–2821; Scott L. Smith, Deputy Director, (202) 408–2991; Ellen E. Hancock, Senior Financial Analyst, (202) 408–2906; Christina K. Muradian, Senior Financial Analyst, (202) 408–2584, Office of Policy, Research and Analysis; or Eric M. Raudenbush, Senior Attorney-Advisor, (202) 408–2932; Office of General Counsel, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Background

A. General

On November 12, 1999, the President signed into law the Federal Home Loan Bank System Modernization Act of 1999 (Modernization Act), *see* Title VI of the Gramm-Leach-Bliley Act, Public Law 106–102 (1999), which amended the Federal Home Loan Bank Act (Bank Act), 12 U.S.C. 1421 through 1449, among other things, to establish a new capital structure for the Banks, to authorize the Banks to accept additional types of collateral as security for advances, and to devolve to the Banks from the Finance Board full authority over their corporate governance, all subject to the rules and regulations of the Finance Board. In order to implement these and other statutory changes, the Finance Board has already adopted: a final rule devolving certain corporate governance authorities to the Banks, *see* 65 FR 13663 (March 14, 2000); an interim final rule conforming certain membership and advances requirements to the requirements of the Modernization Act, *see* 65 FR 13866 (March 15, 2000); a final rule setting forth a corporate governance framework for the Banks, which was published in the **Federal Register** on May 1, 2000; a final rule reorganizing the Finance Board's regulations to better accommodate the substantive regulatory changes, *see* 65 FR 8253 (Feb. 18, 2000); and a proposed rule that would amend the Finance Board's advances collateral regulation and make other related changes to the regulations. In addition, the Finance Board intends to adopt a proposed rule on risk management and capital during the second quarter of 2000. By statute, the Finance Board is required to publish a final rule on capital by November of 2000.

Under the revised Bank Act and the new regulations, each Bank will have authority to engage in a wider range of asset activities than in the past, will have more discretion in establishing its capital structure, and will have more freedom to operate its business without the day-to-day involvement of the Finance Board. As the agency charged by Congress with the duty to ensure that the Banks carry out their statutory mission, see 12 U.S.C. 1422a(a), the Finance Board believes that it is especially important to keep the Banks focused on their mission as they exercise their expanded statutory and regulatory authorities. To this end, the Finance Board's recently-adopted final governance rule requires that each Bank's board of directors have in place at all times a strategic business plan that describes how the Bank's business activities will achieve the mission of the Bank (to be codified at 12 CFR 917.5). In order to clarify this requirement, the Finance Board established in its regulations a new part 940, which, in § 940.2 defines the ''mission of the Banks'' as providing to members and associates financial products and services, including but not limited to advances, that assist and enhance such members' and associates financing of: (a) Housing, including single-family and multifamily housing serving consumers at all income levels; and (b) community lending. This definition of the mission of the Banks and the regulatory provisions that implement it are intended to ensure maximum use of the cooperative structure of the Bank System to provide funds for housing finance and community lending.

In order to further clarify the strategic business planning requirement, this proposed rule would enumerate in regulation those specific Bank activities that the Finance Board considers to be ''core mission activities'' (CMA); that is, those activities that are within the

authority of the Banks to undertake that are most central to the achievement of the Banks' mission.

The addition of a CMA provision at this time will also help each Bank in developing and implementing its new capital structure plan, which, under the Modernization Act, must be submitted to the Finance Board for approval within 270 days after the promulgation of the Finance Board's final capital regulation. As required in the Modernization Act, the forthcoming capital rule will implement a risk-based capital requirement and new leverage requirements that will be supported by new classes of stock, one of which will be considered permanent capital. To accomplish the transition to the new capital structure, the Modernization Act also requires each Bank to develop and submit for Finance Board approval its capital structure plan. The design of each Bank's plan, as well as the Bank's ability to sell equity to its members under its new capital structure, will depend on its projections of Bank business activities and income, which should conform to the Bank's strategic business plan. Because a Bank will need to address mission activities in its strategic business plan, the CMA definition will also be an important consideration in the drafting of the capital structure plan. Therefore, the Finance Board has determined that it is necessary for CMA to be defined prior to the Banks' drafting of their strategic business plans.

In addition, the proposed rule would codify in regulation the Banks' authority to hold acquired member assets (AMA)—that is, whole loans eligible as collateral for Bank advances that may be acquired from Bank members or associates. This authority would be an expansion and refinement of the Banks' existing authority (granted by resolution of the Finance Board) to establish programs under which they acquire mortgage assets from members, while sharing with the member the credit risk associated with the loans. Because AMA would constitute a core mission activity, it is logical for the Finance Board to set forth in regulation the parameters for such acquisitions at this time.

Finally, the proposed rule would codify new regulations regarding the investment and advances authorities of the Banks so that the Banks will have full regulatory authority to engage in CMA.

B. Bank Investment Practices as Related to the Definition of CMA

Consolidated obligations (COs) issued under section 11 of the Bank Act, 12 U.S.C. 1431, are the primary source of funding for the Banks. COs are debt instruments issued in the global capital markets for which the twelve Banks are jointly and severally liable. Because of the Banks' status as government-sponsored enterprises (GSEs), the costs to the Banks of obtaining such funding are substantially less than the borrowing costs to other entities for issuing comparable debt. The Banks pass the benefit of this funding advantage to their members, primarily through wholesale loans (called advances) priced lower than the members could otherwise obtain to provide support for housing finance and community lending, in fulfillment of the Banks' mission. Prior to enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), Public Law 101–73, 103 Stat. 413 (1989), which amended the Bank Act in response to the savings and loan crisis of the 1980s, the Banks used all of their COs to fund advances, thus directly using their GSE funding advantage to meet their mission of enhancing the availability of housing finance.

In large part due to the financial burdens imposed on the Banks as a result of the savings and loan crisis and the enactment of FIRREA, the Banks began in 1991 to use a portion of the proceeds from COs to finance investments—primarily money market investments and mortgage backed securities (MBS)—bearing little or no relation to the Banks' public purpose. Of these investments, MBS have been appreciably more profitable per dollar invested than money market investments.

The Finance Board initially limited MBS investment by the Banks in part because of concern about the Banks' ability to manage the interest rate and options risk associated with these assets. However, now that the Banks have developed more effective techniques for hedging these risks, and there are policy limits in place constraining the Banks' interest rate risk exposure, the MBS limit can be viewed less as a safety and soundness constraint and more as a means to restrain a non-mission-related activity. MBS generally are traded in large, well-established and liquid markets. As such, it is the view of the Finance Board that the Banks' presence in these markets does not result in increased availability of funds for housing, or in a lower cost of funds. Moreover, and perhaps most importantly for the Finance Board, the Banks' MBS investments generally do not involve the Banks working with or through Bank System members and thus do not contribute to the cooperative nature of the Bank System as do advances and certain other financial products and services offered by the Banks. Thus, although MBS are housing-related, the extent to which these investments support the Banks' housing finance mission is debatable.

The increase in investments not directly related to the Banks' public purpose was a rational response to the sharp fall-off in Bank System advances and net income that occurred as a result of the savings and loan crisis. As a percentage of total assets, the level of such non-mission-related investments rose substantially in the early 1990s, but has begun to decline appreciably in recent years as the membership base of the Bank System and the level of advances outstanding to members have increased. Investments represented 29 percent of Bank System assets at the end of 1999 compared with 50 percent at year-end 1995.

Bank System earnings and advances are now at record levels. Outstanding advances, surpassing the previous all time high of $167 billion in the second quarter of 1997, reached $396 billion at year end 1999. Net income has steadily increased to $2.1 billion in 1999 after dropping to a recent low of $850 million in 1992. In addition, although the Banks initially increased investments as a substitute for declining advances, Bank investments generally have increased since 1992 along with advances. Investments increased over 100 percent, from $79 billion to $171 billion, between 1992 and 1999. To some extent, the Finance Board has viewed this growth as a means to compensate for a trend toward lower spreads on advances due to increased funding competition from other sources.

However, given its duty under the Bank Act to ensure that the Banks carry out their housing finance mission, *see* 12 U.S.C. 1422a(a)(3)(B)(ii), the Finance Board has been concerned for some time that the Banks have used substantial amounts of the proceeds of their COs to finance arbitrage investments. Once the Banks' ability to generate income had demonstrably improved, the Finance Board initiated steps to address the Bank System-wide growth of non-mission-related investments. A first step was to recognize that, while the detailed list of restrictions and limits placed on the Banks' investment authority by the Federal Home Loan Bank System Financial Management Policy (FMP) [1] successfully ensured the safety and soundness of the Banks, the FMP provided little, if any, flexibility or

[1] The FMP is a non-codified policy of the Finance Board that governs Bank investments and other financial management matters.

incentive for the Banks to seek out and develop new assets and activities that are permissible under the Bank Act and that, because they assist and enhance member lending for housing finance, are consistent with the mission of the Bank System.

To address this lack of flexibility, the Finance Board amended the FMP in 1996 to permit the Banks, among other things, to engage in new activities designed in part to add to their balance sheets higher yielding, yet mission-related, assets that would also preserve and promote the cooperative nature of the Bank System. *See* FMP, section II.B.12. The first such activities were approved on a pilot program basis in 1996 and 1997 and have been in operation since then. After several years of experience with these pilot programs, the Finance Board approved a more general authorization for Bank acquisition of single-family mortgage assets, which required that these programs involve credit risk-sharing with members in order to promote the cooperative nature of the Bank System. *See* Finance Board Res. No. 99–50 (Oct. 4, 1999), and Finance Board Resolution No. 99–66 (Dec. 14, 1999).

Part 955 of the proposed rule would refine and expand these authorities by authorizing the Banks to hold AMA. As proposed in part 955, AMA transactions would enhance the cooperative nature of the Bank System by allocating the risk components of the transaction between the member and the Bank according to the ability of each to manage such risk. Specifically, members are best suited to manage credit risk, because they are most familiar with their customers and the local market. Accordingly, under the general risk-sharing structure set forth in part 955 of the proposed rule, members would maintain their traditional customer relationships, including marketing, servicing, underwriting and managing credit risk. Because the Banks are capital market experts and have more ready access to these markets, they would be responsible for managing liquidity, interest rate, and options risks under proposed part 955. It is anticipated that expansion of these AMA activities will permit the Banks to reduce their holdings of money market investments and MBS, while providing an adequate return on investment of shareholder capital.

A second major step taken by the Finance Board to address concerns about the Bank System-wide growth of non-mission-related investments was the publication of a proposed Financial Management and Mission Achievement (FMMA) rule. *See* 64 FR 52163 (Sept. 27, 1999). Among other things, the proposed FMMA rule would have established mission-related regulatory standards, including a definition of CMA and a CMA-to-COs percentage requirement. The Finance Board withdrew the proposed FMMA rule following enactment of the Modernization Act, as certain provisions of the FMMA rule, as proposed, would no longer meet the requirements of the Bank Act as amended.

C. Comments Received on the Proposed FMMA Rule Related to the Core Mission Definition and Requirement

Prior to and following the withdrawal of the proposed FMMA rule, the Finance Board received 19 comments on the provisions of the proposal that related to mission achievement: six from Banks, four from Bank members, four from trade associations, two from community groups, one from a Bank Affordable Housing Advisory Council, one from a state housing finance agency and one from a private sector individual. In general, the comments expressed concerns about the mission provisions of the rule. The comments from the Banks, Bank members and several trade associations primarily focused on their opposition to two provisions related to CMA: (1) A requirement that, following a transition period, each Bank maintain an annual average ratio of at least 100 percent of CMA to the book value of the Bank's total outstanding COs; and (2) a limitation on the dollar amount of advances to members with assets of greater than $500 million that would count as CMA. Neither of these provisions is included in this proposed rule.

The Banks, Bank members and several trade associations also opposed the general exclusion of MBS as a core mission activity in the proposed FMMA rule. Several commenters argued that it is not within the province of the Finance Board to determine that investment in MBS is not part of the mission of the Banks. To the contrary, the Bank Act authorizes the Finance Board to supervise the Banks and to promulgate and enforce such regulations and orders as are necessary from time to time to carry out the provisions of the Bank Act. *See* 12 U.S.C. 1422b(a)(1). Among the provisions of the Bank Act are those outlining the duties of the Finance Board, which include the duty to ensure that the Banks carry out their housing finance mission. *See id.* § 1422a(a)(3)(B)(ii).

Because Congress has not expressly defined the parameters of the Banks' housing finance mission, it is the responsibility of the Finance Board—as the body charged with the duty to ensure that the Banks fulfill that mission and, more generally, as the supervisory regulator of the Banks and the agency charged with the administration of the Bank Act—to make this judgment reasonably considering both empirical evidence and the provisions of the Bank Act.

As discussed above, the MBS markets are large, well-established and liquid and the Finance Board has been presented with no evidence that the Banks' presence in these markets generally results in increased availability of funds for housing or reduces the cost of funds. Additionally, these investments generally do not involve working with or through Bank System members and, therefore, do not contribute to the cooperative nature of the Bank System. As a result, the Finance Board has chosen to continue to exclude MBS from the definition of core mission activities in this proposed rule.

Several Banks, one Bank Affordable Housing Advisory Council, one trade association and one state housing finance agency expressed concerns about the ability of housing finance agencies to meet the requirements necessary for housing finance agency (HFA) bonds to count as CMA under the proposed FMMA rule. It is the judgment of the Finance Board that HFA bonds that are acquired from a Bank System member or associate have the characteristics of AMA. Accordingly, under this proposed rule, HFA bonds qualify as AMA and, thus, also as CMA. The Finance Board has attempted to address these comments regarding HFA bonds in drafting proposed part 955 (see the discussion of part 955 below) explaining under what conditions HFA bonds meet the requirements of AMA and therefore qualify as CMA.

Two community groups supported the targeted equity investments included as CMA in the proposed FMMA rule and suggested that the authority should be expanded to include a wider range of investments. The Finance Board has expanded the targeted investments that qualify as CMA in this proposed rule to include certain debt investments, as well as equity investments. The private sector commenter described an investment vehicle that he felt would assist the Banks in making investments in small business investment companies formed pursuant to 15 U.S.C. 681(d) (SBICs) included as CMA in the proposed FMMA rule. These comments

were considered by the Finance Board in drafting this proposed rule.

The Finance Board invites anyone with an interest in this proposed rule, including all those who commented on the proposed FMMA rule, to submit written comments to the Finance Board during the comment period.

II. Analysis of Proposed Rule

A. Core Mission Activities—Part 940

The proposed rule would define the on- and off-balance sheet items that the Finance Board has determined qualify as CMA for the Banks. The Finance Board would define CMA at this time in order to clarify for the Banks the types of business activities that the Finance Board considers to be consistent with maximizing the public benefit of the Banks' GSE status and to aid the boards of directors of the Banks in the strategic planning required of them under new § 917.5 of the regulations.

Section 940.1 of the proposed rule would set forth definitions of terms used in part 940. These terms are discussed below as they relate to the substantive provisions of the proposed rule.

1. Advances as CMA—§ 940.3(a)(1)

Proposed § 940.3 lists those Bank activities that would qualify as CMA. Under proposed § 940.3(a)(1), all Bank advances would qualify as CMA.

2. Acquired Member Assets as CMA—§ 940.3(a)(2)

Under proposed § 940.3(a)(2), all AMA held pursuant to proposed part 955 (discussed in detail below) would qualify as CMA except for United States government-insured or guaranteed whole single-family residential mortgage loans [2] acquired under a commitment entered into after April 12, 2000. These loans would qualify as CMA only in a dollar amount up to 33 percent of the total dollar amount of AMA (not including government-insured or guaranteed whole single-family residential mortgage loans acquired under a commitment entered into on or before April 12, 2000) acquired by a Bank during each calendar year. For the year 2000, this calculation would be made on a pro-rata basis, based only on transactions occurring after April 12, 2000.

In recognition of the fact that many Banks do, and will in the future, hold participation interests in AMA originally acquired by other Banks, the proposed rule would permit one or more Banks to make the above-described calculation by aggregating both the total and government-insured AMA on their respective balance sheets. Naturally, under this provision, a Bank may include itself in only one such aggregated calculation in any calendar year.

The Finance Board recognizes that both conventional and government-insured or guaranteed residential mortgage loans are within the parameters established for AMA. However, in order to provide incentive for the Banks to maintain a broad focus that encompasses acquisition of significant amounts of conventional loans, the Finance Board is permitting Banks to count as CMA one dollar of government-insured AMA for every two dollars of conventional loans acquired as AMA.

The distribution of the Banks' current mortgage portfolio suggests that a high percentage of government-insured loans have been acquired when compared to the percentage of such loans in the total mortgage market. The proposed rule would encourage the Banks to see to it that the composition of their mortgage portfolios more closely reflects the distribution of loans made in the marketplace. This provision is intended to reduce the emphasis on government-insured loans that currently exists in the Banks' mortgage portfolio and to provide an incentive for Bank acquisition of conventional mortgages, which was the original intent of the Bank mortgage acquisition programs approved by the Finance Board over the last several years.

3. Letters of Credit and Intermediary Derivative Contracts as CMA—§§ 940.3(a)(3) and (a)(4)

Under proposed §§ 940.3(a)(3) and (a)(4), standby letters of credit (SLOCs) and intermediary derivative contracts (primarily interest rate swaps), respectively, would qualify as CMA.

4. Targeted Debt and Equity Investments as CMA—§ 940.3(a)(5)

Under proposed § 940.3(a)(5)(i), non-securitized debt investments and equity investments that primarily benefit low- or moderate-income households or areas targeted for redevelopment by local, state, tribal or Federal government (including Federal empowerment zones and enterprise and champion communities) would be considered to be CMA if the investment provides or supports: affordable housing; economic development; community services; permanent jobs for members of low- or moderate-income households; or area revitalization or stabilization. This list of investments is drawn primarily from the Office of the Comptroller of the Currency's regulatory definition of public welfare investments that are permitted for national banks. *See* 12 CFR 24.3(a). Examples of investments that would qualify as CMA under proposed § 940.3(a)(5)(i) include, among other things, stock in Community Development Financial Institutions (CDFIs), and secondary capital in community development credit unions. Part 956 of the proposed rule (discussed in detail below) would authorize the Banks to make such targeted investments.

For purposes of proposed § 940.3(a)(5)(i), a low- or moderate-income household is defined to mean a household with an income that is at or below 115 percent of the area median income, as published by the Department of Housing and Urban Development (HUD). Defining low- or moderate-income as no more than 115 percent of area median income is consistent with the low- or moderate-income targeted beneficiaries of other Finance Board housing and community lending programs as set forth in the Community Investment Cash Advance (CICA) Programs regulation. *See* 12 CFR 952.3.

Proposed § 940.3(a)(5)(ii) would require that these targeted non-securitized debt investments and targeted equity investments involve one or more members or associates in a manner, financial or otherwise, and to a degree to be determined by the Bank. For instance, a Bank could determine at a minimum that a member's or associate's sponsorship of a nonprofit or other community-based partner seeking an investment constitutes sufficient involvement for purposes of this section. Another Bank may require a greater degree of member or associate participation, including financial participation, at the Bank's discretion. This requirement is designed to promote the cooperative nature of the Bank System, yet provide flexibility to the Bank in making such targeted investments.

Because proposed § 940.3(a)(5)(i) specifies that targeted investments that count as CMA must be non-securitized debt investments, investments in mortgage-backed and other asset-backed securities would not count as CMA even if such securities appear to meet the other requirements of proposed § 940.3(a)(5). For example, the loans in collateral pools for MBS securitized by loans made pursuant to the Community Reinvestment Act (CRA MBS) provide affordable housing for low- or moderate-

[2] Whole single family residential mortgage loans insured by the United States government consist of loans insured by the Federal Housing Administration (FHA), guaranteed by the Veterans Administration (VA) and insured by the Rural Housing Service (RHS).

income households. However, the characteristics of and market for CRA MBS are very similar to the characteristics of and market for other MBS. As discussed above, although MBS are housing-related, the extent to which these investments support the Banks' housing finance mission is debatable given the large, well-established and liquid markets in which they trade. Moreover, MBS investments generally do not involve the Banks working with or through their members and thus do not contribute to the cooperative nature of the Bank System. However, the Finance Board realizes that there are some mortgage-backed or asset-backed securities that should be granted CMA status under proposed § 940.3(a)(5)(i) based upon a determination that a Bank's purchase of such securities would substantially contribute to opening an underserved market that would not otherwise be reached by the private sector. The Finance Board's goal is to characterize as CMA those mortgage-backed and asset-backed securities that substantially contribute to opening an underserved market that would not otherwise be reached by the private sector, while at the same time not characterizing as CMA those securities that are already traded in large, well-established and liquid markets. The Finance Board invites comment on an appropriate standard for distinguishing between mortgage-backed or asset-backed securities that do substantially contribute to opening underserved markets and those that do not.

The Finance Board supports the use of private capital to meet the needs of underserved markets, communities and areas and encourages the Banks to consider making targeted investments as described in proposed § 940.3(a)(5). It is anticipated that each Bank could accumulate $10 million to $30 million of such investments, depending on the size of the Bank, for a Bank System-wide total of approximately $200 million in targeted investments. Any such investment by a Bank would be subject to the new business activity requirements of proposed part 980 (which is included in the Finance Board's recently-adopted proposed rule on advances collateral, and which is discussed in more detail below), and the requirements of the risk-based capital rule to be proposed shortly by the Finance Board. Specifically, it is anticipated that, in the forthcoming capital rule, the Finance Board will assign the same capital treatment under its risk-based capital requirement for targeted investments that is assigned to public welfare investments for national banks. However, should the Banks acquire more than $200 million of such targeted investments, or should any one Bank acquire more than the $10 million to $30 million of such targeted investments, the Finance Board might consider imposing a higher capital charge for additional amounts.

Since the proposed targeted investment authority is new, the Finance Board specifically requests comment on any impediments the Banks may face in making targeted investments and how the Finance Board might assist in reducing such impediments.

5. Stock in SBICs as CMA—§ 940.3(a)(6)

Under proposed § 940.3(a)(6), investments in SBICs formed pursuant to 15 U.S.C. 681(d) would qualify as CMA to the extent that the investment is structured to be matched by an investment in the same SBIC by a member or associate of the Bank making the investment in the SBIC. Investment in such SBICs is explicitly authorized under section 11(h) of the Bank Act, 12 U.S.C. 1431(h), and under part 956 of the proposed rule, to the extent that such investments are for the purpose of aiding members. The member matching requirement will be deemed to satisfy the statutory requirement that Bank investments in SBICs be for the purpose of aiding members.

6. Other CMA Investments—§ § 940.3(a)(7), (a)(8) and (a)(9)

Three other specific investments would qualify as CMA under proposed § § 940.3(a)(7), (a)(8) and (a)(9): The short-term tranche of SBIC securities guaranteed by the Small Business Administration (SBA); Section 108 Interim Notes and Participation Certificates guaranteed by HUD pursuant to section 108 of the Housing and Community Development Act of 1974 (as amended), 42 U.S.C. 5308; and investments and obligations for housing and community development issued or guaranteed under Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), 25 U.S.C. 4191 through 4195. These investments are all related to housing and community lending and supported by various government programs at the federal level. The Finance Board proposes to treat these investments as CMA because of their potential to move the private markets to better assist low- and moderate-income communities to become more prosperous. By treating these investments as CMA, the Finance Board would be intentionally creating a greater incentive for the Banks to make these investments.

The Finance Board specifically requests comment on whether any other investment instruments that are products of federal programs designed to support housing and community lending programs, should also be included as CMA.

7. Status of MBS and HFA Bonds Acquired Under the FMP—§ 940.3(b)

As discussed previously, the proposed rule would neither prohibit the Banks from making any investments that they are currently permitted to make under the FMP, nor restrict the extent to which the Banks may fund any particular investments with the proceeds of COs. Proposed § 940.3(b) would make clear that, should the Finance Board enact any such prohibitions or restrictions at some future date, the agency will not limit the authority of a Bank to hold to maturity, or fund with the proceeds of COs, any investments made under sections II.B.8., 9., 10. or 11. of the FMP on or before April 12, 2000 (the date the Finance Board adopted this proposed rule), except as may be necessary to ensure the safety and soundness of the Banks.

These investments include: agency and highly-rated private MBS; highly-rated securities backed by manufactured housing or home equity loans; and state or local HFA bonds. While HFA bonds issued by, through, or on behalf of a member or associate will qualify as AMA under proposed part 955 (and, thus, also as CMA), those that are issued by, through, or on behalf of outside parties do not so qualify. Although, under part 956 of the proposed rule, Banks may continue to invest in nonmember or associate-related HFA bonds, these would not qualify as CMA. Similarly, neither MBS, nor securities backed by manufactured housing or home equity loans, would qualify as CMA under the proposed rule.

B. Advances to Out-of-District Members and Associates—§ 950.18

The proposed rule would add to the Finance Board's advances regulation a new § 950.18, which would govern Bank creditor relationships with out-of-district members and associates. Proposed § 950.18(a) would expressly permit a Bank to purchase an outstanding advance, or a participation interest therein, from another Bank, or to establish a debtor/creditor relationship with a Bank System member or associate in another district at the time an advance is made, subject to an arrangement with the member's or associate's local Bank. Proposed

§ 950.18(b) would make clear that any debtor/creditor relationship established pursuant to § 950.18(a) would be subject to all of the appropriate advances requirements of part 950. The Finance Board is proposing this addition to its regulations at this time in order to make explicit the parallel treatment of advances and AMA transactions, in which Banks may engage as an incidental aspect to their advances authority.

C. Acquired Member Assets—Part 955

Part 955 of the proposed rule addresses AMA—that is, assets that a Bank may acquire from or through its members or associates in a transaction that is in purpose and economic substance functionally equivalent to the business of making advances in that: (1) It allows the member or associate to use its eligible assets to access liquidity for further mission-related lending; and (2) all, or a material portion of, the credit risk attached to the assets is being borne by the member or associate.

Proposed § 955.1 would set forth definitions of terms used in part 955. These are discussed below in the context of the substantive provisions.

1. Authorization to Hold AMA—§ 955.2

Section 955.2 of the proposed rule generally would authorize each Bank to hold AMA acquired from or through Bank System members or associates, either by a purchase or a funding transaction, subject to the procedural new business activity requirements contained in proposed part 980 (which was proposed as part of the Finance Board's recently-adopted proposed rule on advances collateral and is described in more detail below). Proposed § 955.2 would also set forth a three-pronged test to be used in determining which assets qualify as AMA.

First, under proposed § 955.2(a), whole loans that are eligible to secure advances to members under the Finance Board's proposed advances collateral regulation (proposed to be codified at § 950.7), could qualify as AMA. These assets include: (1) Fully disbursed, whole first mortgage loans on improved residential real property not more than 90 days delinquent; (2) mortgages or other loans, regardless of delinquency status, to the extent that the mortgage or loan is insured or guaranteed by the U.S. or any agency thereof, or otherwise backed by the full faith and credit of the U.S.; (3) other real estate-related whole loans, provided that such loans have a readily ascertainable liquidation value and can be freely liquidated in due course and the Bank can perfect a security interest therein; and (4) when acquired from community financial institutions (CFIs) only, small business, small farm or small agri-business loans fully secured by collateral other than real estate, or securities representing a whole interest in such loans, provided that such loans have a readily ascertainable liquidation value and can be freely liquidated in due course and the Bank can perfect a security interest in such loans. Under this provision, single-family mortgages where the loan amounts exceed the conforming loan limits that apply to the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), *see* 12 U.S.C. 1717(b)(2), could not qualify as AMA. In addition, loans made to an entity, or secured by property, not located within a state of the United States, the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands could not qualify as AMA.

In addition, under proposed §§ 955.2(a)(2) and (3), whole loans secured by manufactured housing, regardless of whether such housing qualifies as residential real property, and state and local HFA bonds, respectively, could qualify as AMA. While manufactured housing loans may under some circumstances qualify as ''other real estate-related'' collateral eligible to secure advances, the Finance Board has chosen to list such loans explicitly in proposed § 955.2(a) in order to make clear that such loans could qualify as AMA.

Second, under proposed § 955.2(b), an asset must have some connection with a Bank System member or associate in order to qualify as AMA—*i.e.,* there must be a member or associate nexus. Specifically, proposed § 955.2(b)(1) would require that the asset be either: (i) Originated (if a loan) or issued (if a bond) by, through, or on behalf of a member or associate, or affiliate thereof; or (ii) held for a valid business purpose by the member or associate, or affiliate thereof, prior to acquisition by a Bank. The reference in the proposed rule to assets issued ''through, or on behalf of'' a member, associate or affiliate is intended to encompass HFA bonds issued by an underwriter for the member, associate or affiliate.

The valid business purpose requirement is intended to account for the fact that a member may acquire loans from a nonmember during the normal course of business and then sell those loans to the Bank. The reference to a ''valid business purpose'' is intended to exclude any loans that are passed from a nonmember through a member to a Bank with the intent to extend the benefits of Bank membership to the nonmember.

Under proposed § 955.2(b)(2), the assets must be acquired from either: (i) A member or associate of the Bank acquiring the assets; (ii) a member or associate of another Bank, pursuant to an arrangement with that Bank; or (iii) another Bank. Under the proposed rule, a Bank could acquire initial-offering taxable HFA bonds from out-of-district associates, provided that the Bank has an agreement with the associate's district Bank granting permission to make such acquisitions.

Third, under proposed § 955.2(c), the member or associate must meet the credit risk-sharing sharing requirements that are detailed in proposed § 955.3. As an exception to this requirement, the Finance Board would consider assets acquired under authorizations adopted by the Finance Board pursuant to section II.B.12. of the FMP to qualify as AMA, up to the total dollar cap contained in those authorizations, even if the transactions do not meet the credit risk-sharing requirements of proposed § 955.3.

2. Required Credit Risk-Sharing Structure—§ 955.3

Section 955.3 of the proposed rule would elaborate upon the credit risk-sharing requirement that is the third prong of the AMA test set forth in proposed § 955.2. The risk-sharing requirements proposed in § 955.3 are based on risk-sharing structures that have evolved over time and are currently in place at the Banks. Since the first approval of the Federal Home Loan Bank of Chicago's Mortgage Partnership Finance (MPF) pilot program in late 1996, the Banks have gained experience in the acquisition of single-family mortgage assets and the Finance Board has gained experience in monitoring such acquisitions. Commensurate with this increased expertise, the Finance Board authorized an expanded scope of mortgage purchase activity in Resolution No. 98–41 (Sept. 23, 1998), which permitted all Banks to offer MPF, or substantially similar programs, to their members on a pilot basis. Later, to accommodate member needs concerning capital requirements, the Finance Board authorized an alternative risk-sharing structure in Resolution No. 99–50 (Oct. 4, 1999). With this approval, members were able to share a portion of the credit risk associated with mortgage lenders, through the use of supplemental loan-level insurance. By purchasing mortgage insurance to cover a portion of the

credit risk, members receive more favorable capital treatment.

Through the credit risk-sharing requirement, AMA activities would serve to promote and preserve the basic business relationship between the Banks and their members that has been established and maintained throughout the history of the Bank System through advance transactions. The Bank would manage the interest rate risk, while the member would manage a material portion of the credit risk. This requirement emphasizes the cooperative nature of the Bank System by ensuring that the member or associate shares with the Bank the financial benefits and responsibilities of the asset. Based on the totality of its experience in monitoring the Banks' mortgage purchase programs, the Finance Board is confident that the credit risk-sharing requirements set forth in proposed § 955.3 would efficiently allocate risks so as to best use the core competencies of the entities involved and provide capital market funding and risk management alternatives, all to the ultimate benefit of the consumer.

Under proposed § 955.3(a)(1), a Bank would be required to determine, at the time of acquisition of member assets: (i) The expected credit losses on the asset or pool of assets; and (ii) the total credit enhancement that is necessary to raise the asset or pool of assets to at least the fourth highest credit rating category, or such higher credit rating as the Bank may require. At a minimum, at the time of acquisition, each asset or pool of assets would be required to have an estimated credit rating of at least the fourth highest rating category. However, the Bank may choose to require that individual pools of assets have a credit rating above the fourth highest rating category.

Under proposed § 955.3(a)(2), the Bank's estimates of the expected credit losses and total credit enhancements would be required to be calculated using a methodology that is confirmed in writing by a Nationally Recognized Statistical Rating Organization (NRSRO) to be comparable to a methodology that an NRSRO would use in conducting a formal rating review of the assets or pools of assets. Requiring that the methodology used to determine expected credit losses and credit enhancements be affirmed by an NRSRO would ensure that the Bank's estimates of credit ratings are reasonably accurate. The methodology used to estimate the expected credit losses and credit enhancements would be required to produce roughly the equivalent rating, or equivalent ratings on average, to a formal rating review of the assets or pools of assets. Given that an NRSRO conducting a formal rating of an asset or pool of assets may take into account qualitative factors that may not be considered by a theoretical model, the estimate of expected credit losses and credit enhancement by a Bank would not be required to be identical to that determined by an NRSRO. However, the estimate must produce approximately the equivalent rating.

Second, under proposed § 955.3(b), a Bank would be required to determine a credit risk-sharing structure to be entered into with its member or associate that both: (1) Enhances the asset or pool of assets to at least the fourth highest credit rating category, or such higher credit rating as required by the Bank; and (2) incorporates credit risk-sharing with the member or associate.

When establishing an AMA program, the credit enhancement structure would be required to be designed in such a way that it at least supports the asset or pool of assets to the fourth highest credit rating category or such higher credit rating as required by the Bank. More specifically, if the Bank acquires a member asset and requires, for example, the second highest rating, the methodology used to assign financial responsibilities to support that rating would be required to conform to a structure that has been confirmed in writing by an NRSRO as sufficient to achieve the desired rating. For example, one factor that may be considered in determining the methodology used under a credit enhancement structure may be the order in which credit losses are allocated among entities. If a Bank makes modifications to a credit enhancement structure that is already in place, it would be required to obtain written confirmation from an NRSRO that the new structure is sufficient to achieve the desired rating.

At the same time that a Bank determines a credit enhancement structure that supports the credit rating of an asset or pool of assets, the Bank would be required to implement a credit risk-sharing structure with the member or associate from which the Bank acquired the asset or pool of assets. The proposed rule would require that the risk-sharing structure be established in one of two ways: (i) The member or associate from which the Bank acquired an asset or pool of assets directly bears the economic consequences of all credit losses in excess of expected losses up to the fourth highest credit rating or such higher credit rating as required by the Bank; or (ii) the member or associate from which the Bank acquired an asset or pool of assets directly bears the economic consequences of all credit losses up to the amount of expected losses, and the member or associate assumes responsibility for additional credit losses as is necessary to enhance the asset or pool of assets to the fourth highest credit rating category, or such higher rating as required by the Bank.

Under either structure, expected losses would have to be estimated by a Bank as required pursuant to proposed § 955.3(a). In other words, the Bank would need to determine the expected losses on an asset or pool of assets using a methodology that is confirmed in writing by an NRSRO to be comparable to a methodology that an NRSRO would use in conducting a formal rating review of an asset or pool of assets.

Recognizing that advantages exist under each structure, the Finance Board is proposing that the Banks be given flexibility to offer products or programs under either of the structures. However, any combination of the requirements set forth in the two separate structures would be prohibited. Under both of these structures, members would directly bear the responsibility for a material portion of credit risk, whether it is borne as expected losses or in excess of expected losses. By allowing the flexibility to use either structure, members would be able to choose the program that best suits their needs. Under the first structure, the member would bear a larger portion of credit risk. Under the second structure, the member would be responsible for the first layer of losses, thereby linking the member's compensation to the credit quality of the asset.

Under the first structure, the member or associate from which a Bank acquired an asset or pool of assets would be required to bear directly the economic consequences of all credit losses in excess of expected losses. The Bank could bear economic responsibility for the expected credit losses on an asset or pool of assets. In general, expected credit losses are roughly ten percent of the credit enhancement necessary to raise the asset or pool of assets to the second highest credit rating. Under this structure, the Bank would bear responsibility for a relatively small amount of credit losses and the member would take on the relatively larger amount of credit risk. Under the second structure, the member or associate would directly bear responsibility for the expected losses but the larger portion of credit risk may be allocated among different entities. Under the second structure, only the member or associate from which the Bank acquired an asset or pool of assets would be permitted to bear directly the economic

responsibility of all credit losses up to an amount at least equal to the expected credit losses on an asset or pool of assets. The Bank would not be permitted to bear the economic responsibility for the expected credit losses on a given asset or pool of assets. Also, neither affiliates of members or associates that may have originated or held for a valid business purpose an asset or pool of assets, nor any other member or associate in the Bank's district could bear the economic responsibility of expected credit losses on an asset or pool of assets. The member or associate itself would be required to bear the economic responsibility of the expected credit losses to ensure member or associate involvement and to ensure that the member or associate bears the consequences of the credit quality of the asset or pool of assets.

The economic responsibility of the expected credit losses may be borne by the member or associate in a variety of ways. For instance, under the product developed by the Federal Home Loan Bank of Chicago known as MPF 100®, a Bank establishes an account to absorb credit losses. As the Bank incurs losses, it is reimbursed by the member through the reduction of credit enhancement fees paid to the member by the Bank. Essentially, the fees paid to the member are contingent upon the performance of the asset.

The Finance Board has determined that expected credit losses are typically of sufficient size that members or associates, when responsible for such losses, have incentive to seek ways to achieve better than expected performance. In the case of acquiring mortgage loans, by requiring that the member or associate bear economic responsibility for expected credit losses, a system of risk and reward is established that is based on the core competencies of the participating institutions. Since member financial institutions are most knowledgeable regarding their local housing markets, this structure allows members the opportunity to benefit from their expertise in underwriting mortgage loans in their communities. The credit risk sharing structure is based on the concept that different institutions have different capacities. The Banks are capital market specialists, with the ability to bear market risks well, while depository institutions are experts in credit risk evaluation since they know their communities best. Therefore, by establishing a structure where the member or associate from which the Bank acquired the asset or pool of assets bears economic responsibility for the amount of the expected credit losses, members or associates are rewarded for their credit risk management expertise.

In addition to the member or associate from which the Bank acquired an asset or pool of assets bearing the economic responsibility of credit losses up to the amount of expected credit losses, the member or associate from which the Bank acquired an asset or pool of assets would be required to provide for additional credit loss coverage such that the member's or associate's total credit enhancement responsibility (*i.e.*, expected credit losses plus additional credit loss coverage) is sufficient to achieve at least the fourth highest credit rating, or such higher rating as required by the Bank. The additional credit loss coverage would have to be provided by the member or associate from which the Bank acquired the asset or pools of assets, but under proposed § 955.3(b)(2)(ii)(B), the member or associate may allocate the additional credit loss coverage responsibility in whole or in part, and in any combination, among: (1) The member or associate itself; (2) any other member or associate in the Bank's district; and (3) loan-level insurance, including U.S. government insurance or guarantee.

It would be the responsibility of the member or associate from which the Bank acquired the asset or pool of assets to determine the allocation of the additional credit loss coverage among itself, any other member or associate in the Bank's district and any insurer. If loan-level insurance is used, proposed § 955.3(b)(2)(ii)(B)(*3*) would require that the insurer be rated not lower than the second highest rating category and the member or associate be legally obligated at all times to transfer or replace the equivalent insurance should the insurer be downgraded below the second highest rating category.

The use of loan-level insurance is to provide the member or associate from which the Bank acquired the asset or pool of assets more favorable capital treatment. The member or associate may also allocate its additional credit loss coverage requirement to the U.S. government either through government insurance or guarantee.

Regardless of how the additional credit loss coverage is allocated among the above-mentioned entities, the expected credit losses must be borne by the member or associate from which the Bank acquired the asset or pool of assets. In the case of an FHA-insured loan, the loan would meet the risk-sharing requirements since it is insured by the government; however, the member or associate would have to bear the economic responsibility of all unreimbursed servicing expenses, up to the amount of expected losses on the loan or loan pool. The same would be true of VA-guaranteed loans and RHS-insured loans. In the case of HFA bonds, the bonds would meet the proposed required credit risk-sharing structure because any losses beyond the insurance or guarantee would be borne by the HFA, not the Bank. HFA bonds are usually rated in at least the third highest credit rating category based on the fact that the bonds are backed by FHA-insured, VA-guaranteed or private mortgage insurance (PMI)-insured whole loans. In many cases the bonds are backed by loans securitized by the Government National Mortgage Association (Ginnie Mae), Fannie Mae or Freddie Mac and are rated in the highest credit rating category. Additional bondholder protections frequently include mortgage reserve funds.

3. Reporting Requirements for AMA—§ 955.4

Proposed § 955.4 addresses the Banks' reporting requirements for AMA that are residential mortgages. The Finance Board is proposing to require Banks that acquire single-family and multifamily mortgage assets to submit to the Finance Board quarterly mortgage reports, which will include semi-annual loan-level reporting.

Proposed § 955.4(a)(1) would require that loan-level data be collected and maintained by each Bank acquiring AMA that are residential mortgages. The Finance Board has specified two lists of loan-level data elements: the first for single-family loans and the second for multifamily loans. These lists are included as appendices to the proposed rule. The data collected are intended to be used to create a data base and reporting infrastructure for monitoring the Banks' risk management and achievement of the public purpose of their residential mortgage purchase programs on a par with that now imposed on Fannie Mae and Freddie Mac. Thus, the information proposed to be collected by the Finance Board is largely similar to information required to be reported to HUD and the Office of Federal Housing Enterprise Oversight (OFHEO) by Fannie Mae and Freddie Mac.

A few of the data items proposed to be collected are not regularly reported by Fannie Mae and Freddie Mac to either HUD or OFHEO. The Finance Board is proposing to collect originating lender name, city and state for both single-family and multifamily acquisitions. Fannie Mae and Freddie Mac are only required to report on the

lender from which they acquired the loans. Under proposed § 955.2(b)(1)(ii), the Banks are permitted to acquire loans held for a valid business purpose by a Bank System member or associate or affiliate. In order to monitor compliance with this provision, data on the originating lender are necessary.

''Front-end ratio'' and ''back-end ratio'' are two additional items that Fannie Mae and Freddie Mac do not regularly report to either HUD or OFHEO, but collect and maintain for underwriting and credit scoring purposes. HUD collected this information as part of its examination of the GSEs' automated underwriting processes. The Finance Board is proposing to collect this information to evaluate the risk of acquired loans, and possibly to examine the extent to which the Banks' programs are reaching borrowers not served by the conventional market. ''Self-employment indicator'' is not provided by Fannie Mae and Freddie Mac to its regulators. However, the Finance Board is proposing to collect this information because the agency believes that it will be useful to assess risk and to examine the extent to which the Banks' programs are reaching borrowers not served by the conventional market. Lastly, ''prepayment penalties'' for single-family loans is not reported by Fannie Mae and Freddie Mac, but is reported for multifamily loans to OFHEO. Prepayment penalties were rarely used by single-family lenders, but have begun to grow in popularity. The Finance Board is proposing to collect this information to examine prepayment speeds so that the market risk of the loans may be calculated.

A number of the items on the lists are not applicable to current AMA programs. As proposed, the lists were compiled as broadly as possible to accommodate future programs. Under proposed § 955.4(a)(2), the list of required loan-level elements may be revised by the Finance Board from time-to-time through the notice-and-comment rulemaking process.

Under proposed § 955.4(b), within 60 days of the end of every quarter of every calendar year, the Banks that hold AMA that are residential mortgages would be required to submit a mortgage report, in a format to be determined by the Finance Board, that includes aggregations of the loan-level mortgages. The mortgage report would include year-to-date dollar volume, number of units, and number of mortgages on owner-occupied and rental properties acquired by the Bank. The mortgage report for the second and fourth quarters would be required to include, in addition to the aggregate mortgage report submitted every quarter, year-to-date loan-level data consisting of the data elements addressed in proposed § 955.4(a). The Banks would be required to submit the mortgage reports to the Finance Board in a machine readable format, to be specified by the Finance Board. Under proposed § 955.4(c), the Finance Board could, at any time, require reports in addition to those specified in proposed § 955.5(b).

The Finance Board is not at this time proposing the establishment of goals related to mortgage assets. To date, AMA mortgage asset volume is small relative to the mortgage market and, as discussed below, the Banks' balance sheets largely consist of loans that are regionally concentrated. Nonetheless, the Finance Board has begun to consider the establishment of goals. Since AMA programs, such as MPF, provide members with an alternative to selling loans in the secondary market, staff has reviewed the characteristics of MPF loans in the context of the GSE Housing Goals imposed on Fannie Mae and Freddie Mac as required under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (FHEFSSA). 12 U.S.C. 4541 *et seq.*

FHEFSSA directs HUD to establish the target levels for three separate goals for the GSEs' mortgage purchases. These three goals are: (1) A low- and moderate-income goal, intended to achieve increased purchases by the GSEs of mortgages on housing for low- and moderate-income families; (2) a central cities, rural areas, and other underserved areas goal, intended to achieve increased purchases by the GSEs of mortgages financing housing in areas that are underserved in terms of mortgage credit; and (3) a special affordable housing goal, intended to achieve increased purchases by the GSEs of mortgages on owner-occupied and rental housing to meet the unaddressed need of, and be affordable to, low-income families in low-income areas and very low-income families.

FHEFSSA directs HUD to determine the target levels for the GSE Housing Goals after considering the following six factors: (1) National housing needs; (2) economic, housing and demographic conditions; (3) performance and effort of Fannie Mae and Freddie Mac toward achieving the Housing Goals in previous years; (4) the size of the conventional mortgage market serving the targeted population or areas relative to the size of the overall conventional mortgage market; (5) the ability of the GSEs to lead the industry in making mortgage credit available for the targeted population or areas; and (6) the need to maintain the sound financial condition of the GSEs.

Currently, factors exist that impede a proper evaluation of MPF loans with respect to the GSE Housing Goals. One of these factors is the size of the MPF portfolio. MPF loans outstanding on the Banks' balance sheets are small relative to the size of the mortgage market and the size of Fannie Mae's and Freddie Mac's portfolios. Because MPF business has occurred only over a limited time period and with a relatively small number of member institutions, MPF is not yet representative of the broader market. Under MPF, the majority of the loans have been acquired on properties located in a single state (Wisconsin), while the GSE Housing Goals are established to reflect relevant criteria at the national level. Additionally, under MPF, the Banks are acquiring only single-family loans, while the GSE Housing Goals are established to reflect the inclusion of multifamily loans and a number of other types of loans that Fannie Mae and Freddie Mac currently purchase, and which are considered when HUD sets the targets for the GSE Housing Goals.

Under the proposed rule, the Banks would be explicitly permitted to acquire multifamily mortgage assets, so long as the new business activity requirements of proposed part 980 (which is included in the Finance Board's recently-adopted proposed rule on advances collateral, and which is discussed in more detail below) are met. Prior to this proposed rule, the Banks have had only limited authority to acquire multifamily mortgage assets. This authority was not granted under Finance Board Resolution No. 99–50, which authorized only single-family mortgage programs.

According to two recent HUD reports on rental housing,[3] for various reasons, the supply of affordable rental housing has fallen short of the need. Moreover, absent concerted measures to address the problem, this trend will continue as the age of the existing affordable rental housing stock increases. In order to help address this need, the Finance Board is not only proposing to authorize the acquisition of multifamily member assets, but is encouraging the Banks to become active participants in this market. As GSEs, the Banks have a public purpose to provide liquidity to underserved markets. Given the demand for affordable rental housing, the Banks are encouraged to expand their

[3] Department of Housing and Urban Development, Rental Housing Assistance—The Crisis Continues: The 1997 Report to Congress on Worst Case Housing Needs (April 1998) and Waiting in Vain—An Update on America's Rental Housing Crisis (March 1999).

community partnerships and offer members competitive alternatives in the multifamily mortgage market.

Although the factors mentioned above limit the validity of any comparison of MPF to the GSE Housing Goals, the Finance Board has sought to examine how well MPF loans compare to the GSE Housing Goals, controlling, to the extent possible, for the factors noted above. Overall, the data suggest that the distribution of MPF loans compares favorably to the GSE Housing Goals when single-family loans are isolated. The Finance Board's analysis has shown that, as of year-end 1999, MPF has exceeded the special affordable housing goal and met the low-and moderate-income goal for 1999. However, the program has fallen short of the central cities, rural areas, and other underserved areas housing goal for 1999. Given that the underlying factors used in establishing the target for the central cities, rural areas, and other underserved areas housing goal assume a national program, it is not surprising that MPF loans did not achieve this goal. Because the majority of MPF loans are located in Wisconsin, a regional bias exists that particularly impacts the compliance of the MPF program with this goal.

The Finance Board anticipates implementing demographic goals, as determined by the Finance Board in due consideration of the existing GSE Housing Goals, at such time as the conventional residential mortgage programs of the Banks, in the aggregate, have achieved a size and scope indicative of a mature program. For example, a mature program for the Banks' conventional residential mortgage programs might be deemed to exist beginning in the year that the annual aggregated acquisition volume for all conventional residential mortgage programs for the Bank System exceeds 100,000 loans or $10 billion. Once either 100,000 loans or $10 billion in loans are acquired within a one-year period, such a program presumably would be national in scope. Similarly, a smaller set of programs, under which 75,000 loans are acquired within a one-year period, could also be considered national in scope if it were geographically dispersed among more than half of the Banks—for example, with seven different Banks accounting for at least ten percent of the loan acquisition volume.

Ideally, any benchmark for the implementation of program goals will be empirically based. The possible 100,000 loan trigger is derived from the estimated number of loans acquired by Freddie Mac in 1992, the first year goals were imposed on the GSEs. The number of Freddie Mac loans may be an appropriate benchmark because Freddie Mac is the smaller of the two housing GSEs, yet its activity is national in scope.

The alternative criteria would allow that a sufficient volume may occur at less than 100,000 loans but only if the program is clearly national in scope. The criterion that 7 different Banks account for at least 10 percent of the acquired conventional residential mortgage volume would ensure a geographically diverse pool at the lower loan total and ensure that no one Bank accounts for more than 40 percent of volume if the program is to be considered national in scope. The Finance Board specifically requests comment on the proposed measure of program maturity discussed above.

The statutorily established GSE Housing Goals will eventually be used as a baseline in determining the goals and targets for AMA that are residential mortgages. However, in establishing goals, the Finance Board will conduct research and analysis beyond the GSE Housing Goals in order to establish the most suitable goals and targets given the factors surrounding AMA residential mortgage programs. Until goals for the Banks' residential mortgage AMA programs are established, the Finance Board will continue to monitor the Banks' AMA portfolios that consist of residential mortgages with reference to the GSE Housing Goals. Any housing goals that may be implemented will be subject to the notice-and-comment rulemaking process.

4. Administrative and Investment Transactions Between Banks—§ 955.5

Proposed § 955.5 addresses the delegation of administrative AMA program duties and terminability of AMA program agreements between Banks. Under proposed § 955.5(a), a Bank would be permitted to delegate the administration of an AMA program, including the fulfillment of regulatory reporting requirements, to another Bank whose administrative office has been examined and approved by the Finance Board to process AMA transactions. Further, the proposed rule would require that the existence of such a delegation, or the possibility that such a delegation may be made, be disclosed to any potential participating member or associate before any AMA-related agreements are signed with that member or associate.

Proposed § 955.5(b) would require that any agreement made between two or more Banks in connection with any AMA program be made terminable by either party after a reasonable notice period. Under this provision, no Bank could be required to fund, purchase, sell, or process any new AMA after the termination of such an agreement.

5. Risk-Based Capital Requirement for AMA—§ 955.6

Under proposed § 955.6, each Bank must hold retained earnings plus specific loan loss reserves as support for the credit risk of all AMA estimated by the Bank to be below the second highest credit rating in an amount equal to or greater than: the outstanding balance of the assets or pools of assets, times a factor associated with the credit rating of the assets or pools of assets as determined by the Finance Board.

The proposed rule would allow Banks to hold AMA that is of a credit quality that, though still of an investment grade, is less than what has typically been permitted by the Finance Board under the FMP for Bank investments. This provision is intended to ensure the safety and soundness of any exercise of the Banks' expanded authority prior to the implementation of a risk-based capital regulation. The credit risks and operational aspects of managing AMA assets are the same as those faced by regulated banking institutions, and such institutions are required to maintain risk-based capital to offset these risk factors. The ratio of retained earnings plus loan loss reserves should reflect losses based on the default rates of similarly rated securities (based on the credit rating achieved by the AMA assets once acquired by the Bank and including all loss accounts and credit enhancements). The methodology to determine the long-term default rate factor associated with the credit rating will be discussed in the upcoming risk-based capital rulemaking.

D. Amendments to Part 956—Investments

The proposed rule would replace in its entirety existing part 956 of the Finance Board's regulations, which governs Bank investments (prior to the recent reorganization of the Finance Board's regulations, *see* 65 FR 8253 (Feb. 18, 2000), the investment regulations were contained in 12 CFR 934.1, 934.2 and 934.13).

Under sections 11(g), 11(h) and 16(a) of the Bank Act, 12 U.S.C. 1431(g), 1431(h), 1436(a), a Bank may, subject to the rules and regulations of the Finance Board, invest in: (1) Obligations of the United States, *see id.* §§ 1431(g), 1431(h) and 1436(a); (2) deposits in banks or trust companies, *see id.* § 1431(g); (3) obligations, participations or other instruments of, or issued by, Fannie

Mae or Ginnie Mae, *see id.* §§ 1431(h), 1436(a); (4) mortgages, obligations, or other securities that are, or ever have been sold by Freddie Mac, *see id.* §§ 1431(h), 1436(a); (5) stock of Fannie Mae, *see id.* § 1431(h); (6) stock, obligations, or other securities of any SBIC formed pursuant to 15 U.S.C. 681(d) (to the extent the investment is made for purposes of aiding Bank members), *see* 12 U.S.C. 1431(h); and (7) instruments that the Bank has determined are permissible investments for fiduciary and trust funds under the laws of the state in which the Bank is located, *see id.* §§ 1431(h), 1436(a).

Currently, § 956.2 of the regulations (formerly § 934.1) limits the Banks' statutory investment authority by permitting a Bank to make investments only pursuant to specific authorizations of the Finance Board, or in conformity with ''stated [Finance] Board policy.'' 12 CFR 956.2(a). Since 1991, the ''stated policy'' referred to in the regulation has been the FMP, which, among other things, sets forth a list of permissible Bank investments that is narrower than that which could be permitted under the statute.

The investments authorized under section II.B. of the FMP are: (1) Overnight and term federal funds with a remaining term to maturity not exceeding nine months; (2) overnight and term resale agreements with a remaining term to maturity not exceeding nine months; (3) United States dollar deposits with a remaining term to maturity not exceeding nine months; (4) commercial paper, bank notes and thrift notes traded in U.S. financial markets and rated P–1 (by Moody's) or A–1 (by Standard & Poor's) with a remaining term to maturity not exceeding nine months; (5) banker's acceptances with a remaining term to maturity not exceeding nine months; (6) marketable obligations issued or guaranteed by the United States; (7) marketable direct obligations of United States government-sponsored agencies and instrumentalities, for which the credit of such institutions is pledged for the repayment of both principal and interest; (8) MBS issued, guaranteed or fully insured by Ginnie Mae, Fannie Mae, or Freddie Mac, or collateralized mortgage obligations (CMOs) or real estate mortgage investment conduits (REMICs) backed by such MBS; (9) other MBS, CMOs and REMICs rated Aaa (by Moody's) or AAA (by Standard & Poor's); (10) asset-backed securities collateralized by manufactured housing loans or home equity loans and rated Aaa (by Moody's) or AAA (by Standard & Poor's); (11) marketable direct obligations of state or local government units or agencies, rated at least Aa (by Moody's) or AA (by Standard & Poor's), where the purchase of such obligations by a Bank provides to the issuer the customized terms, necessary liquidity, or favorable pricing required to generate needed funding for housing or community development; and (12) upon the fulfillment of certain conditions, and with the prior approval of the Finance Board, other investments that support housing and community development.

Under proposed part 956, the Banks would no longer be limited to a list of specific, approved investments. Instead, proposed § 956.2 would permit the Banks to hold all of the investments that are authorized under the Bank Act (with the exception of Fannie Mae common stock), subject to the safety and soundness restrictions set forth in proposed § 955.3, and subject to the procedural requirements contained in proposed part 980 (which was proposed as part of the Finance Board's recently-adopted proposed rule on advances collateral and is described in more detail below).

The only investment that is explicitly enumerated in the Bank Act that would not be permitted under proposed § 956.2 is investment in the stock of Fannie Mae. As discussed below, proposed § 956.3(a)(1) would prohibit Banks from investing in instruments that provide an ownership interest in an entity, with an exception for equity investments that qualify as core mission activities under proposed part 940. Because the Finance Board does not believe that Fannie Mae stock could under any circumstances qualify as a core mission activity, and because Fannie Mae stock is not an authorized investment under the FMP and is not currently held as an investment by any Bank, it has been omitted from the list of authorized investments in proposed § 956.2.

Both sections 11(h) and 16(a) of the Bank Act state that the Banks may be authorized to invest in ''such securities as fiduciary and trust funds may be invested in under the laws of the state in which the * * * Bank is located.'' *See* 12 U.S.C. 1431(h), 1436(a). In implementing this authority through § 956.2(f) of the proposed rule, the word ''instruments'' has been substituted for the word ''securities'' to reflect in the proposed rule the Finance Board's construction of the term ''securities,'' as used in sections 11(h) and 16(a) of the Bank Act, to encompass the broad range of financial investment instruments and not merely those instruments that are within the technical definition of ''securities'' set forth in the federal securities laws. *See* 15 U.S.C 77b(1).

The broad investment authority established under proposed § 956.2 would be limited by a number of safety and soundness-related restrictions set forth in proposed § 956.3. For reasons of safety and soundness, proposed § 956.3(a)(1) generally would prohibit the Banks from making any investment in instruments that would provide an ownership interest in an entity (*e.g.,* common or preferred stock, rights, warrants or convertible bonds). However, in order to permit Banks to make the types of targeted equity investments that qualify as core mission activities, the proposed rule would except from this prohibition equity investments that would qualify as CMA under proposed § § 940.3(a)(5) and (6). The Finance Board anticipates that such targeted equity investments would represent only a small portion of a Bank's balance sheet and that the additional risk associated with such investments would be mitigated by requiring the Bank to hold adequate capital against these investments. Although the proposed equity investment authority is narrow, this authorization would be less restrictive than what is currently permitted under the FMP, which permits equity investments only in the stock of SBICs.

Proposed § 956.3(a)(2) would prohibit the Banks from investing in instruments issued by foreign entities, except United States branches and agency offices of foreign commercial banks. Such instruments conceivably could qualify as permissible investments for fiduciary and trust funds and, therefore, would be permissible Bank investments unless specifically prohibited. This is consistent with the current prohibition in the FMP. *See* Finance Board Res. No. 97–05 (Jan. 14, 1997).

Proposed § 956.3(a)(3) generally would prohibit the Banks from investing in debt instruments that are not rated as investment grade (*i.e.,* one of the four highest credit rating categories given by an NRSRO). In order to permit Banks to invest in CMA that may be below investment grade, proposed § 956.3(a)(3)(i) would except such CMA from the prohibition on below-investment grade debt securities. As is the case with CMA-related equity investments, it is anticipated that below-investment grade CMA debt investments would represent only a small portion of a Bank's balance sheet and that the additional risk associated with such investments would be mitigated by requiring the Bank to hold adequate capital against these investments. Under proposed § 956.3(a)(3)(ii), the Banks would not be required to divest themselves of debt

instruments that are downgraded to below-investment grade after the instruments already have been acquired by the Bank.

Under the FMP, the Banks are permitted to invest in debt instruments that are rated in the third highest credit rating category or higher, although debt investments that are in the third highest credit rating category may be held only for a term of one day. Thus, the authorization set forth in the proposed rule is somewhat broader than that which is permitted under the FMP.

Finally, proposed § 956.3(a)(4) would prohibit the Banks from acquiring whole mortgages or other whole loans, or interests in mortgages or loans, except: (i) AMA acquired under part 955 of the proposed rule; (ii) marketable direct obligations of state or local government units or agencies, particularly state or local HFA bonds that do not qualify as AMA, having at least the second highest credit rating from a NRSRO, where the purchase of such obligations by the Bank provides to the issuer the customized terms, necessary liquidity, or favorable pricing required to generate needed funding for housing or community lending; (iii) MBS, or asset-backed securities collateralized by manufactured housing loans or home equity loans, that are ''securities'' under the Securities Act of 1933, 15 U.S.C. 77b(a)(1); and (iv) loans held or acquired pursuant to section 12(b) of the Bank Act, 12 U.S.C. 1432(b). As described in detail above, proposed part 955 establishes parameters regarding the types of whole loans that the Banks may acquire from members and associates and the nature of the transactions through which such assets may be acquired. Proposed § 956.3(a)(4)(i) is intended to make clear that part 955 of the regulations is the sole source of regulatory authority regarding the Banks' acquisition of whole loans and that any whole loan acquisitions must meet the requirements of part 955 in order to be permissible.

Under proposed § 956.3(a)(4)(ii), the Banks could continue to invest in state or local HFA bonds that do not qualify as AMA (*i.e.,* those not issued by, through, or on behalf of a Bank System member or associate). However, HFA bonds not qualifying as AMA also would not qualify as CMA.

The reference in proposed § 956.3(a)(4)(iii) to MBS and asset-backed securities that meet the definition of the term ''securities'' in the Securities Act of 1933 is intended to make clear that Banks may continue to invest in the types of MBS and asset-backed securities that are commonly available in the securities marketplace, but may not attempt to circumvent the AMA requirements of proposed part 955 by deeming unsecuritized pools of mortgages or other loans to be MBS or asset-backed securities.

Proposed § 956.3(a)(4)(iii) would also except from the loan investment restriction, housing project loans guaranteed under the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181, 2182, 2184, which are expressly authorized by Congress as Bank investments under section 12(b) of the Bank Act. 12 U.S.C. 1432(b).

Proposed § 956.3(b) would prohibit a Bank from taking a position in any commodity or foreign currency. Proposed § 956.3(b) also provides that, in the event that a Bank becomes exposed to currency, commodity or equity risks through participation in COs that are linked to a foreign currency or to equity or commodity prices, such risks must be hedged. The Banks currently do not have expertise in these areas and the Finance Board can discern no reason for the Banks to have or develop expertise in managing the risks associated with foreign exchange rates or commodities.

Under proposed § 956.4, the Banks must hold retained earnings plus specific loan loss reserves as support for the credit risk of all investments that are not rated by an NRSRO, or are rated below the second highest credit rating, in an amount equal to or greater than the outstanding balance of the investments times a factor associated with the credit rating of the investments as determined by the Finance Board. It is expected that this specific provision will be superseded at the time that a final capital rule is promulgated, to be replaced by specific capital requirements relating to each credit rating category.

Except for those provisions in the FMP that are directly overridden by this proposed rule, all provisions of the FMP would remain in effect until expressly repealed by the Finance Board. Accordingly, Bank investment in agency and private MBS, CMOs and REMICs and in asset-backed securities secured by manufactured housing or home equity loans would continue to be limited to a total amount equal to 300 percent of a Bank's capital. It is anticipated that the remaining provisions of the FMP will be repealed, or at least codified as regulations, at such time as the Finance Board promulgates a final rule on capital and risk management.

E. Effect of Proposed Part 980 of the Recently-Adopted Proposed Rule on Advances Collateral

As mentioned several times above, under this proposed rule, the Banks' exercise of their AMA and investment authorities would be subject to the new business activity procedural requirements set forth in proposed part 980, which was recently adopted as part of the Finance Board's proposed rule on advances collateral. Under proposed part 980, each Bank would be required to provide at least 60 days' prior written notice to the Finance Board of any new business activity that the Bank wishes to undertake—including new types of AMA transactions and new types of investments. While a Bank could proceed with a new business activity after 60 days if not expressly prevented from doing so by the Finance Board, proposed part 980 would give the Finance Board the opportunity to disapprove or restrict such activities, as necessary, on a case-by-case basis. A ''new business activity'' would include: (1) A business activity that has not been undertaken previously by that Bank, or was undertaken previously under materially different terms and conditions; (2) a business activity that entails risks not previously and regularly managed by that Bank, its members, or both, as appropriate; or (3) a business activity that involves operations not previously undertaken by that Bank. The prior notice requirement would apply to any Bank desiring to pursue a new activity, even if another Bank has already undertaken the same activity.

As discussed above, the proposed expansion of the Banks' member asset and investment authorities would present new management challenges for the Banks. By making the Banks' exercise of their authorities under proposed parts 955 and 956 subject to the new business activity review procedure, the Finance Board would, among other things, explicitly reserve the right to conduct pre-implementation safety and soundness examinations of new Bank business activities and to apply safety and soundness restrictions to such activities, where necessary.

III. Regulatory Flexibility Act

The proposed rule applies only to the Banks, which do not come within the meaning of ''small entities,'' as defined in the Regulatory Flexibility Act (RFA). *See* 5 U.S.C. 601(6). Therefore, in accordance with section 605(b) of the RFA, *see id.* at 605(b), the Finance Board hereby certifies that this proposed rule, if promulgated as a final rule, will

not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Parts 900, 940, 950, 955 and 956

Community development, Credit, Federal home loan banks, Housing, Reporting and recordkeeping requirements.

Accordingly, the Finance Board hereby proposes to amend title 12, chapter IX, Code of Federal Regulations, as follows:

PART 900—GENERAL DEFINITION

1. The authority citation for part 900 is revised to read as follows:

Authority: 12 U.S.C. 1422, 1422b(a)(1).

2. Amend § 900.1 by adding, in alphabetical order, a definition of the term ''acquired member assets or AMA,'' to read as follows:

§ 900.1 Definitions applying to all regulations.

* * * * *

Acquired member assets or *AMA* means those assets that may be acquired by a Bank under part 955 of this chapter.

* * * * *

3. The heading for part 940 is revised to read as follows:

PART 940—CORE MISSION ACTIVITIES

4. The authority citation for part 940 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1430, 1430b, 1431.

5. In part 940, amend § 940.1 by adding, in alphabetical order, definitions of the terms ''Financial Management Policy'', ''low- or moderate-income household'', and ''SBIC'', to read as follows:

§ 940.1 Definitions.

* * * * *

Financial Management Policy (*FMP*) has the meaning set forth in § 956.1 of this chapter.

Low- or moderate-income household means a household with an income that is at or below 115 percent of the area median household income, as published by the Department of Housing and Urban Development.

SBIC means a small business investment company formed pursuant to 15 U.S.C. 681(d).

6. Amend part 940 by adding a new § 940.3, to read as follows:

§ 940.3 Core mission activities.

(a) *General.* The following Bank activities qualify as core mission activities:

(1) Advances;

(2) Acquired member assets (AMA), except that United States government-insured or guaranteed whole single-family residential mortgage loans acquired under a commitment entered into after April 12, 2000 shall qualify based on the following calculations, which, at the discretion of two or more Banks, may be made based on aggregate transactions among those Banks:

(i) For calendar year 2000, such loans shall qualify in a dollar amount up to 33 percent of: the total dollar amount of AMA acquired by a Bank after April 12, 2000, less the dollar amount of United States government-insured or guaranteed whole single-family residential mortgage loans acquired after April 12, 2000 under commitments entered into on or before April 12, 2000; and

(ii) For calendar year 2001 and subsequent years, such loans shall qualify in a dollar amount up to 33 percent of: the total dollar amount of AMA acquired by a Bank during that year, less the dollar amount of United States government-insured or guaranteed whole single-family residential mortgage loans acquired under commitments entered into on or before April 12, 2000.

(3) Standby letters of credit;

(4) Intermediary derivative contracts;

(5) Non-securitized debt investments or equity investments that:

(i) Primarily benefit low- or moderate-income households, or areas targeted for redevelopment by local, state, tribal or Federal government (including Federal empowerment zones and enterprise and champion communities) by providing or supporting one or more of the following activities:

(A) Affordable housing;

(B) Economic development;

(C) Community services;

(D) Permanent jobs for members of low- or moderate-income households; or

(E) Area revitalization or stabilization; and

(ii) Involve one or more members or associates in a manner, financial or otherwise, and to a degree to be determined by the Bank;

(6) Investments in SBICs, to the extent that a Bank's investment is structured to be matched by an investment in the same activity by members or associates of the Bank making the investment;

(7) The short-term tranche of SBIC securities guaranteed by the Small Business Administration;

(8) Section 108 Interim Notes and Participation Certificates guaranteed by the Department of Housing and Urban Development under section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5308);

(9) Investments and obligations issued or guaranteed under Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 through 4195).

(b) *Status of certain investments made under the FMP.* Notwithstanding that certain investments made by a Bank pursuant to sections II.B.8. through 11. of the FMP do not qualify as core mission activities, any limit on such assets that may be promulgated by the Finance Board shall not limit the authority of a Bank to hold to maturity, or to fund using the proceeds of consolidated obligations, such assets held by the Bank as of April 12, 2000, except as may be necessary to ensure the safety and soundness of the Banks.

PART 950—ADVANCES

7. The authority citation for part 950 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a)(1), 1426, 1429, 1430, 1430b and 1431.

8. Amend part 950 by adding a new subpart C to read as follows:

Subpart C—Advances to Out-of-District Members and Associates

§ 950.18 Advances to out-of-district members and associates.

(a) *Establishment of creditor/debtor relationship.* Any Bank may become a creditor to a member or associate of another Bank through the purchase of an outstanding advance, or a participation interest therein, from the other Bank, or through an arrangement with the other Bank that provides for the establishment of such a creditor/debtor relationship at the time an advance is made.

(b) *Applicability of advances requirements.* Any debtor/creditor relationship established pursuant to paragraph (a) of this section shall be subject to all of the provisions of this part that would apply to an advance made by a Bank to its own members or associates.

9. In subchapter G, add a new part 955 to read as follows:

PART 955—ACQUIRED MEMBER ASSETS

Sec.

955.1 Definitions.
955.2 Authorization to hold acquired member assets.
955.3 Required credit-risk sharing structure.

955.4 Reporting requirements for acquired member assets.
955.5 Administrative and investment transactions between Banks.
955.6 Risk-based capital requirement for acquired member assets.
Appendix A to Part 955—Reporting requirements for single-family acquired member assets that are residential mortgages: loan-level data elements
Appendix B to Part 955—Reporting requirements for multi-family acquired member assets that are residential mortgages: loan-level data elements

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1430, 1430b, 1431.

§ 955.1 Definitions.

As used in this section:

Affiliate has the meaning set forth in § 950.1 of this chapter.

Financial Management Policy (FMP) has the meaning set forth in § 956.1 of this chapter.

NRSRO has the meaning set forth in § 966.1 of this chapter.

Residential real property has the meaning set forth in § 950.1 of this chapter.

State has the meaning set forth in § 925.1 of this chapter

§ 955.2 Authorization to hold acquired member assets.

Subject to the requirements of part 980 of this chapter, each Bank may hold assets acquired from or through Bank System members or associates by means of either a purchase or a funding transaction, subject to each of the following requirements:

(a) *Loan type requirement.* The assets are either:

(1) Whole loans that are eligible to secure advances under § § 950.7(a)(1)(i), (a)(2)(ii), (a)(4), or (b)(1) of this chapter, excluding:

(i) Single-family mortgages where the loan amount exceeds the limits established pursuant to 12 U.S.C. 1717(b)(2); and (ii) Loans made to an entity, or secured by property, not located in a state;

(2) Whole loans secured by manufactured housing, regardless of whether such housing qualifies as residential real property; or (3) State and local housing finance agency bonds;

(b) *Member or associate nexus requirement.* The assets are:

(1) Either:

(i) Originated or issued by, through, or on behalf of a Bank System member or associate, or an affiliate thereof; or (ii) Held for a valid business purpose by a Bank System member or associate, or an affiliate thereof, prior to acquisition by a Bank; and

(2) Are acquired either:

(i) From a member or associate of the acquiring Bank;

(ii) From a member or associate of another Bank, pursuant to an arrangement with that Bank; or

(iii) From another Bank; and

(c) *Credit risk-sharing requirement.* The transactions through which the Bank acquires the assets either:

(1) Meet the credit risk-sharing requirements of § 955.3 of this part; or

(2) Were authorized by the Finance Board under section II.B.12. of the FMP and are within any total dollar cap established by the Finance Board at the time of such authorization.

§ 955.3 Required credit risk-sharing structure.

(a) *Determination of necessary credit enhancement.* (1) At the time of acquisition of acquired member assets (AMA), a Bank shall determine:

(i) The expected credit losses on each asset or pool of assets; and

(ii) The total credit enhancement necessary to enhance the asset or pool of assets to at least the fourth highest credit rating category, or such higher credit rating as the Bank may require.

(2) The Bank's estimates of expected losses and total credit enhancement required under paragraph (a)(1) of this section shall be determined using a methodology that is confirmed in writing by an NRSRO to be comparable to a methodology that the NRSRO would use in conducting a formal rating review of the asset or pool of assets.

(b) *Credit risk-sharing structure.* Based on the determinations required under paragraph (a) of this section, a Bank shall implement a credit enhancement structure that:

(1) As evidenced by a written confirmation from an NRSRO, enhances the asset or pool of assets to at least the fourth highest credit rating category, or such higher credit rating as the Bank may require; and

(2) Incorporates credit risk-sharing with the member or associate such that either:

(i) The member or associate from which a Bank acquired an asset or pool of assets directly bears the economic consequences of all credit losses in excess of expected losses, as estimated by the Bank using the methodology described in paragraph (a) of this section, up to the amount necessary to enhance the asset or pool of assets to the fourth highest credit rating category, or such higher rating as required by the Bank; or

(ii)(A) The member or associate from which the Bank acquired an asset or pool of assets directly bears the economic consequences of all credit losses up to the amount of expected losses on the asset or pool of assets, as estimated by the Bank using the methodology described in paragraph (a) of this section; and

(B) The member or associate assumes responsibility for such additional credit loss coverage as is necessary to enhance the asset or pool of assets to the fourth highest credit rating category, or such higher rating as required by the Bank, which coverage may be provided by, or allocated among:

(*1*) The member or associate;

(*2*) Any other member or associate in the Bank's district;

(*3*) Loan-level insurance, including United States government insurance or guarantee, where the member or associate is legally obligated at all times to maintain such insurance with an insurer rated not lower than the second highest credit rating category.

§ 955.4 Reporting requirements for acquired member assets.

(a) *Loan-level data elements.* (1) Each Bank that acquires AMA that are residential mortgages shall collect and maintain loan-level data on each mortgage held, as specified in appendix A (for single-family mortgage assets) or appendix B (for multifamily mortgage assets) to this part.

(2) The Finance Board may, from time-to-time, amend the lists of required loan-level data elements set forth in appendices A and B of this part by publication of a document in the **Federal Register.**

(b) *Quarterly mortgage reports.* Within 60 days of the end of every quarter of every calendar year, each Bank that acquires AMA that are residential mortgages shall submit to the Finance Board a Mortgage Report, which shall include:

(1) Aggregations of the loan-level mortgage data compiled by the Bank pursuant to paragraph (a) of this section for year-to-date mortgage acquisitions, in a format specified by the Finance Board;

(2) Year-to-date dollar volume, number of units and number of mortgages on owner-occupied and rental properties relating to AMA acquired by the Bank; and

(3) For the second and fourth quarter Mortgage Reports only, year-to-date loan-level data that:

(i) Comprises the data elements required to be collected and maintained by the Bank under paragraph (a) of this section; and

(ii) Appears in a machine-readable format specified by the Finance Board.

(c) *Additional reports.* The Finance Board may at any time require a Bank to submit reports in addition to those required under paragraph (b) of this section.

§ 955.5 Administrative and investment transactions between Banks.

(a) *Delegation of administrative duties.* A Bank may delegate the administration of an AMA program to another Bank whose administrative office has been examined and approved by the Finance Board to process AMA transactions. The existence of such a delegation, or the possibility that such a delegation may be made, must be disclosed to any potential participating member or associate before any AMA-related agreements are signed with that member or associate.

(b) *Terminability of agreements.* Any agreement made between two or more Banks in connection with any AMA program shall be made terminable by either party after a reasonable notice period.

(c) *Delegation of pricing authority.* A Bank that has delegated its AMA pricing function to another Bank shall retain a right to refuse to acquire AMA at prices it does not consider appropriate.

§ 955.6 Risk-based capital requirement for acquired member assets.

Each Bank shall hold retained earnings plus specific loan loss reserves as support for the credit risk of all AMA estimated by the Bank to be below the second highest credit rating in an amount equal to or greater than: the outstanding balance of the assets or pools of assets times a factor associated with the credit rating of the assets or pools of assets as determined by the Finance Board.

Appendix A to Part 955—Reporting Requirements For Single-Family Acquired Member Assets That Are Residential Mortgages: Loan-Level Data Elements

1. *FHLBank District Flag*—Two-digit numeric code designating the District FHLBank that originally acquired the loan.

2. *Participating FHLBank District Flag*—Two-digit numeric code designating the District FHLBank that purchased a participation in the loan.

3. *Loan Number*—Unique numeric identifier used by the FHLBanks for each mortgage acquisition.

4. *US Postal State*—Two-digit numeric Federal Information Processing Standard (FIPS) code.

5. *US Postal Zip Code*—Five-digit zip code for the property.

6. *MSA Code*—Four-digit numeric code for the property's metropolitan statistical area (MSA) if the property is located in an MSA.

7. *Place Code*—Five-digit numeric FIPS code.

8. *County*—County, as designated in the most recent decennial census by the Bureau of the Census.

9. *Census Tract/Block Numbering Area (BNA)*—Tract/BNA number as used in the most recent decennial census by the Bureau of the Census.

10. *1990 Census Tract-Percent Minority*—Percentage of a census tract's population that is minority based on the most recent decennial census by the Bureau of the Census.

11. *1990 Census Tract-Median Income*—Median family income for the census tract.

12. *1990 Local Area Median Income*—Median income for the area.

13. *Tract Income Ratio*—Ratio of the 1990 census tract median income to the 1990 local area median income (*i.e.,* loan-level data element number 11 divided by loan-level data element number 12).

14. *Borrower(s) Annual Income*—Combined income of all borrowers.

15. *Area Median Family Income*—Current median family income for a family of four for the area as established by HUD.

16. *Borrower Income Ratio*—Ratio of Borrower(s) annual income to area median family income.

17. *Acquisition Unpaid Principal Balance (UPB)*—UPB in whole dollars of the mortgage when acquired by the FHLBank.

18. *Loan-to-Value (LTV) Ratio at Origination*—LTV ratio of the mortgage at the time of origination.

19. *Participation Percentage*—Where the mortgage acquisition is a participation, the percentage of the mortgage for each FHLBank listed in loan-level data element number 2.

20. *Date of Mortgage Note*—Date the mortgage note was created.

21. *Date of Acquisition*—Date the FHLBank acquired the mortgage.

22. *Purpose of Loan*—Indicates whether the mortgage was a purchase money mortgage, a refinancing, a construction mortgage, or a financing of property rehabilitation.

23. *Cooperative Unit Mortgage*—Indicates whether the mortgage is on a dwelling unit in a cooperative housing building.

24. *Product Type*—Indicates the product type of the mortgage, *i.e.,* fixed rate, adjustable rate mortgage (ARM), balloon, graduated payment mortgage (GPM) or growing equity mortgages (GEM), reverse annuity mortgage, or other.

25. *Federal Guarantee*—Numeric code that indicates whether the mortgage has a Federal guarantee, and from which agency.

26. *Term of Mortgage at Origination*—Term of the mortgage at the time of origination in months.

27. *Amortization Term*—For amortizing mortgages, the amortization term of the mortgage in months.

28. *Originating Lender Institution*—Name of the institution that originated the loan.

29. *Originating Lender City*—City location of the institution that originated the loan.

30. *Originating Lender State*—State location of the institution that originated the loan.

31. *Acquiring Lender Institution*—Name of the institution from which the FHLBank acquired the mortgage.

32. *Acquiring Lender City*—City location of the institution from which the FHLBank acquired the mortgage.

33. *Acquiring Lender State*—State location of the institution from which the FHLBank acquired the mortgage.

34. *Type of Seller Institution*—Type of institution that sold the mortgage to the GSE, *i.e.,* mortgage company, Savings Association Insurance Fund (SAIF) insured depositary institution, Bank Insurance Fund (BIF) insured depositary institution, National Credit Union Association (NCUA) insured credit union, or other seller.

35. *Number of Borrowers*—Number of borrowers.

36. *First-Time Home Buyer*—Numeric code indicating whether the mortgagor(s) are first-time homebuyers; second mortgages and refinancings are not treated as first-time homebuyers.

37. *Mortgage Purchased under the Banks' Community Investment Cash Advances (CICA) Programs*—Indicates whether the Bank purchased the mortgage under an AHP or CIP program.

38. *Acquisition Type*—Indicates whether the FHLBank acquired the mortgage with cash, by swap, with a credit enhancement, a bond or debt purchase, reinsurance, risk-sharing, real estate investment trust (REIT), or a real estate mortgage investment conduit (REMIC), or other.

39. *FHLBank Real Estate Owned*—Indicates whether the mortgage is on a property that was in the FHLBank's real estate owned (REO) inventory.

40. *Borrower Race or National Origin*—Numeric code indicating the race or national origin of the borrower.

41. *Co-Borrower Race or National Origin*—Numeric code indicating the race or national origin of the co-borrower.

42. *Borrower Gender*—Numeric code that indicates whether the borrower is male or female.

43. *Co-Borrower Gender*—Numeric code that indicates whether the co-borrower is male or female.

44. *Age of Borrower*—Age of borrower in years.

45. *Age of Co-Borrower*—Age of co-borrower in years.

46. *Occupancy Code*—Indicates whether the mortgaged property is an owner-occupied principal residence, a second home, or a rental investment property.

47. *Number of Units*—Indicates the number of units in the mortgaged property.

48. *Unit—Number of Bedrooms*—Where the property contains non-owner-occupied dwelling units, the number of bedrooms in each of those units.

49. *Unit—Affordable Category*—Where the property contains non-owner-occupied dwelling units, indicates under which, if any, of the special affordable goals the units qualified.

50. *Unit—Reported Rent Level*—Where the property contains non-owner-occupied dwelling units, the rent level for each unit in whole dollars.

51. *Unit—Reported Rent Plus Utilities*—Where the property contains non-owner-occupied dwelling units, the rent level plus the utility cost for each unit in whole dollars.

52. *Geographically Targeted Indicator*—Numeric code that indicates loans made in census tracts classified as underserved by HUD.

53. *Interest Rate*—Note rate on the loan.

54. *Loan Amount*—Loan balance at origination.

55. *Front-end Ratio*—Ratio of principal, interest, taxes, and insurance to borrower(s) income.

56. *Back-end Ratio*—Ratio of all debt payments to borrower(s) income.

57. *Borrower FICO Score*—Fair, Isaacs, Co. credit score of borrower.

58. *Co-Borrower FICO Score*—Fair, Isaacs, Co. credit score of co-borrower.

59. *PMI Percent*—Percent of original loan balance covered by private mortgage insurance.

60. *Credit Enhancement*—Numeric code indicating type of credit enhancement.

61. *Self-Employed Indicator*—Numeric indicator for whether the borrower is self-employed.

62. *Property Type*—Numeric indicator for whether the property is single-family detached, condominium, townhouse, PUD, etc.

63. *Default Status*—Numeric indicator for whether the loan is currently in default.

64. *Termination Date*—Date on which the loan terminated.

65. *Termination Type*—Numeric indicator for whether the loan terminated in a prepayment, foreclosure, or other types of termination.

66. *ARM Index*—Index used for the calculation of interest on an ARM.

67. *ARM margin*—Margin added to the index for calculation of the interest on an ARM.

68. *Prepayment Penalty Terms*—Numeric indicator for types of prepayment penalties.

Appendix B to Part 955—Reporting Requirements for Multi-Family Acquired Member Assets That Are Residential Mortgages: Loan-Level Data Elements

1. *FHLBank District Flag*—Two-digit numeric code designating the District FHLBank that originally acquired the loan.

2. *Participating FHLBank District Flag*—Two-digit numeric code designating the District FHLBank that purchased a participation in the loan.

3. *Loan Number*—Unique numeric identifier used by the FHLBanks for each mortgage acquisition.

4. US Postal State—Two-digit numeric Federal Information Processing Standard (FIPS) code.

5. *US Postal Zip Code*—Five-digit zip code for the property.

6. *MSA Code*—Four-digit numeric code for the property's metropolitan statistical area (MSA) if the property is located in an MSA.

7. *Place Code*—Five-digit numeric FIPS code.

8. *County*—County, as designated in the most recent decennial census by the Bureau of the Census.

9. *Census Tract/Block Numbering Area (BNA)*—Tract/BNA number as used in the most recent decennial census by the Bureau of the Census.

10. *1990 Census Tract-Percent Minority*—Percentage of a census tract's population that is minority based on the most recent decennial census by the Bureau of the Census.

11. *1990 Census Tract-Median Income*—Median family income for the census tract.

12. *1990 Local Area Median Income*—Median income for the area.

13. *Tract Income Ratio*—Ratio of the 1990 census tract median income to the 1990 local area median income (i.e., loan-level data element number 11 divided by loan-level data element number 12).

14. *Area Median Family Income*—Current median family income for a family of four for the area as established by HUD.

15. *Affordability Category*—Indicates under which, if any, of the special affordable goals mandated by HUD for Fannie Mae and Freddie Mac, the property would qualify.

16. *Acquisition Unpaid Principal Balance (UPB)*—UPB in whole dollars of the mortgage when purchased by the FHLBank.

17. *Loan-to-Value (LTV) Ratio at Origination*—LTV ratio of the mortgage at the time of origination.

18. *Participation Percentage*—Where the mortgage acquisition is a participation, the percentage of the mortgage when the note was created for each FHLBank listed in loan-level data element number 2.

19. *Date of Mortgage Note*—Date the mortgage note was created.

20. *Date of Acquisition*—Date the FHLBank acquired the mortgage.

21. *Purpose of Loan*—Indicates whether the mortgage was a purchase money mortgage, a refinancing, a construction mortgage, or a financing of property rehabilitation.

22. *Cooperative Project Loan*—Indicates whether the mortgage is a project loan on a cooperative housing building.

23. *Mortgagor Type*—Indicates the type of mortgagor, i.e., an individual, a for-profit entity such as a corporation or partnership, a nonprofit entity such as a corporation or partnership, a public entity, or other type of entity.

24. *Product Type*—Indicates the product type of the mortgage, i.e., fixed rate, adjustable rate mortgage (ARM), balloon, graduated payment mortgage (GPM) or growing equity mortgages (GEM), reverse annuity mortgage, or other.

25. *Government Insurance*—Indicates whether any part of the mortgage has government insurance.

26. *FHA Risk Share Percent*—The percentage of the risk assumed for the mortgage purchased under a risk-sharing arrangement with FHA.

27. *Mortgage Purchased under the Banks' Community Investment Cash Advances (CICA) Programs*—Indicates whether the Bank purchased the mortgage under an AHP or CIP program.

28. *Acquisition Type*—Indicates whether the FHLBank acquired the mortgage with cash, by swap, with a credit enhancement, a bond or debt purchase, reinsurance, risk-sharing, real estate investment trust (REIT), or a real estate mortgage investment conduit (REMIC), or other.

29. *Term of Mortgage at Origination*—Term of the mortgage at the time of origination in months.

30. *Amortization Term*—For amortizing mortgages, the amortization term of the mortgage in months.

31. *Originating Lender Institution*—Name of the entity that originated the loan.

32. *Originating Lender City*—City location of the entity that originated the loan.

33. *Originating Lender State*—State location of the entity that originated the loan.

34. *Acquiring Lender Institution*—Name of the entity from which the FHLBank acquired the mortgage.

35. *Acquiring Lender City*—City location of the entity from which the FHLBank acquired the mortgage.

36. *Acquiring Lender State*—State location of the institution from which the FHLBank acquired the mortgage.

37. *Type of Seller Institution*—Type of institution that sold the mortgage to the GSE, i.e., mortgage company, Savings Association Insurance Fund (SAIF) insured depositary institution, Bank Insurance Fund (BIF) insured depositary institution, National Credit Union Association (NCUA) insured credit union, or other seller.

38. *FHLBank Real Estate Owned*—Indicates whether the mortgage is on a property that was in the FHLBank's real estate owned (REO) inventory.

39. *Number of Units*—Indicates the number of units in the mortgaged property.

40. *Geographically Targeted Indicator*—Numeric code that indicates loans made in census tracts classified as underserved by HUD.

41. *Public Subsidy Program*—Indicates whether the mortgage property is involved in a public subsidy program and which level(s) of government are involved in the subsidy program, *i.e.,* Federal government only, other only, Federal government, etc.

42. *Unit Class Level*—The following data apply to unit types in a particular mortgaged property. The unit types are defined by the Banks for each property and are differentiated based on the number of bedrooms in the units and on the average contract rent for the units. A unit type must be included for each bedroom size category in the property;

A. Unit Type XX—Number of Bedroom(s)—the number of bedrooms in the unit type;

B. Unit Type XX—Number of Units—the number of units in the property within the unit type;

C. Unite Type XX—Average Reported Rent Level—the average rent level for the unit type in whole dollars; and

D. Unit Type XX—Average Reported Rent Plus Utilities—the average reported rent level plus the utility cost for each unit in whole dollars; and

E. Unit Type XX—Affordability Level—the ratio of the average reported rent plus utilities for the unit type to the adjusted area median income

F. Unit Type XX—Tenant Income Indicator—indicates whether the tenant's income is less than 60 percent of area median income, greater than or equal to 60 percent but less than 80 percent of area median income, greater than or equal to 80 percent but less than 100 percent of area median income, or greater than or equal to 100 percent of area median income.

43. *Interest Rate*—Note rate on the loan.

44. *Debt Service Coverage Ratio*—Ratio of net operating income to debt service.

45. *Default Status*—Numeric indicator for whether the loan is currently in default.

46. *Termination Date*—Date on which the loan terminated.

47. *Termination Type*—Numeric indicator for whether the loan terminated in a prepayment, foreclosure, or other types of termination.

48. *ARM Index*—Index used for the calculation of interest on an ARM.

49. *ARM margin*—Margin added to the index for calculation of the interest on an ARM.

50. *Prepayment Penalty Terms*—Numeric indicator for types of prepayment penalties.

10. In subchapter G, revise part 956 to read as follows:

PART 956—FEDERAL HOME LOAN BANK INVESTMENTS

Sec.
956.1 Definitions.
956.2 Authorized investments.
956.3 Prohibited investments and prudential rules.
956.4 Risk-based capital requirement for investments.

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a), 1431, 1436.

§ 956.1 Definitions.

As used in this part:

Deposits in banks or trust companies has the meaning set forth in § 969.3 of this chapter.

Financial Management Policy means the Financial Management Policy For The Federal Home Loan Bank System approved by the Finance Board pursuant to Finance Board Resolution No. 96–45 (July 3, 1996), as amended by Finance Board Resolution No. 96–90 (Dec, 6, 1996), Finance Board Resolution No. 97–05 (Jan. 14, 1997), and Finance Board Resolution No. 97–86 (Dec. 17, 1997).

GAAP means Generally Accepted Accounting Principles.

Investment grade means:

(1) A credit quality rating in one of the four highest credit rating categories by an NRSRO and not below the fourth highest credit rating category by any NRSRO; or

(2) If there is no credit quality rating by an NRSRO, a determination by a Bank that the issuer, asset or instrument is the credit equivalent of investment grade using credit rating standards available from an NRSRO or other similar standards.

NRSRO has the meaning set forth in § 966.1 of this chapter.

§ 956.2 Authorized investments.

In addition to assets enumerated in parts 950 and 955 of this chapter and subject to the applicable limitations set forth in this part and in part 980 of this chapter, each Bank may invest in:

(a) Obligations of the United States;

(b) Deposits in banks or trust companies;

(c) Obligations, participations or other instruments of, or issued by, the Federal National Mortgage Association or the Government National Mortgage Association;

(d) Mortgages, obligations, or other securities that are, or ever have been, sold by the Federal Home Loan Mortgage Corporation pursuant to 12 U.S.C. 1454 or 1455;

(e) Stock, obligations, or other securities of any small business investment company formed pursuant to 15 U.S.C. 681(d), to the extent such investment is made for purposes of aiding members of the Bank; and

(f) Instruments that the Bank has determined are permissible investments for fiduciary or trust funds under the laws of the state in which the Bank is located.

§ 956.3 Prohibited investments and prudential rules.

(a) *Prohibited investments.* A Bank may not invest in:

(1) Instruments that provide an ownership interest in an entity, except for investments described in §§ 940.3(a)(5) and (6) of this chapter;

(2) Instruments issued by non-United States entities, except United States branches and agency offices of foreign commercial banks;

(3) Debt instruments that are not rated as investment grade, except:

(i) Investments described in § 940.3(a)(5) of this chapter; and

(ii) Debt instruments that were downgraded to a below investment grade rating after acquisition by the Bank; or

(4) Whole mortgages or other whole loans, or interests in mortgages or loans, except:

(i) Acquired member assets;

(ii) Marketable direct obligations of state or local government units or agencies, having at least the second highest credit rating from a NRSRO, where the purchase of such obligations by the Bank provides to the issuer the customized terms, necessary liquidity, or favorable pricing required to generate needed funding for housing or community lending;

(iii) Mortgage-backed securities, or asset-backed securities collateralized by manufactured housing loans or home equity loans, that meet the definition of the term ''securities'' under 15 U.S.C. 77b(a)(1); and

(iv) Loans held or acquired pursuant to section 12(b) of the Act (12 U.S.C. 1432(b)).

(b) *Foreign currency or commodity positions prohibited.* A Bank may not take a position in any commodity or foreign currency. If a Bank participates in consolidated obligations denominated in a currency other than U.S. Dollars or linked to equity or commodity prices, the currency, commodity and equity risks must be hedged.

§ 956.4 Risk-based capital requirement for investments.

Each Bank shall hold retained earnings plus specific loan loss reserves as support for the credit risk of all investments that are not rated by a NRSRO, or are rated below the second highest credit rating, in an amount equal to or greater than the outstanding balance of the investments times a factor associated with the credit rating of the investments as determined by the Finance Board.

Dated: April 12, 2000.

By the Board of Directors of the Federal Housing Finance Board.

Bruce A. Morrison,

Chairman.

[FR Doc. 00–10909 Filed 5–2–00; 8:45 am]

BILLING CODE 6725–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–05–AD]

Airworthiness Directives; Agusta S.p.A. Model A109A and A109A II Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) applicable to Agusta S.p.A. Model A109A and A109A II helicopters. This proposal would require radiographic inspection of the internal surface of each main rotor blade spar (spar) for corrosion. This proposal is prompted by the discovery of corrosion on the internal surfaces of the spar in the area adjacent to the main rotor blade inertia balance weights. The actions specified by the proposed AD are intended to prevent failure of a main rotor blade due to corrosion on the internal surface of the spar and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before July 3, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW–

05-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA), Via Giovanni Agusta 520, telephone (0331) 229111, fax (0331) 229605–222595. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5490, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–05–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–05–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Registro Aeronautico Italiano (RAI), the airworthiness authority for Italy, notified the FAA that an unsafe condition may exist on Agusta Model A109A and A109A II helicopters. The RAI advises that corrosion has been found on the internal surfaces of the spar.

Agusta has issued Alert Service Bulletin No. 109–111, dated October 14, 1999 (ASB), which specifies radiographic inspection and if necessary, eddy current or dye penetrant inspection of main rotor blades, part number (P/N) 109–0103–01-(all dash numbers except P/N 109–0103–01–115) installed on all Agusta Model A109A and A109A II helicopters to ensure that the blades are airworthy. The RAI classified this ASB as mandatory and issued AD No. 99–413, dated October 19, 1999, to ensure the continued airworthiness of these helicopters in Italy.

These helicopter models are manufactured in Italy and are 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 RAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the RAI, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Agusta Model A109A and A109A II helicopters of the same type designs registered in the United States, the proposed AD would require radiographic inspection of the upper and lower sides of each main rotor blade, P/N 109–0103–01–(all dash numbers except P/N 109–0103–01–115) for spar corrosion. The AD would require an initial radiographic inspection with recurring radiographic inspections at intervals not to exceed 24 months. If corrosion is detected at the STA 1354 centered radiographic inspection, the blade would be required to be removed from service. If corrosion is detected at the STA 2825 centered radiographic inspection, additional inspections either by eddy current at intervals not to exceed 25 hours time-in-service (TIS) or by dye penetrant at intervals not to exceed 10 hours TIS would be required.

The FAA estimates that 54 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours for the initial radiographic inspection and 4 work hours for each eddy current inspection per helicopter, and that the average labor rate is $60 per work hour. The total cost impact of the proposed AD on U.S. operators is estimated to be $343,440 assuming every helicopter requires an eddy current inspection each month for a 24-month interval and assuming that no blade will need to be replaced.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Agusta S.p.A.: Docket No. 2000–SW–05–AD.

Applicability: Model A109A and A109A II helicopters, with main rotor blade part

number (P/N) 109–0103–01–(all dash numbers except P/N 109–0103–01–115), installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of a main rotor blade due to corrosion on the internal surface of the spar and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS), perform a radiographic inspection of the upper and lower surfaces of each main rotor blade for internal corrosion on the spar in accordance with (IAW) Part I, paragraph 4, of Agusta Service Bulletin No. 109–111, dated October 14, 1999 (ASB).

(1) If no corrosion is detected, re-identify the blade by vibro-etching the letter ''R'' after the serial number on the nameplate.

(2) If corrosion is detected at the STA 1354 centered inspection, remove the affected blade from service before further flight.

(3) If corrosion is detected at the STA 2825 centered inspection, re-identify the blade by vibro-etching the letters ''RC'' after the serial number on the nameplate.

(b) After re-identifying a blade with the letter ''R'' after the serial number on the nameplate in accordance with paragraph (a)(1) of this AD, at intervals not to exceed 24 months, repeat the radiographic inspection IAW Part I, paragraph 4, of the ASB.

(1) If corrosion is detected at the STA 1354 centered inspection, remove the affected blade from service before further flight.

(2) If corrosion is detected at the STA 2825 centered inspection, re-identify the blade by vibro-etching the letter ''C'' after the letter ''R'' previously vibro-etched on the nameplate after the serial number.

(c) After re-identifying a blade with the letters ''RC'' after the serial number on the nameplate IAW paragraph (a)(3) or (b)(2) of this AD,

(1) At intervals not to exceed 24 months, repeat the STA 1354 centered radiographic inspection IAW Part I, paragraph 4.3 of the ASB, and

(2) Perform either:

(i) An eddy current inspection and, thereafter, at intervals not to exceed 25 hours TIS, repeat the eddy current inspection centered at STA 2825 in accordance with Part II, paragraph 1, of the ASB, or

(ii) A dye penetrant inspection and, thereafter, at intervals not to exceed 10 hours TIS, repeat the dye-penetrant inspection centered at STA 2825 IAW with Part II, paragraph 2, of the ASB.

(3) If corrosion is detected at the STA 1354 centered radiographic inspection or if a crack is detected at the STA 2825 centered eddy currant or dye penetrant inspection, remove the affected blade from service before further flight.

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

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

Note 3: The subject of this AD is addressed in Registro Aeronautico Italiano (Italy) AD No. 99–413, dated October 19, 1999.

Issued in Fort Worth, Texas, on April 18, 2000.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–11062 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–84–AD]

Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Bell Helicopter Textron Canada (BHTC) Model 430 helicopters. This proposal would require replacing arm clamp screws (screws) in the yaw, roll, pitch, and collective syncro resolvers, and installing a guard bracket on the yaw, roll, pitch, and collective syncro resolvers. This proposal is prompted by an operator's report that a yaw control channel jammed during freedom-of-control checks following maintenance. The actions specified by the proposed AD are intended to prevent a jammed flight control and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before July 3, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–84–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–SW–84–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–84–AD, 2601

Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

Transport Canada, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain BHTC Model 430 helicopters. Transport Canada advises that a yaw control channel malfunctioned during a check for freedom-of-controls following maintenance because a screw that clamps the control arm to the yaw synchro resolver shaft was loose. This allowed the control arm to separate from the shaft and jam against an airframe stringer. To secure the installation of the four resolver control arms, the screws must be removed and replaced with airworthy screws and guard brackets must be installed.

BHTC has issued Bell Helicopter Textron Alert Service Bulletin No. 430–99–11, dated May 7, 1999, which introduces a higher torque alloy steel screw to replace the screws for the yaw, roll, pitch, and collective syncro resolvers. This service bulletin also specifies installing a guard bracket on the yaw, roll, pitch, and collective syncro resolvers to prevent the control arm from separating in case of a loss of torque of the clamping screw. Transport Canada classified this service bulletin as mandatory and issued AD No. CF–99–26, dated September 28, 1999, in order to assure the continued airworthiness of these helicopters in Canada.

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

Since an unsafe condition has been identified that is likely to exist or develop on other BHTC Model 430 helicopters of the same type design registered in the United States, the proposed AD would require replacing screws in the yaw, roll, pitch, and collective syncro resolvers, and installing a guard bracket on the yaw, roll, pitch, and collective syncro resolvers. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 33 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 6.0 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $548. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $29,964.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Helicopter Textron Canada: Docket No. 99–SW–84–AD.

Applicability: Model 430, serial numbers 49001 through 49018, 49020 through 49043, and 49045 through 49051, 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 (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 within 150 hours time-in-service after the effective date of this AD, unless accomplished previously.

To prevent a jammed flight control and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove the arm clamp screws (screws) in the yaw, roll, pitch, and collective syncro resolvers and replace them with airworthy screws in accordance with the Accomplishment Instructions in Alert Service Bulletin 430–99–11, dated May 7, 1999 (ASB).

(b) Install a guard bracket on the yaw, roll, pitch, and collective syncro resolvers in accordance with the Accomplishment Instructions in the ASB.

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

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

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD No. CF–99–26, dated September 28, 1999.

Issued in Fort Worth, Texas, on April 20, 2000.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–11063 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–98–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped With Pratt & Whitney (PW) JT9D–7Q and JT9D–7Q3 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require a detailed visual inspection to detect evidence of wear or contact between the precooler support fitting and link assembly; and rework and reidentification of the fitting. This proposal is prompted by a report of rupturing of a diffuser case on a PW JT9D–7Q engine due to cracking in the outer pressure wall in the rear skirt area. The actions specified by the proposed AD are intended to prevent contact between the precooler support link and the precooler support fitting, which could contribute to an uncontained failure of the diffuser case and damage to the airplane.

DATES: Comments must be received by 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–98–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Dionne Krebs, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2250; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–98–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–98–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In January 1997, the diffuser case on a Pratt & Whitney (PW) JT9D–7Q engine ruptured when the engine was at takeoff power at the beginning of a takeoff roll. The engine was installed on a Boeing Model 747–251 airplane. Both engine side cowl doors, a precooler, and other hardware were ejected from the engine as a result of the rupture of the diffuser case. The escaping gas and engine debris blew out the engine pylon access panels and created holes, cracks, and other damage to the leading edge, aileron, and flaps of the wing.

The diffuser case fracture was due to a crack that most likely developed in a toolmark that was left by a blending operation adjacent to the dog-bone-shaped embossment at the 11 o'clock circumferential location of the outer pressure wall of the case in the area of the rear skirt. Although extensive investigation of the incident could not determine the source of the vibration that caused the crack to progress in a high-cycle fatigue mode, the investigation did reveal evidence of contact between the precooler support link and the precooler support fitting.

Contact between the precooler support link and the precooler support fitting may result in additional vibration through the mount boss to the case. The additional vibration caused by contact of the support link and the support fitting may have contributed to propagation of the crack. Such contact between the precooler support link and precooler support fitting, if not corrected, could contribute to an uncontained failure of the diffuser case and damage to the airplane.

Explanation of Relevant Service Information

Boeing has issued Service Letter 747–SL–36–089, dated August 10, 1998, which describes procedures for reworking certain precooler support fittings. Accomplishment of the action specified in the service letter is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a detailed visual inspection to detect evidence of wear or contact between the precooler support fitting and link assembly; and rework and reidentification of the fitting. The rework would be required to be accomplished in accordance with the service letter described previously.

Cost Impact

There are approximately 79 airplanes of the affected design in the worldwide fleet. The FAA estimates that 27 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be $3,240, or $120 per airplane.

It would take approximately 16 work hours per airplane to accomplish the proposed rework, and that the average labor rate is $60 per work hour. No parts are required to accomplish the rework. Based on these figures, the cost impact of the proposed rework on U.S.

operators is estimated to be $25,920, or $960 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 2000–NM–98–AD.

Applicability: Model 747 airplanes, certificated in any category; equipped with Pratt & Whitney JT9D–7Q and JT9D–7Q3 turbofan engines.

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 contact between the precooler support link and the precooler support fitting, which could contribute to an uncontained failure of the diffuser case and damage to the airplane, accomplish the following:

(a) For any precooler support fitting having P/N 65B90924–1 or P/N 65B90924–600 that has not been reworked to the dimensions specified in Boeing Service Letter 747–SL–36–089, dated August 10, 1998: Within 6,000 hours time-in-service after the effective date of this AD, or within 18 months after the effective date of this AD, whichever occurs first, perform a detailed visual inspection to detect evidence of contact wear or contact between the precooler support fitting and link assembly, P/N 69B93162–1 or 69B93162–3, in accordance with the service letter.

(1) If no evidence of contact wear or contact between the precooler support fitting and link assembly is found: At the next engine removal, rework the precooler support fitting to the dimensions specified in the service letter, in accordance with the service letter; and permanently and legibly reidentify the support fitting as P/N 65B09024–601.

(2) If any evidence of contact wear or contact between the precooler support fitting and link assembly is found: Prior to further flight, rework the precooler support fitting to the dimensions specified in the service letter, in accordance with the service letter; and permanently and legibly reidentify the support fitting as P/N 65B09024–601.

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) For any precooler support fitting having P/N 65B90924–1 or P/N 65B90924–600 that has been reworked to the dimensions specified in Boeing Service Letter 747–SL–36–089, dated August 10, 1998, but has not been permanently and legibly reidentified: Within 6,000 hours time-in-service or 18 months after the effective date of this AD, whichever occurs first, permanently and legibly reidentify the reworked fitting as P/N 65B09024–601.

Alternative Methods of Compliance

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

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

Special Flight Permit

(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.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–11064 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–849, MM Docket No. 00–66, RM–9842]

Radio Broadcasting Services; Des Moines, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Sierra Grande Broadcasting seeking the allotment of Channel 287C to Des Moines, NM, as the community's first local aural service. Petitioner is requested to provide demographic information showing that Des Moines qualifies as a ''community'' for allotment purposes. Channel 287C can be allotted to Des Moines in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 36–45–48 NL; 103–50–12 WL.

DATES: Comments must be filed on or before June 5, 2000, and reply comments on or before June 20, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., 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: Willison H. Gormly, Owner and Electrical Engineer, Sierra Grande Broadcasting, P.O. Box 51, Des Moines, New Mexico 88418–0051.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–66, adopted April 5, 2000, and released April 14, 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.

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. 00–10925 Filed 5–2–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 000412106–0106–01; I.D. 032200A]

RIN 0648–AO02

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Atlantic Coast Horseshoe Crab Fishery; Closed Area to Horseshoe Crab Fishing

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

ACTION: Advance Notice of Proposed Rulemaking (ANPR); consideration of a closed area to fishing for horseshoe crab.

SUMMARY: NMFS announces that it is considering, and is seeking public comment on, a prohibition on fishing for horseshoe crab (Limulus polyphemus) in Federal waters (EEZ) in an area encompassing a 30-nautical mile (nm) (55.6 km) radius from the mouth of the Delaware Bay (measured from the territorial sea boundary midway between Cape May, New Jersey and Cape Henlopen, Delaware). NMFS would take such action, if appropriate, under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA, 16 U.S.C. 5101 *et seq.*) with the purpose of conserving the Delaware Bay population of horseshoe crabs at a level that can sustain fisheries and provide a sufficient amount of horseshoe crab eggs for migratory shorebirds, which feed on such eggs.

DATES: Comments must be received by June 2, 2000.

ADDRESSES: Comments should be addressed to Richard Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries (Fx2), National Marine Fisheries Service, 8484 Georgia Avenue, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Paul Perra, 301–427–2014.

SUPPLEMENTARY INFORMATION: The Atlantic coast horseshoe crab fishery takes place from Maine through Florida. Approximately 60 percent of horseshoe crabs are taken in the territorial sea (an area which extends from the coastline seaward to a distance of 3 nm (5.56 km)) off of the mid-Atlantic states (New York through Virginia). The fishery in Federal waters (3–200 nm) takes place seaward of the 3-nm line off of the mid-Atlantic states, where horseshoe crabs are primarily harvested with trawls or dredges.

In the mid-Atlantic area in recent years, there has been a dramatic shift in fishing effort on horseshoe crabs from waters under state jurisdiction to waters under Federal jurisdiction. This has raised concern about maintaining the Delaware Bay population of horseshoe crabs at levels that can sustain fisheries and provide an abundance of horseshoe crab eggs, an important food source for migratory shorebirds. While no complete Atlantic coast stock assessment is available for horseshoe crabs, some mid-Atlantic surveys show declining trends in horseshoe crab abundance. Fisheries in waters under state jurisdiction are managed through the Interstate Fishery Management Plan for the Horseshoe Crab (Plan) developed by the Atlantic States Marine Fisheries Commission (Commission). Since the majority of horseshoe crabs are harvested from waters under state jurisdiction, horseshoe crab fisheries are managed most appropriately and effectively under the authority of the ACFCMA, which provides for the issuance of compatible Federal regulations in the EEZ complementary to those of the states.

The Commission approved the Plan in November 1999, and Addendum 1 to the Plan in February 2000. The states, through adoption of the Plan and its Addendum 1, recognize the need to conserve horseshoe crab stocks. Under Addendum 1, a variety of new requirements in state waters is being implemented to better monitor and manage the horseshoe crab fishery, including a 25 percent reduction in each state's horseshoe crab bait-fishery landings. Addendum 1 also recommends to NMFS that it ''should establish an offshore horseshoe crab sanctuary in federal waters within a 30 nautical mile radius of the mouth of the Delaware Bay. The taking of horseshoe crabs for any purpose, including biomedical, would be prohibited in this sanctuary. Furthermore, the NMFS should prohibit the transfer of horseshoe crabs in Federal waters.''

The Commission requested that the area in the EEZ off the mouth of the Delaware Bay be closed to fishing to give special protection to that Bay's population of horseshoe crabs. The Commission determined that this protection is necessary to conserve the Delaware Bay population of horseshoe crabs at sustainable levels and to maintain the abundance of horseshoe crab eggs in Delaware Bay as a food source for migratory shorebirds.

Because of the difficulty in enforcing a closed area in the shape of a radius (semi-circle), NMFS is considering establishing a closed area in Federal waters that would be roughly equivalent in the shape of a rectangle. The closed area would be bounded as follows:

(1) On the north by a straight line connecting points 39°15.0′ N. lat., 74°32.66′ W. long. (3 nm off of Peck Beach, New Jersey) and 39°15.0′ N lat., 74°22.0′ W. long.

(2) On the east by a straight line connecting points 39°15.0′ N. lat., 74°22.0′ W. long. and 38°22.0′ N. lat., 74°22.0′ W. long.

(3) On the south side by a straight line connecting points 38°22.0′ N. lat., 74°22.0′ W. long. and 38°22.0′ N. lat., 75°35.46′ W. long. (3 nm off of Ocean City, Maryland).

(4) On the west by state waters.

NMFS is seeking public comment on this ANPR (see **ADDRESSES**) under the ACFCMA. Public comment is sought as to whether there is a need to close fishing for horseshoe crabs seaward from the mouth of the Delaware Bay, and, if so, what should be the size and shape of the closure area.

During the ANPR process for the closed area, NMFS also intends to publish a proposed rule on permitting and reporting requirements and a prohibition of transfers at sea for the horseshoe crab fishery. After reviewing comments received during the ANPR process, a separate proposed rule for the closed area may be published.

This action has been determined to be not significant for the purposes of Executive Order 12866.

Authority: 16 U.S.C. 5101 *et seq.*

Dated: April 27, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

[FR Doc. 00–11021 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 65, No. 86

Wednesday, May 3, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collections to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503. Copies of submission may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–0020.

Form Number: AID 1450–4.

Title: Supplier's Certificate and Agreement with the U.S. Agency for International Development for Project Commodities/Invoice and Contract Abstract.

Type of Submission: Renewal of Information Collection.

Purpose: When USAID is not a party to a contract which it finances, it needs some means of collecting information directly from the suppliers of such commodities and related services to enable it take appropriate action in the event that they do not comply with applicable USAID regulations. The information collection, recordkeeping, and reporting requirements are necessary to assure that USAID funds are expended in accordance with statutory requirements and USAID policies. It also allows for positive identification of transactions where overcharges occur.

Annual Reporting Burden

Respondents: 50.

Total annual responses: 300.

Total annual hours requested: 196 hours.

Dated: April 26, 2000.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau of Management.

[FR Doc. 00–11040 Filed 5–2–00; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collections to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington DC 20503. Copies of submission may be obtained by calling (202) 712–1365.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–0017.

Form Number; AID 1440–3.

Title: Contractor's Certificate and Agreement with the U.S. Agency for International Development/Contractor's Invoice and Contract Abstract.

Type of Submission: Renewal of Information Collection.

Purpose: USAID finances host country contracts, for technical and professional services and for the construction of physical facilities, between the contractors for such services and entities in the country receiving assistance under loan or grant agreements with the recipient country. USAID is not a party to these contracts, and the contracts are not subject to the FAR. In its role as the financing agency, USAID needs some means of collecting information directly from the contractors supplying such services so that it may take appropriate action in the event that the contractor does not comply with applicable USAID regulations. The information collection, recordkeeping, and reporting requirements are necessary to assure that USAID funds are expended in accordance with statutory requirements and USAID policies.

Annual Reporting Burden:

Respondents: 18.

Total annual responses: 216.

Total annual hours requested: 126 hours.

Dated: April 26, 2000.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 00–11041 Filed 5–2–00; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Draft Guidance on the Definition and Use of FY2000—Food for Peace Funds for Children Affected by HIV/AIDS

Pursuant to the Agriculture Market and Transition Act of 1996 (Pub. L. 480, as amended), notice is hereby given that the Draft Guidance On The Definition and Use of FY2000—Food for Peace Funds for Children Affected by HIV/AIDS is available to interested parties for the required thirty (30) day comment period.

Individuals who wish to receive a copy of these draft guidelines may download them from the USAID website at:

http://www.info.usaid.gov/hum__response/ffp/

or contact:

Office of Food for Peace, Agency for International Development, RRB 7.06–120, 1300 Pennsylvania Avenue, Washington, DC 20523–0809.

Contact person: Gwen Johnson, (202) 712–0664. Individuals who have questions or comments on these draft guidelines should contact Richard Newberg at (202) 712–1828.

The thirty day comment period will begin on the date that this announcement is published in the **Federal Register**.

Dated: April 24, 2000.

William T. Oliver,

Director, Office of Food for Peace, Bureau for Humanitarian Response.

[FR Doc. 00–11039 Filed 5–2–00; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–032–1]

Availability of Draft Pest Risk Assessment for the Importation of Honeybees and Honeybee Germ Plasm from Australia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: We are advising the public that a draft pest risk assessment has been prepared by the Animal and Plant Health Inspection Service for the importation of honeybees and honeybee germ plasm from Australia. We are making this draft pest risk assessment available to the public for review and comment.

DATES: We invite you to comment on the draft pest risk assessment. We will consider all comments that we receive by July 3, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–032–1, 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. 00–032–1.

A copy of the draft pest risk assessment, and any comments that we receive on it, may be reviewed 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.

FOR FURTHER INFORMATION CONTACT: Dr. Wayne F. Wehling, Entomologist, Permits and Risk Assessments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–8757.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture has received a request from the Government of Australia to allow the importation into the United States of adult honeybees (*Apis mellifera*) (specifically queens and package bees) and honeybee germ plasm from Australia. The request was made in accordance with the General Agreement on Tariffs and Trade.

To determine whether the risk associated with such importation is low enough for us to initiate rulemaking to implement this change to our regulations, we have prepared a draft pest risk assessment, entitled ''Pest Risk Assessment: Importation of Adult Queens, Package Bees, and Germ Plasm of Honeybees (*Apis mellifera* L.) From Australia,'' in consultation with the Government of Australia. The draft pest risk assessment identifies quarantine pests associated with the importation of honeybees and honeybee germ plasm from Australia and qualitatively assesses the likelihood of the introduction of these quarantine pests into the United States, as well as the consequences of introduction.

We are making this draft pest risk assessment available to the public for review and comment. In particular, we request feedback on the risk factors, methodology, and documentation used in the draft pest risk assessment. We will consider all comments that we receive by the date listed under the heading **DATES** at the beginning of this notice.

The draft pest risk assessment is available in our reading room (information on the location and hours of the reading room is listed under the heading **ADDRESSES** at the beginning of this notice), on the Internet at http://www.aphis.usda.gov/ppq/pra/honeybees/, by calling the Plant Protection and Quarantine automated fax retrieval system at (301) 734–3560 and requesting document 0029, or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

Authority: 7 U.S.C. 281; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 28th day of April 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–11054 Filed 5–2–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent to Extend and Revise a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intent of the National Agricultural Statistics Service (NASS) to extend and revise a currently approved information collection, the *List Sampling Frame.*

DATES: Comments on this notice must be received by July 7, 2000 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4117 South Building, Washington, DC 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: List Sampling Frame.

OMB Number: 0535–0140.

Expiration Date of Approval: July 31, 2000.

Type of Request: Intent to extend and revise a currently approved information collection.

Abstract: The primary objectives of the National Agricultural Statistics Service are to prepare and issue state and national estimates of crop production, livestock production, economic statistics, and environmental statistics related to agriculture and also to conduct the Census of Agriculture.

The List Sampling Frame is used to maintain as complete a list as possible of farm operations. The goal is to produce for each state a relatively complete, current, and unduplicated list of names to sample for agricultural operation surveys. Information from these surveys is used by government agencies and educational institutions in planning, farm policy analysis, and program administration.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 minutes per response.

Respondents: Farms.

Estimated Number of Respondents: 325,000.

Estimated Total Annual Burden on Respondents: 16,670 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, the Agency OMB Clearance Officer, at (202) 720–5778.

COMMENTS: 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 collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Ginny McBride, Agency OMB Clearance Officer, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4162 South Building, Washington, DC 20250–2000.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, March 24, 2000.

Rich Allen,

Associate Administrator.

[FR Doc. 00–11052 Filed 5–2–00; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent to Seek Approval to Conduct an Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intent of the National Agricultural Statistics Service (NASS) to request approval for an information collection, the *Nursery and Greenhouse Production and Chemical Use Survey.*

DATES: Comments on this notice must be received by July 7, 2000 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4117 South Building, Washington, DC 20250–2000; (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Nursery and Greenhouse Production and Chemical Use Survey.

Type of Request: Intent to Seek Approval to Conduct an Information Collection.

Abstract: The goal of this National Agricultural Statistics Service project is to measure (1) Production and value of key nursery products, (2) chemical use in nurseries and greenhouses, and (3) chemical use in floriculture. Nursery and greenhouse production in the United States was valued at more than $10 billion in 1998 and is the fastest growing segment of American agriculture. USDA, however, has not previously made regular estimates of nursery production. The first part of this survey will start assessing the production and economic contribution of the nursery industry to U.S. agriculture every 2 years. Similarly, the amount of chemical usage in nursery and greenhouse operations is not currently known. The second part of this survey will measure the chemical products applied to nursery and greenhouse products, their rate of application, and total amount of active ingredients applied. The results of this part of the information collection will provide policy makers with the information necessary to make informed and unbiased decisions concerning pesticide registrations.

A census of the approximately 5,500 nursery and greenhouse operations in the 14 major producing States will be conducted to estimate production. Most operations will receive the production-only mail questionnaire but a sample will be personally interviewed with the production questionnaire plus a chemical use questionnaire.

Parts one and two, then, will address the following objectives: measure production and value of key categories of nursery and greenhouse products, identify chemical products used by the nursery and greenhouse industries, and measure application rates and total amount of active ingredients applied.

The third part of this survey involves the operations in the separate Commercial Floriculture Survey, conducted in the 12 major floriculture-producing States. Like the nursery survey, most floriculture operations will receive the production-only mail questionnaire but a sample will be personally interviewed with the production questionnaire plus a chemical use questionnaire.

Data collection for all three parts is scheduled to coincide with the annual Commercial Floriculture Survey (of production, OMB docket #0535–0093) in January–March 2001. Operations that are selected for production information only will be contacted by mail or telephone. Operations selected for chemical usage information will have a face-to-face interview since chemical use data are not adequately collected by telephone or mail. These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Based on data collected on the Commercial Floriculture Survey and previously conducted chemical use surveys, it is estimated that the production-only mail questionnaire will take about ½ hour to complete and personal interviews will take ½ hour for the production portion and ½ hour for the chemical use portion. Floriculture production data are covered by the separate docket and will not count toward this estimate of burden. There will be an advance letter to all operations. A response rate of 85% is expected.

Respondents: Producers of nursery and greenhouse products.

Estimated Number of Respondents: 8,000.

Estimated Total Annual Burden on Respondents: 4,200.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, Agency OMB Clearance Officer, at (202) 720–5778.

COMMENTS: 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 collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Ginny McBride, Agency OMB Clearance Officer, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4162 South Building, Washington, DC

20250–2000. All responses to this notice will become a matter of public record and be included in the request for OMB approval.

Signed at Washington, DC, April 24, 2000.

Rich Allen,

Associate Administrator.

[FR Doc. 00–11051 Filed 5–2–00; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability (NOFA) Inviting Applications for the Rural Community Development Initiative (RCDI); Correction

AGENCY: Rural Housing Service, USDA.

ACTION: Correction.

SUMMARY: The Rural Housing Service (RHS) corrects a notice published March 17, 2000 (65 FR 14525). This action is taken to correct the definition of ''low-income community''.

Accordingly, the notice published March 17, 2000 (65 FR 14525), is corrected as follows:

On page 14525 in the third column under ''Definitions for RCDI Purposes'', the definition for ''Low-income community'' should read ''*Low-income community*—a city, town, village, county, parish, borough, or federally recognized Indian tribe with a median household income at, or below, 80 percent of the statewide median household income.''

Dated: April 26, 2000.

Inga Smulkstys,

Acting Under Secretary, Rural Development.

[FR Doc. 00–11053 Filed 5–2–00; 8:45 am]

BILLING CODE 3410–XV–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Connecticut Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 1:00 p.m. and recess at 10:00 p.m. on Wednesday, May 24, 2000; reconvene at 9:00 a.m. and adjourn at 5:10 p.m. on Thursday, May 25, 2000, at the Bridgeport Holiday Inn, 1070 Main Street, Bridgeport, Connecticut 06604. The Committee will hold a community forum on issues dealing with police-community relations and treatment of minority students in public schools in Bridgeport, Connecticut. Invited panelists include local and Federal officials, civil rights advocates, community leaders and citizens.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Neil Macy, 860–242–7287, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 27, 2000.

Lisa M. Kelly,

Special Assistant to the Staff Director, Regional Programs Coordination Unit.

[FR Doc. 00–10947 Filed 5–2–00; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Extruded Rubber Thread From Malaysia: Notice of Amended Final Results of Administrative Review in Accordance With Final Court Decision

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

ACTION: Notice of amended final results of antidumping duty administrative review in accordance with final court decision on extruded rubber thread from Malaysia.

SUMMARY: On November 24, 1999, the U.S. Court of International Trade (''the Court'') affirmed the Department of Commerce's (''the Department's'') remand determination of the final results of the third (1994–1995) antidumping duty administrative review of extruded rubber thread from Malaysia. No party has appealed this determination. As there is now a final and conclusive court decision in this action, we are amending our final results.

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Ron Trentham or Tom Futtner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–6320 and (202) 482–3814, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA'').

SUPPLEMENTARY INFORMATION:

Background

On June 20, 1997, the Department published *Extruded Rubber Thread From Malaysia, Final Results of Antidumping Duty Administrative Review,* 62 FR 33588 (June 20, 1997) (''*Final Results*''), covering the period October 1, 1994 through September 30, 1995. Subsequent to the publication of the Department's *Final Results,* the respondents (Heveafil Sdn. Bhd., Rubberflex Sdn. Bhd., Rubfil Sdn. Bhd., and Filati Lastex Elastofibre (Malaysia)) appealed the *Final Results* to the Court.

Based on these challenges the Court remanded the *Final Results. See Heveafil Sdn. Bhd., Rubberflex Sdn. Bhd., Rubfil Sdn. Bhd., and Filati Lastex Elastofibre (Malaysia)* v. *the United States,* Slip Op. 99–69 (July 23, 1999). On remand, the Court instructed the Department to (1) repeat the verification of Rubberflex Sdn. Bhd. (''Rubberflex''); (2) correct the double-counting of general and administrative (''G&A'') and indirect selling expenses in the calculation of constructed value (''CV'') for Rubfil Sdn. Bhd. (''Rubfil''); and (3) eliminate the double-counting of marine insurance for Filati Lastex Elastrofibre (''Filati'') in the calculation of Filati's dumping margin.

As a result of settlement negotiations, Rubberflex entered into an agreement with the Department to settle the litigation and to dismiss its claim with respect to the lawsuit. On October 22, 1999, the Department filed its remand determination with the Court, addressing issues related to the remaining plaintiffs. In its determination, the Department corrected for the double-counting of G&A and indirect selling expenses in the calculation of CV for Rubfil. The Department also corrected for the double-counting of marine insurance in Filati's margin calculation program.

As noted above, on November 24, 1999, the Court affirmed the Department's remand results and no appeal was filed. As there is now a final and conclusive court decision in this action, we are amending our *Final Results* of review in this matter and we will instruct the U.S. Customs Service

(''Customs'') to liquidate entries subject to this review in accordance with the remand results. Because the Department has published subsequent administrative reviews covering later time periods, future cash deposit rates will be governed by the most recently completed administrative review, according to the Department's normal procedures. *See Extruded Rubber Thread From Malaysia; Final Results of Antidumping Duty Administrative Review,* 65 FR 6140 (February 8, 2000).

Amended Final Results

Pursuant to section 516A(e) of the Act, we are now amending the *Final Results.* As a result of our recalculation of the margins, the final weighted-average margins for Rubfil and Filati have changed. Further, as a result of the settlement agreement, the final weighed-average margin for Rubberflex has changed. The final weighted-average margins for the above period of review are as follows:

Producer/manufacturer/exporter	Weighted-average margin (percent)
Rubfil Sdn. Bhd	36.14
Filati Lastex Elastofibre (Malyasia)	7.74
Rubberflex	10.00

The Department will determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions to Customs after publication of this amended final results of review.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 24, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–10928 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Extruded Rubber Thread From Malaysia: Notice of Amended Final Results of Administrative Review in Accordance With Final Court Decision

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

ACTION: Notice of amended final results of antidumping duty administrative review in accordance with final court decision on extruded rubber thread from Malaysia.

SUMMARY: On November 24, 1999, the U.S. Court of International Trade (''the Court'') affirmed the Department of Commerce's (''the Department's'') remand determination of the final results of the second (1993–1994) antidumping duty administrative review of extruded rubber thread from Malaysia. No party has appealed this determination. As there is now a final and conclusive court decision in this action, we are amending our final results.

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Ron Trentham or Tom Futtner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–6320 and (202) 482–3814, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA'').

SUPPLEMENTARY INFORMATION:

Background

On November 24, 1997, the Department published *Extruded Rubber Thread From Malaysia, Final Results of Antidumping Duty Administrative Review,* 62 FR 62547 (November 24, 1997) (''*Final Results*''), covering the period October 1, 1993 through September 30, 1994. Subsequent to the publication of the Department's *Final Results,* two respondents (Rubberflex Sdn. Bhd., and Rubfil Sdn. Bhd.) appealed the *Final Results* to the Court.

Based on these challenges the Court remanded the *Final Results. See Heveafil Sdn. Bhd., Rubberflex Sdn. Bhd. and Rubfil Sdn. Bhd.,* v. *the United States,* Slip Op. 99–68 (July 23, 1999). On remand, the Court instructed the Department to (1) repeat the verification of Rubberflex Sdn. Bhd. (''Rubberflex'') and (2) revise the margin calculation program to convert the ocean freight expense for Rubfil Sdn. (''Rubfil'') to U.S. dollars and to recalculate Rubfil's U.S. prices.

As a result of settlement negotiations, Rubberflex entered into an agreement with the Department to settle the litigation and to dismiss its claim with respect to the lawsuit. On October 22, 1999, the Department filed its remand determination with the Court, addressing issues related to Rubfil. In its determination, the Department revised the margin calculation program to convert the ocean freight expense to U.S. dollars and to recalculate Rubfil's U.S. prices.

As noted above, on November 24, 1999, the Court affirmed the Department's remand results and no appeal was filed. As there is now a final and conclusive court decision in this action, we are amending our *Final Results* of review in this matter and we will instruct the U.S. Customs Service (''Customs'') to liquidate entries subject to this review in accordance with the remand results. Because the Department has published subsequent administrative reviews covering later time frames, future cash deposits will be governed by the most recently completed administrative review, according to the Department's normal procedures. *See Extruded Rubber Thread From Malaysia; Final Results of Antidumping Duty Administrative Review,* 65 FR 6140 (February 8, 2000).

Amended Final Results

Pursuant to section 516A(e) of the Act, we are now amending the *Final Results.* As a result of our recalculation of the margins, the final weighted-average margin for Rubfil has changed. Further, as a result of the settlement agreement, the final weighed-average margin for Rubberflex has changed. The final weighted-average margins for the above period of review are as follows:

Producer/manufacturer/exporter	Weighted-average margin (percent)
Rubfil Sdn. Bhd	11.81
Rubberflex	10.00

The Department will determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions to Customs after publication of this amended final results of review.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 24, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–10929 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–810]

Final Results of Full Sunset Review: Mechanical Transfer Presses From Japan

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

ACTION: Notice of final results of full sunset review: Mechanical transfer presses from Japan.

SUMMARY: On January 6, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** (65 FR 753) the preliminary results of the full sunset review of the antidumping duty order on mechanical transfer presses from Japan (''MTP'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results and received comments filed on behalf of domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Carole A. Showers, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. & Constitution, NW, Washington, D.C. 20230; telephone: (202) 482–5050 or (202) 482-3217, respectively.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders, 63 FR 13516 (March 20, 1998) (''Sunset Regulations'') and in 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (''Sunset Policy Bulletin'').

Background

On January 6, 2000, the Department published in the **Federal Register** the Preliminary Results of Full Sunset Review: Mechanical Transfer Presses from Japan (65 FR 753). In our preliminary results, we found that revocation of the antidumping duty order on MTPs from Japan would be likely to lead to continuation or recurrence of dumping pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').

On February 15, 2000 we received case briefs on behalf of the domestic interested parties, Verson Division of Allied Products, Inc. (''Verson''), and the respondent interested parties, Komatsu Ltd, and Komatsu American Industries LLC (''Komatsu''), and Hitachi Zosen Corporation and Hitachi Zosen Fukui Corporation (''HZFukui'') (collectively ''the respondents''), within the deadline specified in 19 CFR 351.309(c)(1)(i). On February 22, 2000, within the deadline specified in 19 CFR 351.309(d)(1), the Department received rebuttal comments from the domestic and the respondent interested parties. The Department did not receive request for a public hearing. We have addressed the comments below.

Scope

The merchandise covered by this order is MTPs from Japan. The term ''mechanical transfer press'' refers to automatic metal-forming machine tools with multiple die stations in which the workpiece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be assembled or unassembled.

The Department published in the **Federal Register** several Notices of Scope Rulings with respect to MTPs from Japan and determined that, (1) spare and replacement parts are outside the scope of the order (*see* Notice of Scope Rulings, 57 FR 19602 (May 7, 1992)), (2) a destack sheet feeder designed to be used with a mechanical transfer press is an accessory and, therefore, is not within the scope of the order (*see* Notice of Scope Rulings, 57 FR 32973 (July 24, 1992)), (3) the FMX cold forging press is within the scope of the order (*see* Notice of Scope Rulings, 59 FR 8910 (February 24, 1994)), and (5) certain mechanical transfer press parts exported from Japan are outside the scope of the order (*see* Notice of Scope Rulings, 62 FR 9176 (February 28, 1997)). This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers 8462.99.0035 and 8466.94.5040. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description remains dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated April 26, 2000, which is hereby adopted by this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import—admin/records/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping. As such, the Department will report to the Commission the company-specific and ''all other'' rates from the original investigation listed below.

Manufacturer/exporter	Margin (percent)
Komatsu	15.16
Aida Engineering, Ltd	Revoked
All Others	14.51

This notice serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return or destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance

with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: April 26, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–10926 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–856]

Synthetic Indigo From the People's Republic of China; Notice of Final Determination of Sales at Less Than Fair Value

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

ACTION: Notice of final determination of sales at less than fair value.

SUMMARY: On December 14, 1999, the Department of Commerce published its preliminary determination of sales at less than fair value of synthetic indigo from the People's Republic of China. The period of investigation is October 1, 1998, through March 31, 1999.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final determination differs from the preliminary determination. The final weighted-average dumping margins for the investigated companies are listed below in the section entitled ''Final Determination of Investigation.''

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Dinah McDougall, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482–4136 or (202) 482–3773, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department's'') regulations refer to 19 CFR Part 351 (April 1999).

Background

On December 14, 1999, the Department published the Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Synthetic Indigo from the People's Republic of China (''PRC'') (64 FR 69723) (''Preliminary Determination''). The period of investigation is October 1, 1998 through March 31, 1999. We invited parties to comment on our preliminary determination of the investigation. The Department has conducted this investigation in accordance with section 731 of the Act.

Verification of the responses to the Department's sales and factors of production questionnaires took place in January 2000 (*see* the ''Verification'' section below).

The petitioners, Buffalo Color Corporation and the United Steelworkers of America, AFL–CIO/CLC, and the respondents, the China Chamber of Commerce of Metals, Minerals and Chemicals, and its respondent member firms, filed case and rebuttal briefs on March 23 and 28, 2000, respectively.

Scope of Investigation

The products subject to this investigation are the deep blue synthetic vat dye known as synthetic indigo and those of its derivatives designated commercially as ''Vat Blue 1.'' Included are Vat Blue 1 (synthetic indigo), Color Index No. 73000, and its derivatives, pre-reduced indigo or indigo white (Color Index No. 73001) and solubilized indigo (Color Index No. 73002). The subject merchandise may be sold in any form (*e.g.*, powder, granular, paste, liquid, or solution) and in any strength. Synthetic indigo and its derivatives subject to this investigation are currently classifiable under subheadings 3204.15.10.00, 3204.15.40.00 or 3204.15.80.00 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 merchandise under investigation is dispositive.

Verification

As provided in section 782(i)(1) of the Act, we verified the information submitted by the respondents for use in our final determination. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by the respondents.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the ''Issues and Decision Memorandum'' (''Decision Memorandum'') from Richard W. Moreland, Deputy Assistant Secretary, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated April 27, 2000, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B–099 of the Department. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at: *www.ita.doc.gov/import_admin/records/frn/*. The paper copy and electronic version of the Decision Memorandum are identical in content.

Separate Rates

All responding exporting entities have requested separate, company-specific antidumping duty rates. In the Preliminary Determination we determined that, based on the information contained in the questionnaire responses, the mandatory respondents, Wonderful Chemical Industrial Ltd. (''Wonderful'') and its affiliate Jiangsu Taifeng Chemical Industry Co. (''Jiangsu Taifeng''), and Tianjin Hongfa Group Co. (''Tianjin Hongfa''), had met the de jure and de facto criteria for the application of separate antidumping rates. *See* Preliminary Determination, 64 FR at 69725–6. However, during the course of verification, the Department was unable to completely verify the reported separate rates information for Tianjin Hongfa, and therefore, has determined that Tianjin Hongfa is not eligible to receive a separate rate. Accordingly, we have assigned Tianjin Hongfa the PRC-wide rate, as discussed in the ''PRC-Wide Rate'' section below. For a discussion of our determination with respect to separate rates and the application of the PRC-wide rate, see the ''Separate Rates'' section of the Decision Memorandum, which is available in B–099 and on the Web at *www.ita.doc.gov/import_admin/records/frn/*.

Margins for Exporters Whose Responses Were Not Analyzed

With respect to the responding companies that provided all of the questionnaire responses requested of them and otherwise fully cooperated with the Department's investigation, but nonetheless, were not fully analyzed by the Department due to limited resources (*see* Preliminary Determination, 64 FR at 69726), we assigned to them the rate calculated for the only mandatory respondent which was fully analyzed and which established its eligibility for a separate rate in this investigation (*i.e.*, Wonderful/Jiangsu Taifeng), as a non-adverse facts available rate. Companies receiving this rate are identified by name in the ''Continuation of Suspension of Liquidation'' section of this notice. For a discussion of our determination with respect to the cooperating, non-mandatory respondents, see the ''Separate Rates'' section of the Decision Memorandum.

PRC-Wide Rate

As explained in the Preliminary Determination, the PRC-wide antidumping rate is based on adverse facts available, in accordance with section 776(b) of the Act. *See* Preliminary Determination, 64 FR at 69726. Information on the record of this investigation indicates that there are numerous producers/exporters of the subject merchandise in the PRC in addition to the companies participating in this investigation. U.S. import statistics show that the responding companies did not account for all imports of synthetic indigo into the United States from the PRC. Given this discrepancy, it appears that not all PRC exporters of synthetic indigo responded to our antidumping duty questionnaire. Consistent with our preliminary determination, we have applied a single antidumping duty deposit rate (''PRC-wide rate'') to all synthetic indigo exporters in the PRC, except those specifically identified in the ''Continuation of Suspension of Liquidation'' section of this notice, based on our presumption that the export activities of the companies that failed to respond to the Department's questionnaire are controlled by the PRC government. We have also applied this rate to Tianjin Hongfa based on its failure to establish its eligibility for a separate rate, as discussed in the ''Separate Rates'' section above. The PRC-wide rate, which in this case is the highest margin from the petition, has been corroborated pursuant to section 776(c) of the Act using the method outlined in the Preliminary Determination. *See* 64 FR at 69726.

Changes Since the Preliminary Determination

Based on our analysis of comments received, we have made certain changes in the margin calculations. We have also corrected certain programming and clerical errors in our Preliminary Determination, where applicable. Any programming or clerical errors alleged by the parties with which we do not agree are discussed in the relevant sections of the Decision Memorandum.

Critical Circumstances

In our Preliminary Determination, we found, pursuant to section 733(e)(1) of the Act, that there was a reasonable basis to believe or suspect that critical circumstances exist with respect to the subject merchandise from the mandatory and non-mandatory respondents and all other producers/exporters. As discussed in detail in the Preliminary Determination, we first found that importers either knew or should have known that imports of synthetic indigo from the PRC were being sold at less than fair value and there was likely to be material injury. We then analyzed the import volume and value data placed on the record, in accordance with 19 CFR 351.206, and preliminarily determined that imports of the subject merchandise have been massive over the short period of time subsequent to the filing of the petition. In accordance with section 735(a)(3) of the Act, and based upon our verification of the shipment data placed on the record, we determine that critical circumstances exist with respect to synthetic indigo from the mandatory respondents in this investigation as well as the non-mandatory respondents and all other producers/exporters. Therefore, we are directing the Customs Service (''Customs'') to continue to suspend liquidation of any unliquidated entries of subject merchandise on or after the date 90 days prior to the date of publication of the preliminary determination in the **Federal Register**, as discussed below in the ''Continuation of Suspension of Liquidation'' section.

Continuation of Suspension of Liquidation

In accordance with section 735(c) of the Act, we are directing Customs to continue to suspend liquidation of all imports of the subject merchandise from the PRC that are entered, or withdrawn from warehouse, for consumption on or after September 15, 1999, the date 90 days prior to the date of publication of the preliminary determination in the **Federal Register**, in accordance with our critical circumstances finding.

Effective on or after the date of publication of the Department's final determination, Customs shall continue to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price or constructed export price, as appropriate, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage	Critical circumstances
Wonderful Chemical Industrial Ltd./Jiangsu Taifeng Chemical Industry Co., Ltd	77.89	Yes.
China National Chemical Construction Jiangsu Company	77.89	Yes.
China Jiangsu International Economic Technical Cooperation Corp	77.89	Yes.
Shanghai Yongchen International Trading Company Ltd	77.89	Yes.
Hebei Jinzhou Import & Export Corporation	77.89	Yes.
Sinochem Hebei Import & Export Corp	77.89	Yes.
Chongqing Dyestuff Import & Export United Corp	77.89	Yes.
Wuhan Tianjin Chemicals Imports & Exports Corp., Ltd	77.89	Yes.
PRC-wide Rate	129.60	Yes.

Except for entries of synthetic indigo from exporters that are identified individually above, the PRC-wide rate applies to all other entries of the subject merchandise.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (''ITC'') of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: April 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

Appendix—Issues in the Decision Memorandum

I. Respondent Selection

Comment 1: Tianjin Hongfa vs. Kwong Fat as Exporter

Comment 2: Wonderful vs. Intermediate Trading Company as Exporter

II. Separate Rates

Comment 3: Separate Rate for Tianjin Hongfa

Comment 4: Separate Rate for Wonderful/Jiangsu Taifeng

Comment 5: Cooperating Non-Mandatory Respondents

III. Factor Valuation

Comment 6: Valuation of Factory Overhead, SG&A, and Profit

Comment 7: Valuation of International Freight

Comment 8: Valuation of Certain Minor Inputs

Comment 9: Valuation of Water

Comment 10: Classification of ''Managerial Remuneration'' in Surrogate Value Financial Data

Comment 11: Date of Sale

Comment 12: Labor Hours Factor Reporting

Comment 13: Deduction of Trading Company Fees

[FR Doc. 00–11034 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

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

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

Docket Number: 00–009. *Applicant:* Purdue University, Department of Biological Sciences, Lilly Hall of Life Sciences, West Lafayette, IN 47907–1392. *Instrument:* Electron Microscope, Model CM300. *Manufacturer:* Philips, The Netherlands. *Intended Use:* The instrument is intended to be used in cryoelectron microscopy studies to determine the structure of some biological complexes. Samples studied will include non-icosahedral viruses, human rhinovirus, poliovirus, coxsackievirus, Ross River virus, Sindbis virus, Togavirus and Flavivirus families, Moloney murine leukemia virus, human papillomavirus, RNA-protein complexes, Band-3 protein in red blood cells, caveolae in the plasma membrane, KP4 fungal toxin, protein-protein complexes, photosynthetic membranes, large proteins, Colicin and other transmembrane transport systems. In addition, the instrument will be used for educational purposes in the graduate level courses BIO595 and BMS517. Application accepted by Commissioner of Customs: April 14, 2000.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 00–10927 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042600C]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Capacity Committee in May. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on May 18, 2000, at 10:00 a.m.

ADDRESSES: The meeting will be held at the New England Fishery Management Council Office, 50 Water Street—Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will continue its exploration of fishing capacity issues. The Committee will discuss and continue to develop three proposals to reduce capacity by allow the transfer of fishing permits and/or days-at-sea allocations contingent on reductions of days-at-sea upon such transfers. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul

J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: April 28, 2000.

Richard W. Surdi,

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

[FR Doc. 00–11022 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040400C]

Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery

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

ACTION: Receipt of an application for an exempted fishing permit (EFP) and request for comments.

SUMMARY: NMFS announces receipt of an application for an EFP that would allow an experimental fishery for northern anchovy in an area off San Francisco ordinarily closed to vessels fishing to reduce the catch into products such as fish meal and oil. Reduction fishing is prohibited in the Farallon Islands closure by the regulations implementing the Coastal Pelagic Species Fishery Management Plan (FMP). The purpose of the proposed fishery is to investigate the consequences of conducting at least a small-scale reduction fishery in the area. If granted, the permit would allow fishing that otherwise would be prohibited by the FMP and its implementing regulations.

DATES: Comments must be received by June 2, 2000.

ADDRESSES: Send comments to Rodney R. McInnis, Acting Administrator, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: James Morgan at 310–980–4036.

SUPPLEMENTARY INFORMATION: The FMP and implementing regulations at 50 CFR 660.516 and 50 CFR 600.745(b) specify that EFPs may be issued to authorize fishing that otherwise would be prohibited. Regulations at 50 CFR 600.745(b) set forth procedures for issuing such permits.

NMFS has accepted an application for review and has forwarded copies to the U.S. Coast Guard and the Director of the California Department of Fish and Game. The applicant proposes to harvest northern anchovy off the coast of California in the area of the Farallon Islands. This area has been closed to reduction fishing since implementation of the FMP in 1978 and, like other area closures in the FMP, was meant to avoid conflict between recreational vessels and what was then a growing high-volume reduction fishery located in southern California. Fishing operations would most likely take place in the summer and fall of 2000 with roundhaul gear.

Others wanting to participate in the fishery must submit applications to the Regional Administrator **(SEE ADDRESSES)**, which must provide the required information specified at 50 CFR 600.745(b). Exempted fishing permits may require that the permittee carry an observer at the permittee's expense, keep accurate records of bycatch, and make other necessary reports.

Applications will be discussed at the June 23–26, 2000, meeting of the Pacific Fishery Management Council, which will be held at the Doubletree Hotel Columbia River in Portland OR, 1401 N. Hayden Island Drive, Portland, OR 97217. The decision on whether to issue any EFP and determinations on appropriate permit conditions will be based on a number of considerations, including recommendations made by the Council and comments received from the public. A copy of the application is available for review at the NMFS Southwest Regional Office. **(SEE ADDRESSES)**.

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

Dated: April 27, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–11020 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Singapore

April 27, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 4, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 54874, published on October 8, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

April 27, 2000.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 4, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective on May 4, 2000, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
338/339	1,521,618 dozen of which not more than 931,892 dozen shall be in Category 338 and not more than 993,045 dozen shall be in Category 339.

Category	Adjusted twelve-month limit [1]
347/348	1,148,357 dozen of which not more than 717,722 dozen shall be in Category 347 and not more than 548,643 dozen shall be in Category 348.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–10998 Filed 5–2–00; 8:45 am]

BILLING CODE 3510–DR–F

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 July 3, 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 27, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Written Request for Assistance or Application for Client Assistance Program.

Frequency: Three-year cycle for State Assurances or plan for CAP formula grant.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 1. Burden Hours: 9.

Abstract: This document is used by States to request funds to establish and carry out Client Assistance Programs (CAP). CAP is mandated by the Rehabilitation Act of 1973, as amended (Act), to assist vocational rehabilitation clients and applicants in their relationships with projects, programs, and services provided under the Act.

Requests for copies of the proposed information collection request may be accessed from http://edicsweb.ed.gov, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346. 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 Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@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. 00–10960 Filed 5–2–00; 8:45 am]

BILLING CODE 4001–01–U

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on November 17, 1998, an arbitration panel rendered a decision in the matter of *Hawaii Division of Vocational Rehabilitation, Department of Human Services* v. *U.S. Department of Defense, Department of the Army (Docket No. R–S/97–18).* This panel was convened by the U.S. Department of Education pursuant to 20 U.S.C. 107d-1(b) upon receipt of a complaint filed by petitioner, Hawaii Division of Vocational Rehabilitation, Department of Human Services.

FOR FURTHER INFORMATION: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 400 Maryland Avenue, SW., room 3230, Mary E. Switzer Building, Washington DC 20202–2738. Telephone: (202) 205–9317. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8298.

Individuals with disabilities may obtain this document in an alternate format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

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

To use the PDF you must have the Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO

Access at: http://www.access.gpo.gov/nara/index.html

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (the Act), (20 U.S.C. 107d-2(c)), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged failure of the U.S. Department of Defense, Department of the Army (Army), to award a priority under the Act to the Hawaii Division of Vocational Rehabilitation, Department of Human Services, the State licensing agency (SLA), for a contract to operate a cafeteria at Schofield Barracks, Wahiawa, Oahu, Hawaii.

A summary of the facts is as follows: On October 29, 1996, the SLA requested a meeting with the Army's Contracting Officer (CO) and Army staff to discuss the possibility of direct negotiations under the Act regarding the operation of a cafeteria facility at the Schofield Barracks in Wahiawa, Oahu, Hawaii.

Subsequently, on November 6, 1996, a meeting was held between the SLA and the Army's CO. At the meeting, the CO mentioned that the previous cafeteria contract had been solicited pursuant to the Small Business Administration Section 8(a) set-aside program. In a May 6, 1997 letter from the Army, the SLA was informed that the Army would continue to rely upon a memorandum from the Office of the Assistant Secretary, Research Development and Acquisition, dated April 15, 1997. This memorandum stated that, because the Act did not apply to appropriated-fund contracts, military mess hall contracts would be awarded based upon general procurement principles, including preferences under the Section 8(a) set-side program. On May 6, 1997, the Army solicited proposals under these general procurement principles, thereby not awarding a priority under the Act to the SLA. By letter dated August 21, 1997, the SLA filed with the Secretary of Education a request for arbitration of this dispute. A Federal arbitration hearing on this matter was held on July 9 and 10, 1998.

Arbitration Panel Decision

The central issue before the arbitration panel was whether the Randolph-Sheppard Act, 20 U.S.C. 107d-3(e), is applicable to appropriated-fund contracts covering military dining facilities, which are basically used by military personnel. If so, is the Army then required to permit the SLA an opportunity to bid on a contract covering military dining facilities in Hawaii on an unrestricted basis under the priority provisions of the Act?

The majority of the panel ruled that, as defined in the regulations of the Department of Education and Department of Defense, all of the facilities covered under the agreement provide cafeteria services, which include a broad variety of prepared foods and beverages. These foods are dispensed primarily through the use of a serving line where the customer serves or selects food items for himself or herself from displayed selections.

In this case, the military dining facilities covered under the Hawaii contract used contractor personnel to provide full food service, including food preparation, serving, and cleanup services. The use of the facilities was limited to authorized military personnel. On the other hand, Randolph-Sheppard vending facilities, whether a stand, automatic food dispensing machine, or cafeteria, are open for use by the general public. However, they are used most frequently by the employees working at the facility and are not supported by appropriated funds, but rather by payments for goods and services.

Further, the majority of the panel noted that the Federal Government's procurement process for goods and services to be paid for by appropriated funds is subject to procurement laws and regulations. These laws and regulations seek to standardize procedures for awarding contracts, thereby assuring quality in meeting specifications and economy of price. Exceptions are permitted by Congress for certain groups, such as those who qualify under the Small Business Administration or those who employ severely handicapped or blind individuals under the Javits-Wagner-O'Day Act.

The 1974 amendments to the Act expanded the opportunities for blind persons to operate vending facilities, including vending machines and cafeterias on Federal property, and required Federal agencies to provide locations for vending facilities to be operated by blind licensees.

The panel ruled that if Congress had intended the Act to apply to appropriated-fund contracts, it would have included very specific language authorizing those contracts because such a reading would substantially change the administration of Federal procurement law. Because that language is not included, the best reading of the statute is that it was not intended. Thus, while not entitled to assert a priority under the Act in bidding on an appropriated-fund contract for dining facilities, the SLA would not be precluded from applying for a preference under the Javits-Wagner-O'Day Act.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: April 28, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–11015 Filed 5–2–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Notice of Floodplain and Wetlands Involvement for the Floodplain Strip Adjoining the Boeing Property in Roane County, TN

AGENCY: U.S. Department of Energy.

ACTION: Notice of involvement.

SUMMARY: DOE proposes to convey to the abutting landowner, an approximate 182-acre parcel of land within the 500-year floodplain of the Clinch River, in Roane County, Tennessee. In accordance with 10 CFR 1022, Compliance with Floodplain Wetlands/Environmental Review Requirements, DOE will prepare a floodplain and wetlands assessment and will perform this proposed action in a manner that will avoid or minimize potential harm to or within the affected floodplain and wetlands.

DATES: Comments are due to the address below no later than May 18, 2000.

ADDRESSES: Written comments should be directed to Katy Kates, Realty Officer, U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box 2001, Oak Ridge, Tennessee 37831, or by facsimile at 865–576–9204.

FOR FURTHER INFORMATION CONTACT: Katy Kates, Realty Officer, U.S. Department of Energy, Oak Ridge Operations Office, P.O. Box 2001, Oak Ridge, Tennessee 37831.

For Further Information on Floodplain/Wetlands Environmental Review Requirements, Contact:

Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585

Ms. Borgstrom can also be reached at 202–586–4600, or by leaving a message at 1–800–472–2756

SUPPLEMENTARY INFORMATION: DOE proposes to convey to the abutting landowner, an approximate 182-acre parcel of land within the 500-year floodplain of the Clinch River, in Roane County, Tennessee. The conveyed property would be used as a ''green space'' buffer adjacent to a proposed 1,217-acre mixed-use development.

In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022), DOE will prepare a floodplain and wetlands assessment for this proposed DOE action. The assessment will be included in the environmental assessment being prepared for the proposed project in accordance with the requirements of the National Environmental Policy Act. A floodplain statement of findings will be published in the **Federal Register**.

The potentially affected floodplain property lies along the banks of the Clinch River and adjoins the property presently identified as the Boeing property in Roane County, Tennessee. The property is situated across the Clinch River from the DOE's East Tennessee Technology Park (formerly known as the K–25 Site). In 1987, Boeing acquired the 1,217-acre property from the City of Oak Ridge, who had previously acquired the property from DOE on the same date. A tentative purchaser of the property proposes to develop lots for single-family homes, areas for apartments and condominiums, a hotel and conference center, a golf course, and a shopping district. About 500 acres of the site would be reserved for industrial purposes.

To provide a buffer and ''green space'' around the development, the proposed purchaser is also seeking to acquire title to the floodplain property under the jurisdictional control of DOE. The DOE Oak Ridge Operations Office would convey the property to whomever the owner of the Boeing parcel is at the time the excess parcel is ready for conveyance providing environmental or administrative considerations do not preclude such conveyance. In February 2000, the Oak Ridge City Council voted to rezone the Boeing site for mixed-use development.

Issued in Oak Ridge, Tennessee on April 24, 2000.

James L. Elmore,

Alternate National Environmental Policy Act Compliance Officer.

[FR Doc. 00–10999 Filed 5–2–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–54–000]

Colorado Interstate Gas Company; Notice of Informal Settlement Conference

April 28, 2000.

On March 13 and 28, 2000, the Kansas Corporation Commission (KCC) sponsored two informal settlement conferences for the purpose of initiating settlement discussions potentially leading to a resolution of all the Kansas ad valorem proceedings. During the March 28 conference, the participants agreed that settlement negotiations among all interested parties should be pursued separately for each pipeline involved with the Kansas ad valorem tax refund issues.

The participants interested in the Colorado Interstate Gas Company docket also reached a consensus that the informal settlement conference agreed upon should be noticed by the Secretary of the Federal Energy Regulatory Commission (Commission) and that the Commission's settlement regulations apply to the informal settlement process. The participants also agreed that, as with the previous two settlement conferences, the Director of the Commission's Dispute Resolution Service and the KCC attend the conference and facilitate the settlement negotiations.

The informal settlement conference will be held on May 23, 2000, at the offices of Shook, Hardy & Bacon, 1 Kansas City Place, 1200 Main Street, Kansas, Missouri. The conference will begin at 10:00 a.m. To insure that the facilities are adequately sized all parties that plan to attend the settlement conference are requested to contact John McNish at 785–271–3218 or by email at *j.mcnish@kcc.state.ks.us,* or Cynthia King at *cking@shb.com* by May 11, 2000.

All interested parties in the above dockets are requested to attend the informal settlement conference. If a party has any questions respecting the conference, please call Richard Miles, the Director of the Dispute Resolution Service. His telephone number is 1 877 FERC ADR (337–2237) or 202–208–0702 and his e-mail address is *richard.miles@ferc.fed.us.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–10995 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–254–000 and RP00–254–001]

Dauphin Island Gathering Partners; Notice of Tariff Filing and Stipulation and Agreement

April 27, 2000.

Take notice that on April 24, 2000, Dauphin Island Gathering Partners (Dauphin) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, in Docket No. RP00–254–000, with an effective date of May 1, 2000:

First Revised Sheet No. 6
First Revised Sheet No. 8
First Revised Sheet No. 178
First Revised Sheet No. 179

Dauphin and the Sponsoring Parties also tender for filing a Stipulation and Agreement (Settlement) in Docket No. RP00–254–001.

Dauphin states that First Revised Sheet No. 6 and First Revised Sheet No. 8 are being filed in compliance with the requirements of Section 3.01 of the Settlement, and reflect an effective decrease of approximately 14 percent in Dauphin's DI and MP First Transportation Service rates. Dauphin further states that First Revised Sheet No. 178 and First Revised Sheet No. 179 and being filed in compliance with the requirement of Section 1.02 of the Settlement and reflect the Settling Parties' agreement that Dauphin adopt a more customer-friendly cash out provision.

Dauphin states that the offer of settlement reflects a decrease of approximately 14 percent in Dauphin's Firm Transportation Service rates for Rate Schedules FT–1, FT–2, FT–3 and IT–1(MP) and FT–1, FT–2 and IT–1(DI) and also adopts a more customer-friendly cash out provision.

Dauphin states that copies of the filing are being served on all participants listed on the service list in this proceeding and on all persons who are required by the Commission's regulations to be served with the application initiating these proceedings.

Dauphin has requested that the comment period on the Settlement in Docket No. RP00–254–001 be shortened to provide for Initial Comments to be filed on May 4, 2000 and Reply Comments due on May 8, 2000. Dauphin also requests motions to intervene and protests to the tariff filing in Docket No. RP00–254–000 be due on May 4, 2000.

Any person desiring to be heard or to protest the filing in Docket Nos. RP00–254–000 and RP00–254–001 should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before May 4, 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. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–10992 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–197–000]

Destin Pipeline Company, L.L.C.; Notice of Application

April 27, 2000.

Take notice that on April 19, 2000, Destin Pipeline Company, L.L.C. (Destin) filed in Docket No. CP00–197–000 an application pursuant to the provisions of Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation and operation of a receipt meter and a delivery meter to accommodate the transportation of natural gas production from a new gas treatment plant located in Wayne County, Mississippi for delivery to direct industrial customers and pipeline interconnection in southern and central Mississippi, all as more fully set forth in the application which is on file with Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Specifically, Destin is proposing to construct, install and operate one six-inch diameter receipt meter, one two-inch diameter delivery meter, and other appurtenant equipment. Desin will be reimbursed for the total cost of these facilities, which is estimated to be $267,300, by Kahuna Gas, LLC, the owner of the gas treatment plant Destin is seeking case specific Section 7 authorization because its blanket certificate authority was suspended by the Commission.[1] Destin requests Commission approval of this application no later than May 15, 2000, so that the facilities will be in service by July 1, 2000.

Any questions regarding the application should be directed to Larry D. Jensen at 713–230–3134 and *ljensen@coral-energy.com.,* Coral Gas Transmission, L.L.C., 1301 McKinney Street, Suite 700, Houston, Texas 77010.

Any person desiring to be heard or to make protest with reference to said application should on or before May 4, 2000, file with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become party in any proceeding must file a motion to intervene in accordance with the Commission's rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of such comments to the Secretary of the Commission. Commentors will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposal is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for Destin to appear or to be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–10954 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

[1] *See,* Destin Pipeline Company, LLC.; 90 FERC ¶ 61,220 (2000).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR95–18–002]

Duke Energy Intrastate Network, L.L.C.; Notice of Compliance Filing

April 27, 2000.

Take notice that on March 13, 2000, Duke Energy Intrastate Network, L.L.C. (DEIN) tendered for filing revised Statement of Operating Conditions (SOC) pursuant to the Commission's February 10, 2000 Letter Order.

DEIN states that it has modified Article III of the SOC to remove the reference to the priority accorded to customers purchasing gas from DEIN. DEIN also states that it has added language to modify Article A–XI, Section 11.4 to clarify that rates negotiated between transporter and shippers are discounted rates.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within

150 days of the filing date of Lee 8's Petition, Lee 8's rates for firm and interruptible storage services will be deemed to be fair and equitable. The Commission may within such 150 day period extend the time for action or institute a proceeding in which all interested parties will be afforded an opportunity for written comments and the oral presentation of views, data and arguments.

Any person desiring to protest this rate proceeding must file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All protest must be filed with the Secretary of the Commission on or before May 4, 2000. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–10957 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2234–000]

East Central Area Reliability Council, et al.; Notice of Filing

April 28, 2000.

Take notice that on April 18, 2000, the East Central Area Reliability Council (ECAR), on behalf of Allegheny Power, American Electric Power Co., Big Rivers Electric Corp., Cinergy Corp., Consumers Energy Co., The Dayton Power and Light Co., the Detroit Edison Co., Duquesne Light Co., East Kentucky Power Cooperative, Inc., FirstEnergy Corp., Hoosier Energy REC, Indianapolis Power and Light Co., LG&E Energy Corp., Northern Indiana Public Service Co., Ohio Valley Electric Corp., and Southern Indiana Gas and Electric Co., submitted for filing an Inadvertent Settlement Tariff that is intended to obligate each party to make payment and to entitle each party to receive compensation for Inadvertent Interchange from each other party pursuant to ECAR's Inadvertent Settlement Procedure.

ECAR requests the Inadvertent Settlement Tariff to go into effect by June 1, 2000 for the 2000 peak summer season.

ECAR states that all parties were served and that the filing is also available on their web site (www.ecar.org).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before May 9, 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. 00–10993 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–91–001]

National Fuel Gas Supply Corporation; Notice of Petition To Amend

April 27, 2000.

Take notice that on April 20, 2000, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP00–91–001 an amendment to its original application filed pursuant to Sections 7(b) and 7(c) of the Natural Gas Act and Part 157 of the Commission's Regulations (18 CFR 157) for a certificate of public convenience and necessity authorizing the replacement of an existing pipeline and permission and approval to abandon facilities, all as more fully set forth in the original application and the amendment on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

National Fuel requests to amend its original application in order to eliminate the request for authorization to install the East Branch tie which National Fuel has determined that it is not necessary at this time. National Fuel still proposes to construct and operate the other requested facilities after receiving authorization in this proceeding.

National Fuel estimates that the total cost of the Replacement Project, as proposed to be amended herein, is $11.3 million.

Any questions regarding this amendment application should be directed to David W. Reitz, Assistant General Counsel for National Fuel, 10 Lafayette Square, Buffalo, New York 14203 at (716) 857–7949.

Any person desiring to be heard or to make a protest with reference to said application should on or before May 18, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant a party to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed construction and abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedures herein provided for, unless otherwise advised, it will be

unnecessary for National Fuel to appear or to be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–10953 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–017 and RP99–176–018]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

April 28, 2000.

Take notice that on April 25, 2000, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1. Original Sheet No. 26J.

Natural states that the purpose of this filing is to implement a negotiated rate transaction with the Peoples Gas Light and Coke Company (Peoples) under Natural's Rate Schedule ITS pursuant to Section 49 of the General Terms and Conditions of Natural's tariff.

Natural concurrently tenders by a separate filing in Docket No. RP99–176–018 its negotiated rate agreement (Agreement) between Natural and Peoples.

Natural states that the negotiated rate Agreement does not deviate in any material respects from the applicable form of service agreement in Natural's Tariff. Natural states that it submits the Agreement as an aid to Commission Staff because it provides a more detailed explanation of the pricing terms related to the transaction. Key provisions of the Agreement include guaranteed revenue, unhedged and unscheduled quantity adjustments, and the trigger agreement. Natural also states that the above pricing terms were critical to the Agreement by both parties and to the resulting negotiated rates.

Natural requests that Original Sheet No. 26J and the related Agreement to become effective April 25, 2000.

Natural states that copies of the filing are being mailed to Natural's customers, interested state commissions and all parties set out on the Commission's official service list in Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20246, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with the Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–10996 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–40–000]

Panhandle Eastern Pipeline Company; Notice of Informal Settlement Conference

:April 28, 2000.

On March 13 and 28, 2000, the Kansas Corporation Commission (KCC) sponsored two informal settlement conferences for the purpose of initiating settlement discussions potentially leading to a resolution of all the Kansas ad valorem proceedings. During the March 28 conference, the participants agreed that settlement negotiations among all interested parties should be pursued separately for each pipeline involved with the Kansas ad valorem tax refund issues.

The participants interested in the Panhandle Eastern Pipe Line Company docket also reached a consensus that the informal settlement conference agreed upon should be notices by the Secretary of the Federal Energy Regulatory Commission (Commission) and that the Commission's settlement regulations apply to the informal settlement process. Consistent with the previous two settlement conferences, the Director of the Commission's Dispute Resolution Service and the KCC will attend the conference and facilitate the settlement negotiations.

The informal settlement conference will be held on May 24, 2000, at the offices of Shook, Hardy & Bacon, 1 Kansas City Place, 1200 Main Street, Kansas City, Missouri. The conference will begin at 10:00 a.m. To insure that the facilities are adequately sized all parties that plan to attend the settlement conference are requested to contact John McNish at 785 271–3218 or by email at *j.mcnish@kcc.state.ks.us,* or Cynthia King at *cking@shb.com* by May 11, 2000.

All interested parties in the above dockets are requested to attend the informal settlement conference. If a party has any questions respecting the conference, please call Richard Miles, the Director of the Dispute Resolution Service. His telephone number is 1 877 FERC ADR (337–2237) or 202–208–0702 and his e-mail address is *richard.miles@ferc.fed.us.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–10994 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–249–001

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

April 28, 2000.

Take notice that on April 21, 2000, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, proposed to become effective on May 15, 2000:

Substitute Original Sheet No.97

On April 21, 2000, Transwestern filed in this Docket a proposal to add a provision to the General Terms and Conditions allowing Transwestern to enter into transportation agreements with Public Service Company of New Mexico (PNM) for the purpose of providing transportation service under Transwestern's tariff. The reason for this filing is to resubmit Sheet No. 97 as the Sheet No. 97 incorrectly states the Account Number where costs would be separately recorded. The cost will be separately recorded in Account No. 858.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and

Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–10997 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2264–000, et al.]

MidAmerican Energy Company, et al.; Electric Rate and Corporate Regulation Filings

April 27, 2000.

Take notice that the following filings have been made with the Commission:

1. MidAmerican Energy Company

[Docket No. ER00–2264–000]

Take notice that on April 24, 2000, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, filed with the Commission a Firm Transmission Service Agreement with Williams Energy Marketing & Trading Company, dated March 28, 2000, and a Non-Firm Transmission Service Agreement with Williams Energy, dated March 28, 2000, entered into pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of March 28, 2000, for the Agreements with Williams Energy, and accordingly seeks a waiver of the Commission's notice requirement. MidAmerican has served a copy of the filing on Williams Energy, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: May 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER00–2267–000]

Take notice that on April 24, 2000, Florida Power & Light Company (FPL) tendered for filing proposed service agreements with Okeelanta Corporation for Non-Firm transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed service agreements are permitted to become effective on April 21, 2000.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: May 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Consumers Energy Company

[Docket No. ER00–2269–000]

Take notice that on April 24, 2000, Consumers Energy Company (Consumers) tendered for filing a Facilities Agreement Between Consumers and Modular Power Systems, LLC, (Modular), dated April 10, 2000. Under the Facilities Agreement, Consumers is to construct, operate and maintain various facilities needed in connection with the operation of generating facilities being built by Modular.

Consumers requests that the Facilities Agreement be allowed to become effective within 60 days of filing.

Copies of the filing were served upon Modular and upon the Michigan Public Service Commission.

Comment date: May 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. PPL Montana, LLC

[Docket No. ER00–2270–000]

Take notice that on April 24, 2000, PPL Montana, LLC (PPL Montana), tendered for filing a Service Agreement dated April 11, 2000 with Commercial Energy of Montana, Inc. (Commercial Energy) under PPL Montana's Market-Based Rate Tariff, FERC Electric Tariff, Original Volume No. 1. The Service Agreement adds Commercial Energy as an eligible customer under the Tariff.

PPL Montana requests an effective date of April 1, 2000 for the Service Agreement.

PPL Montana states that Commercial Energy has been served with a copy of this filing.

Comment date: May 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. PPL Great Works, LLC

[Docket No. ER00–2271–000]

Take notice that on April 24, 2000, PPL Great Works, LLC (PPL Great Works) filed a Service Agreement dated April 14, 2000 with PPL EnergyPlus, LLC (PPL EnergyPlus) under PPL Great Works' Market-Based Rate Tariff, FERC Electric Tariff, Original Volume No. 1. The Service Agreement adds PPL EnergyPlus as an eligible customer under the Tariff.

PPL Great Works requests an effective date of June 26, 2000 for the Service Agreement.

PPL Great Works states that PPL EnergyPlus has been served with a copy of this filing.

Comment date: May 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–10952 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2032–001 Wyoming]

Lower Valley Energy; Notice of Availability of Final Environmental Assessment

April 27, 2000.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Energy Projects has reviewed the application for a new license for the Strawberry Hydroelectric Project (Project) and has prepared a Final Environmental Assessment (FEA). The project is located on Strawberry Creek near Bedford, Wyoming, and lies entirely

within the Bridger National Forest, in Lincoln County, Wyoming.

On November 24, 1999, the Commission staff issued a draft environmental assessment (DEA) for the project and requested that comments be filed with the Commission within 30 days. The commenting deadline was later extended an additional 66 days. Comments on the DEA were filed by the U.S. Forest Service, Wyoming State Engineers Office, and Lower Valley and are addressed in this 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, N.E., Washington, D.C. 20426. This document may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call 202–208–2222 for assistance).

David O. Boergers,

Secretary.

[FR Doc. 00–10955 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7108–001]

Virginia Hydro, Inc.; Notice of Availability of Final Environmental Assessment

April 27, 2000.

A final environmental assessment (FEA) is available for public review. The FEA is for an application to surrender the exemption for the Grove Mill Project. The FEA finds that approval of the proposed amendment would not constitute a major federal action significantly affecting the quality of the human environment. The Grove Mill Project is located on the Middle River, in Augusta County, Virginia.

The FEA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission. Copies of the FEA are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. The FEA may be viewed on the web at www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance.

David P. Boergers,

Secretary.

[FR Doc. 00–10956 Filed 5–2–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–935; FRL–6553–2]

Notice of Filing a Pesticide Petition to Establish a Tolerance for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–935, must be received on or before June 2, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–935 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Linda Hollis, EPA Biopesticides and Pollution Prevention Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8733; e-mail address: hollis.linda@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311	Crop production Animal production Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–935. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal

holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

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1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

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D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under ''FOR FURTHER INFORMATION CONTACT.''

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 21, 2000.

Kathleen D. Knox,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Summaries of Petitions

The petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the view of the petitioners. The petition summaries announce the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

I. AgriPhi, Inc.

OF6111

EPA has received pesticide petition 0F6111 from AgriPhi, Inc., P.O. Box 4296, Logan, UT 84323–4296, proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of the microbial pesticide bacteriophages.

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, AgriPhi, Inc. has submitted the following summary of information, data, and arguments in support of their pesticide petition. This summary was prepared by AgriPhi, Inc. and EPA has not fully evaluated the merits of the pesticide petition. The summary may have been edited by EPA if the terminology used was unclear, the summary contained extraneous material, or the summary unintentionally made the reader conclude that the findings reflected EPA's position and not the position of the petitioner.

A. Product Name and Proposed Use Practices

AgriPHAGE is for the treatment of bacterial plant diseases, for example, bacterial spot in tomato and pepper and bacterial speck in tomato.

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues.* The major component of AgriPHAGE is water (>96%). Active ingredient, bacteriophages (phages), isolated from plant debris or soil is less than 2%. Remaining culture media ingredients are food grade such as peptone and brewer's yeast. Phages are inactivated within 24–48 hours after application to plants or soil. Inactivated phages are biodegradable and broken down by hydrolases secreted from soil flora or animals including humans. End products are recycled as nutrients for soil inhabitants, both animals and plants. No residue remains in the environment or on harvested fruit.

2. *Magnitude of residue at the time of harvest and method used to determine*

the residue. Remaining culture media ingredients are food grade such as peptone and brewer's yeasts. Phages are inactivated within 24–48 hours after application to plants or soil.

3. *Analytical method*. Phages are inactivated within 24–48 hours after application to plants or soil. Inactivated phages are biodegradable and broken down by hydrolases secreted from soil flora or animals to include humans. End products are recycled as nutrients for soil inhabitants, both animals and plants. No residue in the environment or on harvested fruit.

C. Mammalian Toxicological Profile

Phages are ubiquitous, naturally-occurring entities found in soil, water, and in association with animals, including humans, and plants. The specific mode of action of the active component of *AgriPHAGE* mixtures is such that these bactericides are effective only against the bacterial pathogens which is target. Phages are species-specific, and do not attack other beneficial soil bacteria. There is no evidence for non-selective infection. Thus, non-target organisms, such as fish and wildlife are not affected.

D. Aggregate Exposure

1. *Dietary exposure—i. Food*. Humans and other animals consume phages when they eat food. For example, humans ingest phages when they eat raw produce. For example, 1,000 (10^3) to 5 x 10^5 phages can be isolated routinely per gram (g) of high quality cheese. Pathogenic microorganisms are often found in foods; therefore, it is not surprising that *E. coli* and coliphages have been found in 11 of 12 foods purchased at retail markets. Ten purchases of each of the 12 foods were made. All 10 of fresh ground beef purchases were contaminated with *E. coli*, and all 10 contained coliphages. In addition to ground beef, *E. coli* and coliphages were found in fresh chicken, fresh pork, fresh oyster, fresh mushrooms, lettuce, chicken pot pie, biscuit dough, deli loaf, deli roasted turkey and package roasted chicken. Another example of phages in food has been *Propionibacterium freundenreichii* phage found in a concentration as high as 1.4 x 10^6/gm of swiss cheese.

ii. *Drinking water*. Animals are exposed daily to phages in water. Up to 2.5 x 10^8 phages/mL have been found in a natural unpolluted Norwegian lake. Investigators estimated that as much as one-third of bacterial population could experience a phage attack each day. Without viruses to keep some microbial growth under control, microbes could have devastating effects on the environment.

2. *Non-dietary exposure*. 4.0 x 10^7 infectious phage PFU/gm of soil using *Bacillus stearothermophilus* as a host have been reported.

E. Cumulative Exposure

Since phages are ubiquitous, naturally-occurring entities found in soil, water and in association with animals, including humans and plants and the fact that phages are inactived within 24–48 hours after application and the inactivated phages are biodegradable, no cumulative exposure with other compounds is expected.

F. Safety Determination

1. *U.S. population*. Phages have been used as therapuetic agents and are active against bacteria of many human diseases such as anthrax, bronchitis, diarrhea, scarlet fever, typhus, cholera, diphtheria, gonorrhea, paratyphus, bubonic plague, and osteomyelitis.

Hundreds of millions of persons have received live virus vaccines contaminated with phages. Contamination was found in polio, measles, mumps, and rubella vaccines. Recipients of contaminated vaccines showed no evidence of adverse reactions to phages. Because of concern about safety of phage contaminated vaccines, isolated phages from a vaccine, cultured to high titers and injected into 6–8 week old monkeys showed no adverse effects. Therefore, it is concluded that phage contaminating vaccines for humans posed no real threat to public health.

2. *Infants and children*. Phages have been used as therapuetic agents and are active against bacteria of many human diseases such as anthrax, bronchitis, diarrhea, scarlet fever, typhus, cholera, diptheria, gonorrhea, paratyphus, bubonic plague, and osteomyelitis.

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G. Effects on the Immune and Endocrine Systems

Phages have been used as therapuetic agents and are active against bacteria of many human diseases such as anthrax, bronchitis, diarrhea, scarlet fever, typhus, cholera, diptheria, gonorrhea, paratyphus, bubonic plague, and osteomyelitis.

Hundreds of millions of persons have received live virus vaccines contaminated with phages. Contamination was found in polio, measles, mumps, and rubella vaccines. Recipients of contaminated vaccines showed no evidence of adverse reactions to phages. Because of concern about safety of phage contaminated vaccines, isolated phages from a vaccine, cultured to high titers and injected into 6–8 week old monkeys showed no adverse effects. Therefore, it is concluded that phage contaminating vaccines for humans posed no real threat to public health.

H. Existing Tolerances

There are no existing tolerances for bacteriophages.

I. International Tolerances

There are no known International Tolerances for bacteriophages.

II. Monsanto Company

PP 0E6066

EPA has received a pesticide petition PP 0E6066 from Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198, proposing pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for the plant pesticide β-D-glucuronidase (GUS) as a plant-incorporated protectant formulation inert ingredient, as expressed in plants in or on all raw agricultural commodities.

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, Monsanto Company has submitted the following summary of information, data, and arguments in support of their pesticide petition. This summary was prepared by Monsanto Company and EPA has not fully evaluated the merits of the pesticide petition. The summary may have been edited by EPA if the terminology used was unclear, the summary contained extraneous material, or the summary unintentionally made the reader conclude that the findings reflected EPA's position and not the position of the petitioner.

A. Product Name and Proposed Use Practices

β-D-glucuronidase (GUS) is proposed for use as a plant-incorporated protectant formulation inert ingredient. The GUS protein belongs to Family 2 of glycosyl hydrolases and catalyzes the hydrolysis of a range of glycosides, including p-nitrophenyl–β-D-glucuronide, a chemical which is not naturally occurring. When added to the plant, hydrolysis of this chromogenic compound releases a blue dye that functions as a visible scorable marker in plant transformation processes. The glucuronide conjugation activity of this protein has been thoroughly studied and the protein is widely prevalent in plants and microbes. GUS has no pesticidal activity.

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues*. The β-D-glucuronidase gene, *uidA*, also known as *gus* or *gusA* gene, is derived from *Escherichia coli* strain K12. This gene encodes for the protein β-D-glucuronidase (GUS). The *E. coli*-derived GUS protein expressed by genetically modified plants is 99.8% homologous and functionally equivalent to the native *E. coli* GUS protein. This change does not negatively affect the enzymatic activity of the protein. The plant-produced GUS protein is essentially equivalent to the native GUS protein, as determined by comparable molecular weights, immunoreactivity, amino acid sequences enzymatic activity. The GUS protein was originally isolated from *E. coli* present in mammals. *E. coli* is ubiquitous in the digestive systems of vertebrates, including humans, where primary glucuronidation functions in the liver. GUS is present in beef and in a number of invertebrate species, including nematodes, molluscs, snails, and insects. GUS activity has also been detected in over 50 plant species and in various tissues including embryo, fruit, seed coat and endosperm. These species include a number of human food sources, including potato, apple, almond, rye, rhubarb, and sugar beet.

2. *Magnitude of residue at the time of harvest and method used to determine the residue*. A validated enzyme-linked immunosorbent Assay (ELISA) was performed to estimate the GUS protein levels in cotton leaf and seed tissue samples. Samples were collected from eight field locations in the United States during 1998 field trials. These field sites provided a variety of environmental conditions representative of regions where cotton is grown commercially. Mean cottonseed tissue levels of GUS protein in the two events ranged from 58.78 µ/g to 137.57 µ/g.

3. *Analytical method*. Monsanto is requesting an exemption from the requirement of a tolerance and has also requested that the requirements for residue data be waived for GUS protein in all raw agricultural products. Analytical methods for the detection and measurement of the GUS protein are therefore not necessary.

C. Mammalian Toxicological Profile

The mammalian health and safety of the GUS protein is based on a history of safe consumption by mammals, animal toxicity testing of the native GUS protein, and results of *in vitro* and *in vivo* studies of the protein expressed in plants. The history of safe use of the GUS protein is extensive. Exposure of humans to the GUS protein is commonplace through intestinal epithelial cells and intestinal microflora, bacterial exposure and in numerous foods containing the GUS protein with no known harmful effects. Previous feeding studies in humans and animals with large doses of *E. coli* strain K12 have also demonstrated the safety of the GUS protein, since no adverse effects were observed. *In vitro* and *in vivo* studies of the GUS protein derived from plants were conducted to confirm the safety of the protein; these studies included digestion in simulated gastric and intestinal fluids, an acute oral mouse toxicity study, and sequence homology studies on the GUS protein relative to proteins of toxicologic or allergenic concern. The GUS protein degraded rapidly when added to simulated gastric and intestinal fluids (SGF and SIF), which simulate human digestion, as assessed by both western blot analysis and enzymatic activity assays. Within 15 seconds of exposure to SGF, GUS protein was not detectable by western blot or enzymatic activity. After 2 hours in SIF, the protein had lost approximately 91% of its original enzymatic activity. Based on these results, it is concluded that the GUS protein, if ingested by humans, will readily degrade in the digestive tract where GUS protein is naturally present.

Acute administration was considered appropriate to assess the safety of GUS, since proteins that are toxic typically act via acute mechanisms. The GUS protein used in this evaluation was over-produced and purified from *Escherichia coli*, characterized and administered by gavage to mice in an acute toxicity test at doses of 0, 0.69, 6.9, and 69 mg/kg body weight. There were no treatment-related adverse effects in mice administered GUS protein by oral gavage at the highest dose tested. These results demonstrated that the GUS protein is non-toxic to mice. Previous feeding studies with large doses of *Escherichia coli* strain K12 containing GUS in humans and animals have also demonstrated the safety of the GUS protein since no adverse effects were observed.

Although large quantities of a variety of proteins are consumed by humans each day, rarely do any of these tens of thousands of proteins elicit an allergenic response. Although there are no predictive assays available to assess the allergenic potential of proteins, the physicochemical profile of the protein provides a basis for assessing the allergenicity by comparing them to known protein allergens. A key parameter contributing to the allergenicity of food allergens appears to be stability to gastrointestinal digestion, especially stability to acid proteases like pepsin found in the stomach. Protein allergens must be stable to the peptic digestion and the acid conditions of the stomach system if they are to reach and pass through the intestinal mucosa where an immune response can be initiated. GUS is rapidly digested in SGF/SIF. Another significant factor contributing to the allergenicity of proteins is their high concentrations in foods that elicit an allergenic response. The *uidA* gene was not obtained from a source known to be allergenic or toxic. To confirm the lack of any allergenic or toxic effects of the GUS protein as shown by the history of safe consumption, the GUS protein sequence was compared to the sequences of proteins relevant to mammalian safety. Data bases of protein sequences associated with allergy, coeliac disease and toxicity were assembled from publicly available genetic data bases (Genbank, EMBL, PIR and SwissProt). The amino acid sequence of the GUS protein was compared using the FASTA sequence alignment tool. The GUS protein showed no structural homology to proteins relevant to human health.

Therefore, the GUS protein has been demonstrated to be safe for consumption by both humans and animals by the natural occurrence of the GUS protein in the human gut and other organisms, including foods; mammalian safety as determined in toxicity studies of *E. coli*; rapid digestion in simulated gastric and intestinal fluids; lack of acute toxicity in mice; lack of allergenic potential and lack of homology with any known protein toxins.

The genetic material necessary for the production of GUS as an inert ingredient are the nucleic acids (DNA) which comprise genetic material

encoding this protein and its regulatory regions. ''Regulatory regions'' are the genetic material that control the expression of the genetic material encoding the protein, such as promoters, terminators and enhancers. DNA is common to all forms of plant and animal life and the Agency has previously stated that they are not aware of an instance where these nucleic acids have been associated with toxic effects related to their consumption as a component of food. These ubiquitous nucleic acids, as they appear in the subject inert ingredient, have been adequately characterized. Therefore, no mammalian toxicity is anticipated from dietary exposure to the genetic material necessary for the production of the subject inert plant pesticidal ingredient.

D. Aggregate Exposure

1. *Dietary exposure—i. Food.* The functional activity of the GUS protein has been thoroughly studied and the protein is present in a number of animals, plants and microbes. Considering that GUS is already present in both the environment and food, the presence of the GUS protein in transgenic plants is unlikely to pose additional health concerns for humans or animals. Additionally, the *in vitro* digestive fate data demonstrate that the protein is likely degraded by stomach digestion prior to passage to the intestinal tract. Finally, the GUS protein is degraded upon heating and looses its functional activity.

ii. *Drinking water.* Transfer of the GUS protein to drinking water from genetically modified crops is highly unlikely given containment of the protein in plant cells and natural degradation upon plant senescence. However, if it were to occur, the levels would be insignificant compared to the levels of GUS protein produced by bacteria known to inhabit natural waters.

2. *Non-dietary exposure.* Occupational exposure is anticipated to be minimal during handling, storage, transportation or disposal of transgenic plants containing the GUS protein, since the protein is contained within the cells of the plant. This containment also results in a lack of volatilization or movement.

E. Cumulative Exposure

GUS belongs to a category of non-toxic proteinaceous substances that are not known to produce toxicological effects. The presence of the GUS protein in animals, plants and bacteria demonstrated a history of safe consumption of the protein in human food and animal feed supplies. Because there is no indication of mammalian toxicity caused by the GUS protein, there are no cumulative effects expected.

F. Safety Determination

1. *U.S. population.* The toxicity profile for the GUS protein indicates essentially no risk from exposure to the overall U.S. population. Therefore, there is a reasonable certainty that no harm will result from aggregate exposure of the U.S. population, including infants and children, to the GUS protein and the genetic material necessary for its production. This includes all anticipated dietary exposures and all other exposures for which there is reliable information.

2. *Infants and children.* The functional activity of this protein has been thoroughly studied and the protein is present in plants, animals and microbes. Considering the widespread exposure to GUS, additional food sources containing the GUS protein are unlikely to pose health concerns for humans or animals, including infants and children. This is supported by a history of safe consumption of the GUS protein naturally occurring in food and confirmed by the lack of toxic effects in an acute mouse gavage study.

G. Effects on the Immune and Endocrine Systems

No instances are known or reported of adverse reproductive or developmental effects to humans, domestic animals or wildlife as a result of exposure to the GUS protein or the microbial source of the *uidA gene*, *Escherichia coli*. The functional activity of this protein has been thoroughly studied and there is no known toxicological activity associated with this protein. Enzyme proteins are not known to interact or bind directly with the estrogen receptor, which would be necessary to produce endocrine effects. Further, there is little opportunity for systematic absorption of the GUS protein due to degradation upon heating and by digestive enzymes.

H. Existing Tolerances

The registrant is not aware of any tolerances established for residues of GUS in raw agricultural commodities and or processed food/feed.

I. International Tolerances

The registrant is not aware of any Maximum Residue Levels (MRLs) established for GUS by the Codex Alimentarius Commission (CODEX).

[FR Doc. 00–11033 Filed 5–2–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–939; FRL–6555–9]

Notice of Filing a Pesticide Petition to Establish a Tolerance for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–939, must be received on or before June 2, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–939 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: William G. Sproat, Jr., Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8587; e-mail address: Sproat.william@epamail.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American

Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

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2. *In person.* The Agency has established an official record for this action under docket control number PF–939. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

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E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

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2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

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5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 24, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

I. Elanco Animal Health, a Division of Eli Lilly and Company

OF6115

EPA has received a pesticide petition OF6115 from Elanco Animal Health, a Division of Eli Lilly and Company, 2001 W. Main Street, Greenfield, IN 46140 proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of spinosad in or on the raw agricultural commodity cattle meat, cattle meat by-products, cattle fat, milk, and milk fat at 0.45, 2.25, 5.75, 0.75, and 8.0 parts per million (ppm), respectively. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Analytical method*. There are two practical methods immunoassay, high performance liquid chromotography (HPLC), for detecting (0.005 ppm) and measuring (0.01 ppm) levels of spinosad in or on food with a limit of detection that allows for monitoring of food with residues at or above the levels set for these tolerances. The methods have had successful method tryout in EPA's laboratories.

2. *Magnitude of residues*. A magnitude of the residue study was conducted in lactating dairy cattle after dermal application of spinosad, where spinosad residues were most concentrated in fat (approx 1.3 ppm) and were much lower in the other edible tissues and milk (<0/75 ppm).

B. Toxicological Profile

1. *Acute toxicity*. Spinosad has low acute toxicity. The rat oral LD_{50} is 3,738 milligrams/kilograms (mg/kg) for males and >5,000 mg/kg for females, whereas the mouse oral LD_{50} is >5,000 mg/kg. The rabbit dermal LD_{50} is >5,000 mg/kg and the rat inhalation LC_{50} is >5.18 milligrams/liter (mg/L) air. In addition, spinosad is not a skin sensitizer in guinea pigs and does not produce significant dermal or ocular irritation in rabbits. End use formulations of spinosad that are water based suspension concentrates have similar low acute toxicity profiles.

2. *Genotoxicity*. Short-term assays for genotoxicity consisting of a bacterial reverse mutation assay (Ames test), an *in vitro* assay for cytogenetic damage using the Chinese hamster ovary (CHO) cells, an *in vitro* mammalian gene mutation assay using mouse lymphoma cells, an *in vitro* assay for DNA damage and repair in rat hepatocytes, and an *in vivo* cytogenetic assay in the mouse bone marrow (micronucleus test) have been conducted with spinosad. These studies show a lack of genotoxicity.

3. *Reproductive and developmental toxicity*. Spinosad caused decreased body weights in maternal rats given 200 mg/kg/day by gavage (highest dose tested (HDT)). This was not accompanied by either embryo toxicity, fetal toxicity, or teratogenicity. The no observed adverse effect levels (NOAELs) for maternal and fetal toxicity in rats were 50 and 200 mg/kg/day, respectively. A teratology study in rabbits showed that spinosad caused decreased body weight gain and a few abortions in maternal rabbits given 50 mg/kg/day (HDT). Maternal toxicity was not accompanied by either embryo toxicity, fetal toxicity, or teratogenicity. The NOAELs for maternal and fetal toxicity in rabbits were 10 and 50 mg/kg/day, respectively. In a 2–generation reproduction study in rats, parental toxicity was observed in both males and females given 100 mg/kg/day. Perinatal effects (decreased litter size and pup weight) at 100 mg/kg/day were attributed to maternal toxicity. The NOAEL for maternal and pup effects was 10 mg/kg/day.

4. *Subchronic toxicity*. Spinosad was evaluated in 13–week dietary studies and showed NOAELs of 4.89 and 5.38 mg/kg/day in male and female dogs, respectively; 6 and 8 mg/kg/day in male and female mice, respectively; and 33.9 and 38.8 mg/kg/day in male and female rats, respectively. No dermal irritation or systemic toxicity occurred in a 21–day repeated dose dermal toxicity study in rabbits given 1,000 mg/kg/day.

5. *Chronic toxicity*. Based on chronic testing with spinosad in the dog and the rat, EPA has set a reference dose (RfD) of 0.0268 mg/kg/day for spinosad. The RfD has incorporated a 100–fold safety factor to the NOAELs found in the chronic dog study to account for interspecies and intraspecies variation. The NOAELs shown in the dog chronic study were 2.68 and 2.72 mg/kg/day for male and female dogs, respectively. The NOAELs (systemic) shown in the rat chronic/carcinogenicity/neurotoxicity study were 9.5 and 12.0 mg/kg/day for male and female rats, respectively. Using the Guidelines for Carcinogen Risk Assessment published September 24, 1986 (51 FR 33992), it is proposed that spinosad be classified as Group E for carcinogenicity (no evidence of carcinogenicity) based on the results of carcinogenicity studies in two species. There was no evidence of carcinogenicity in an 18–month mouse feeding study and a 24–month rat feeding study at all dosages tested. The NOAELs shown in the mouse oncogenicity study were 11.4 and 13.8 mg/kg/day for male and female mice, respectively. A maximum tolerated dose was achieved at the top dosage level tested in both of these studies based on excessive mortality. Thus, the doses tested are adequate for identifying a cancer risk. Accordingly, a cancer risk assessment is not needed.

6. *Animal metabolism*. There were no major differences in the bioavailability, routes or rates of excretion, or metabolism of spinosyn A and spinosyn D following oral administration in rats. Urine and fecal excretions were almost completed in 48–hours post-dosing. In addition, the routes and rates of excretion were not affected by repeated administration.

7. *Metabolite toxicology*. The residue of concern for tolerance setting purposes is the parent material (spinosyn A and spinosyn D). Thus, there is no need to address metabolite toxicity.

8. *Endocrine disruption*. There is no evidence to suggest that spinosad has an effect on any endocrine system.

C. Aggregate Exposure

1. *Dietary exposure*. For purposes of assessing the potential dietary exposure from the use of spinosad on cattle, and existing registered uses on cotton, fruit, and vegetable crops, a conservative estimate of aggregate exposure is determined by basing the theoretical maximum residue concentration (TMRC) on the proposed tolerance levels for spinosad and assuming that 100% of the proposed and registered uses on cattle and crops raised or grown in the U.S. were treated with spinosad. The TMRC is obtained by multiplying the tolerance residue levels by the consumption data which estimates the amount of meat, crops and related foodstuffs consumed by various population subgroups. This conservative use of a tolerance level and 100% of the cattle and crops are treated with spinosad clearly results in an over estimation of human exposure.

Using a more realistic analysis anticipated residues can be evaluated under a Tier II risk assessment taking into account a conservative percent of market share expected for the dermally applied spinosad to cattle (Extinosad). Assuming residues of spinosad in food commodities at the tolerance levels for commodities based on existing crop uses, and a 35% market share for the portion of the tolerance increasing in

commodities due to the new dermal application of spinosad to cattle, a Tier II dietary risk assessment can be calculated.

2. *Drinking water.* Another potential source of dietary exposure are residues in drinking water. Based on the available environmental studies conducted with spinosad which shows little or no mobility in soil, there is no anticipated exposure to residues of spinosad in drinking water. In addition, there is no established maximum concentration level for residues of spinosad in drinking water.

3. *Non-dietary exposure.* Spinosad is being submitted in this application for control of ectoparasites on cattle and agricultural premises. Spinosad is currently registered for use on a number of crops including cotton and various fruits and vegetables, all of which involve applications of spinosad in an agriculture environment. Spinosad is also currently registered for outdoor use on turf and ornamentals at low rates of application (0.04 to 0.54 lb active ingredent per acre) and indoor use for drywood termite control extremely low application rates with no occupant exposure expected. Thus, the potential for non-occupational exposure to the general population is considered negligible.

D. Cumulative Effects

The potential for cumulative effects of spinosad and other substances that have a common mechanism of toxicity is also considered. In terms of insect control, spinosad causes excitation of the insect nervous system, leading to involuntary muscle contractions, prostration with tremors, and finally paralysis. These effects are consistent with the activation of nicotinic acetylcholine receptors by a mechanism that is clearly novel and unique among known insecticidal compounds. Spinosad also has effects on the gamma aminobatopic acid (GABA) receptor function that may contribute further to its insecticidal activity. Based on results found in tests with various mammalian species, spinosad appears to have a mechanism of toxicity like that of many amphiphilic cationic compounds. There is no reliable information to indicate that toxic effects produced by spinosad would be cumulative with those of any other pesticide chemical. Thus it is appropriate to consider only the potential risks of spinosad in an aggregate exposure assessment.

E. Safety Determination

1. *U.S. population.* Using the conservative exposure assumptions and the proposed RfD described above, the aggregate exposure (based on food and feed wherein potable water and non-occupational exposure is expected to be negligible) to spinosad use on cattle as well as existing registered crop uses will utilize 41.8% of the RfD for the U.S. population. A more realistic estimate of dietary exposure and risk relative to a chronic toxicity endpoint is obtained if market share percentage is applied to the tolerance levels to yield anticipated residue values. Inserting the anticipated residue values as a result of the percent market share, in place of tolerance residue levels produces a more realistic, but still conservative risk assessment. Based on anticipated residues which considers percent of market share in a dietary risk analysis, the use of spinosad on cattle and premises as well as existing registered crop uses will utilize 36.9% of the RfD for the U.S. population. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Thus, it is clear that there is reasonable certainty that no harm will result from aggregate exposure to spinosad residues on all existing crop uses and the pending animal uses.

2. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of spinosad, data from developmental toxicity studies in rats and rabbits and a 2–generation reproduction study in rats are considered. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability and potential systemic toxicity of mating animals and on various parameters associated with the well-being of pups.

FFDCA section 408 provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base. Based on the current toxicological data requirements, the data base for spinosad relative to prenatal and postnatal effects for children is complete. Further, for spinosad, the NOAEL in the chronic feeding study which was used to calculate the RfD (0.027 mg/kg/day) is already lower than the NOAELs from the developmental studies in rats and rabbits by a factor of more than 10–fold. Concerning the reproduction study in rats, the pup effects shown at the highest dose tested were attributed to maternal toxicity. Therefore, it is concluded that an additional uncertainty factor is not needed and that the RfD at 0.027 mg/kg/day is appropriate for assessing risk to infants and children. In addition, EPA has determined that the 10x factor to account for enhanced sensitivity of infants and children is not needed because:

i. The data provided no indication of increased susceptibility of rats or rabbits to *in utero* and/or postnatal exposure to spinosad. In the prenatal developmental toxicity studies in rats and rabbits and 2–generation reproduction in rats, effects in the offspring were observed only at or below treatment levels which resulted in evidence of parental toxicity.

ii. No neurotoxic signs have been observed in any of the standard required studies conducted.

iii. The toxicology data base is complete and there are no data gaps.

Using the conservative exposure assumptions previously described (tolerance level residues), the percent RfD utilized by the use of spinosad on cattle and premises as well as existing registered crop uses is 96.1% for children 1–6 years old, the most sensitive population subgroup. Based on anticipated residues which considers a percent of market share in a dietary risk analysis, the use of spinosad on cattle and premises as well as existing registered crop uses will utilize 81.9% of the RfD for the children 1–6 years old. Thus, based on the completeness and reliability of the toxicity data and the conservative exposure assessment, it is concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to spinosad residues on the proposed crop uses, including all existing crop uses.

F. International Tolerances

There are no Codex maximum residue levels established for residues of spinosad on any commodity.

[FR Doc. 00–10772 Filed 5–2–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50867; FRL–6552–5]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits (EUPs) to the following

pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

In person or by telephone: Contact the designated person at the following address at the office location, telephone number, or e-mail address cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the designated contact person listed for the individual EUP.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

II. EUPs

EPA has issued the following EUPs:

241–EUP–147. Issuance. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543–0400. This experimental use permit allows the use of 408 pounds of the herbicide ammonium salt of imazethapyr on 3,712 acres of rice to evaluate the control of barnyardgrass, large crabgrass, red rice, broadleaf signalgrass, amazon sprangletop and bearded sprangletop. The program is authorized only in the States of Arkansas, Louisiana, Mississippi, Puerto Rico, and Texas. The experimental use permit is effective from April 6, 2000 to March 31, 2002. This permit is issued with the limitation that all treated crops will be destroyed, used for research purposes only, or are stored in a bonded warehouse. (James A. Tompkins; Rm. 241, Crystal Mall #2; telephone number: (703) 305–5697; e-mail address: tompkins.jim@epa.gov).

241–EUP–146. Issuance. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543–0400. This experimental use permit allows the use of 60 pounds of the herbicide ammonium salt of imazamox on 1,280 acres of wheat to evaluate the control of broadleaf and grass weeds. The program is authorized only in the States of Arizona, Colorado, Minnesota, Montana, and North Dakota. The experimental use permit is effective from April 18, 2000 to December 31, 2001. This permit is issued with the limitation that all treated crops will be destroyed, used for research purposes only, or are stored in a bonded warehouse. (James A. Tompkins; Rm. 241, Crystal Mall #2; telephone number: (703) 305–5697; e-mail address: tompkins.jim@epa.gov).

45639–EUP–60. Amendment and Extension. Aventis CropScience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. This experimental use permit allows the use of 1,825 pounds of the herbicide glufosinate-ammonium on 2,500 acres of rice to evaluate the control of weeds. The program is authorized only in the States of Arkansas, Louisiana, and Texas. The experimental use permit is effective from March 17, 2000 to November 30, 2000. This permit was issued with the conditions that: (1) The rice seed will be secured in separate storage facilities and the quantity of seed, name and place, and person(s) in charge of the storage facilities are reported annually under section 172.8(b) until the stored rice seed is released for sale or other uses; (2) the rice seed derived from the use-pattern described on the labeling of the pesticide product used in this EUP will not be sold prior to registration of the use-pattern for rice; and (3) the rice straw is destroyed by incorporating it into soil, or by composting, followed by incorporating its compost into soil. (Eugene Wilson; Rm. 237, Crystal Mall #2; telephone number: (703) 305–6103; e-mail address: wilson.eugene@epa.gov).

Persons wishing to review these EUPs are referred to the designated contact person. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: April 25, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 00–11032 Filed 5–2–00; 8:45 am]

BILLING CODE 6560–50–F

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Committee of Advisors on Science and Technology

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for a meeting of the President's Committee of Advisors on Science and Technology (PCAST), and describes the functions of the Committee. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE AND PLACE: May 18, 2000, Washington, DC. This meeting will take place in the Truman Room (Third Floor) of the White House Conference Center, 726 Jackson Place, NW, Washington, DC.

Type of Meeting:

Open.

Proposed Schedule And Agenda

The President's Committee of Advisors on Science and Technology (PCAST) is scheduled to meet in open session on Thursday, May 18, 2000, at approximately 1:00 p.m., to discuss (1) public-private research partnerships; and (2) the work of the PCAST panels. This session will end at approximately 5:00 p.m.

Public Comments

There will be a time allocated for the public to speak on any of the above agenda items. Please make your request for the opportunity to make a public comment five (5) days in advance of the meeting. Written comments are welcome any time prior to or following the meeting. Please notify Cynthia Chase, of the PCAST Executive Secretariat, at (202) 456–6100, or fax your requests/comments to (202) 456–6026.

FOR FURTHER INFORMATION CONTACT: For information regarding time, place, and agenda, please call Cynthia Chase, of the PCAST Executive Secretariat, at (202) 456–6100, prior to 3:00 p.m. on Wednesday, May 17, 2000. Information

may also be available at the PCAST website at. *http:www.whitehouse.gov/WH/EOP/PCAST/html/PCAST_home.html.* Please note that public seating for this meeting is limited, and is available on a first-come first served basis.

SUPPLEMENTARY INFORMATION: The President's Committee of Advisors on Science and Technology was established by Executive Order 12882, as amended, on November 23, 1993. The purpose of PCAST is to advise the President on matters of national importance that have significant science and technology content, and to assist the President's National Science and Technology Council in securing private sector participation in its activities. The Committee members are distinguished individuals appointed by the President from non-Federal sectors. The PCAST is co-chaired by the Assistant to the President for Science and Technology and, by John Young, former President and CEO of the Hewlett-Packard Company.

Dated: April 24, 2000.

Barbara Ann Ferguson,

Assistant Director, Budget and Administration Office of Science and Technology Policy.

[FR Doc. 00–10557 Filed 5–2–00; 8:45 am]

BILLING CODE 3170–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Fee Schedule for Processing Requests for Map Changes, for Flood Insurance Study Backup Data, and for National Flood Insurance Program Map and Insurance Products

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice contains the revised fee schedules for processing certain types of requests for changes to National Flood Insurance Program (NFIP) maps, for processing requests for Flood Insurance Study (FIS) technical and administrative support data, and for processing requests for particular NFIP map and insurance products. The changes in the fee schedules will allow us (FEMA) to reduce further the expenses to the NFIP by recovering more fully the costs associated with: (1) Processing conditional and final map change requests; (2) retrieving, reproducing, and distributing technical and administrative support data related to FIS analyses and mapping; and (3) producing, retrieving, and distributing particular NFIP map and insurance products.

EFFECTIVE DATE: The revised fee schedules are effective for all requests dated June 1, 2000, or later.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, by telephone at (202) 646–3461, by facsimile at (202) 646–4596 (not toll-free calls), or by email at *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this notice, we use ''we'', ''our'', and ''us'' to refer to FEMA.

This notice contains the revised fee schedules for processing certain types of requests for changes to NFIP maps, requests for FIS technical and administrative support data, and requests for particular NFIP map and insurance products.

Effective Dates. The revised fee schedule for map changes is effective for all requests dated June 1, 2000, or later. The revised fee schedule supersedes the current fee schedule, which was established on March 1, 1999.

The revised fee schedule for requests for FIS technical and administrative support data also is effective for all requests dated June 1, 2000, or later. The revised fee schedule supersedes the current fee schedule, which was established on March 1, 1999.

The revised fee schedule for requests for particular NFIP map and insurance products, which are available through our Map Service Center (MSC), is effective for all written requests dated June 1, 2000, and for all telephone requests received on or after June 1, 2000. The revised fee schedule supersedes the current fee schedule.

Evaluations Performed. To develop the revised fee schedule for conditional and final map change requests, we evaluated the actual costs of reviewing and processing requests for Conditional Letters of Map Amendment (CLOMAs), Conditional Letters of Map Revision Based on Fill (CLOMR–Fs), Conditional Letters of Map Revision (CLOMRs), Letters of Map Revision Based on Fill (LOMR–Fs), Letters of Map Revision (LOMRs), and Physical Map Revisions (PMRs).

To develop the revised fee schedule for requests for FIS technical and administrative support data, we evaluated the actual costs of retrieving, reproducing, and distributing archived data in seven categories. We discuss these categories in more detail below.

To develop the revised fee schedule for requests for particular NFIP map and insurance products, we: (1) Evaluated the actual costs incurred at the MSC for producing, retrieving, and distributing those products; (2) analyzed historical sales, cost data, and product unit cost for unusual trends or anomalies; and (3) analyzed the effect of program changes, new products, technology investments, and other factors on future sales and product costs. We discuss the products that this notice covers in detail below.

Periodic Evaluation of Fees. As we indicated in the **Federal Register** notice that we published on February 6, 1997, at 62 FR 5739–5740, primary components of the fees are the prevailing rates that the private sector charges to us for labor and materials. Because these rates and the actual review and processing costs may vary from year to year, we will evaluate the fees periodically and publish revised fee schedules as notices in the **Federal Register**.

Fee Schedule for Requests for Conditional Letters of Map Amendment and Conditional and Final Letters of Map Revision Based on Fill

Based on our review of actual cost data for Fiscal Year 1999, we are continuing to charge the following review and processing fees, which requesters must submit with all requests:

Request for single-lot/single-structure CLOMA, CLOMR–F, and LOMR–F	$400
Request for single-lot/single-structure LOMR–F based on as-built information (CLOMR–F previously issued by us)	300
Request for multiple-lot/multiple-structure CLOMA	700
Request for multiple-lot/multiple-structure CLOMR–F and LOMR–F	800
Request for multiple-lot/multiple-structure LOMR–F based on as-built information (CLOMR–F previously issued by us)	700

Fee Schedule for Requests for Conditional Map Revisions

Based on our review of actual cost data for Fiscal Year 1999, we are continuing to charge the following review and processing fees, which requesters must submit with all requests unless 44 CFR 72.5 exempts them:

Request based on new hydrology, bridge, culvert, channel, or combination of any of these	$3,100
Request based on levee, berm, or other structural measure	4,000

Fee Schedule for Requests for Map Revisions

Based on our review of actual cost data for Fiscal Year 1999, we revised the review and processing fee for requests based on levees, berms, or other

structural measures, from $4,700 to $6,000. Therefore, unless 44 CFR 72.5 exempts the request, requesters must submit the review and processing fees shown below with requests for LOMRs and PMRs dated June 1, 2000, or later that are not based on structural measures on alluvial fans.

Request based on bridge, culvert, channel, or combination thereof	$4,000
Request based on levee, berm, or other structural measure	6,000
Request based on as-built information submitted as followup to CLOMR	3,400

Fees for Conditional and Final Map Revisions Based on Structural Measures on Alluvial Fans.

Based on our review of actual cost data for Fiscal Year 1999, we are continuing to charge $5,000 as the initial fee for requests for LOMRs and CLOMRs based on structural measures on alluvial fans. We also will continue to recover the remainder of the review and processing costs by invoicing the requester before issuing a determination letter, consistent with current practice. We will continue to use the prevailing private-sector labor rate charged to us ($50 per hour) to calculate the total reimbursable fees.

Fee Schedule for Requests for Flood Insurance Study Backup Data

Under the current fee schedule, non-exempt requesters of FIS technical and administrative support data pay a non-refundable fee of $140 to initiate their request under Categories 1, 2, and 3, (See detailed list of categories below.) This fee covers the preliminary costs of research and retrieval for such requests. If the requester asks for data that are available and does not cancel the request, we calculate the final fee due as the sum of the standard per-product charge plus a per-case surcharge of $93. We designed the surcharge to recover costs for maintaining our library archives, for producing CD–ROMs of data, and for collecting and depositing fees.

Based on our review of actual cost data for Fiscal Year 1999, we decreased the non-refundable fee that requesters must submit to us from $140 to $120. We did not change the per-case surcharge of $93, nor any of the other previously established fees.

We expanded the number of data requesters that are exempt from submitting fees for requests for FIS technical and administrative support data. Through the changes that we make effective by this Notice, mapped participating communities and the State agencies that are NFIP Coordinators will be exempt from submitting fees.

Requesters must submit the user fees shown below with requests for technical and administrative support data dated June 1, 2000, or later. We will charge all entities except the following for requests for FIS technical and administrative support data:

- Private architectural-engineering firms under contract to us to perform or evaluate studies and restudies;
- Federal agencies that perform or contract for studies and restudies for us (i.e., U.S. Army Corps of Engineers, U.S. Geological Survey, Natural Resources Conservation Service, and Tennessee Valley Authority);
- Communities that supply the Digital Line Graph base to us and request the Digital Line Graph data (Category 6 below);
- Communities that request data during the statutory 90-day appeal period for an initial or revised FIS for that community;
- Mapped participating communities that request data at any time other than during the statutory 90-day appeal period, provided that the community requests the data for its use and not for a third-party user; and
- State NFIP Coordinators, provided that the data that they request are for use by the State NFIP Coordinators and not for use by a third-party user.

We have established seven categories into which we separate requests for FIS backup data. These categories are:

(1) Category 1—paper copies, microfiche, or diskettes of hydrologic and hydraulic backup data for current or historical FISs;

(2) Category 2—Paper or mylar copies of topographic mapping developed during FIS process;

(3) Category 3—Paper copies of microfiche of survey notes developed during FIS process;

(4) Category 4—Paper copies of individual Letters of Map Change (LOMCs);

(5) Category 5—Paper copies of Preliminary Flood Insurance Rate Map or Flood Boundary and Floodway Map panels;

(6) Category 6—Computer tapes or CD–ROMs of Digital Line Graph or Digital Flood Insurance Rate Map files; and

(7) Category 7—Computer diskettes and user's manuals for our computer programs.

Requesters must submit a non-refundable fee of $120, to cover the preliminary costs of research and retrieval, to initiate requests for data under Categories 1, 2, and 3. The total costs of processing requests in Categories 1, 2, and 3 above will vary based on the complexity of the research involved in retrieving the data and the volume and medium of data that we must reproduce and distribute. We will apply the initial fee against the total costs to process the request, and we will invoice the requester for the balance plus the per-case surcharge before we provide the data. We will not provide any data to requesters until they pay all required fees.

We do not require an initial fee to initiate a request for data under Categories 4 through 7. We will notify requesters by telephone about the availability of the data and the fees associated with requested data. As with requests for data under Categories 1, 2, and 3, we will not provide data to requesters until they pay all required fees.

We did not change the costs for processing requests under Categories 4 through 7. Therefore, we will continue to require the flat user fees for these categories of requests as we show below.

Request Under Category 4 (First letter)	$40
Request Under Category 4 (Each additional letter)	10
Request Under Category 5 (First panel)	35
Request Under Category 5 (Each additional panel)	2
Request Under Category 6 (Per county)	150
Request Under Category 7 (per copy)	25

Fee Schedule for Requests for Map and Insurance Products

The MSC distributes a variety of NFIP maps and insurance products to a broad range of customers, including Federal, State, and local government officials; real estate professionals; insurance providers; appraisers; builders; land developers; design engineers; surveyors; lenders; homeowners; and other private citizens. The MSC distributes the following products:

- Paper (printed) copies of Flood Hazard Boundary Maps (FHBMs);
- Paper (printed) copies of Flood Insurance Rate Maps (FIRMs);
- Paper (printed) copies of Digital Flood Insurance Rate Maps (DFIRMs);
- Printed copies of Flood Insurance Studies (FIS), including the narrative report, tables, Flood profiles, and other graphics;
- Paper (printed) copies of Flood Boundary and Floodway Maps (FBFMs), when we include them as an exhibit in the FIS;
- Digital Q3 Flood Data files, which we developed by scanning the published FIRM and vectoring a thematic overlay of flood risks;

• Digital Q3 Flood Data files for Coastal Barrier Resource Areas (CBRA Q3 Flood Data files);

• Community Status Book, which is a report generated by our Community Information System database that provides pertinent map status information for all identified communities;

• Flood Map Status Information Service (FMSIS), through which we provide status information for effective NFIP maps;

• Letter of Map Change (LOMC) Subscription Service, through which we make scanned copies of certain categories of LOMCs available semimonthly on CD–ROM;

• NFIP Insurance Manual (Full Manual), which provides vital NFIP information for insurance agents nationwide;

• NFIP Insurance Manual (Producer's Edition), which is available for reference and training purposes; and

• Community Map Action List (CMAL), which is semimonthly listing of communities whose flood maps are being published or republished in the future.

For more information on the map and insurance products available from the MSC, we invite interested parties to visit the MSC Web site at *http://www.fema.gov/msc.*

Based on our review of historical sales, expenses, shipping data, and future trends, we revised the fee charges for paper copies of FHBMs, FIRMs, DFIRMs, and FISs to reflect actual production costs (i.e., printing and operating costs). We revised the shipping charges for all products to align more closely with actual shipping costs. Federal, State and local governments continue to be exempt from paying fees for the map products. We show the revised fee schedule in the table that follows.

Product or service	Fee	Shipping
Paper copies of FHBM, FIRM DFIRM, or FBFM panels ..	$1.50 per panel	$0.33 per panel for first 10 panels plus $0.02 for each additional panel.
Paper copies of FIS (not including FBFM panels that are included as exhibit).	$3.40 per FIS volume	$3.60 for first FIS plus $0.38 for each additional FIS.
Hurry Charge for FHBM, FIRM, DFIRM, FBFM, or FIS ...	$33.00 per order	Based on product and units shipped; no additional shipping charge if customer provides own shipping account.
Q3 Flood Data Files	$50.00 per CD–ROM	$3.30 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
CBRA Q3 Flood Data Files	$50.00 per CD–ROM	$3.30 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
Community Status Book (individual orders)	$2.50 per State, $20.50 for entire U.S.	$1.00 per State, $3.85 for entire U.S
Community Status Book (annual subscription)	$50.00 per State, $250.00 for entire U.S.	Not applicable.
FMSIS (individual orders)	$13 per State, $38 for entire U.S.	$3.30 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
FMSIS (annual subscription)	$148 per State, $419 for entire U.S.	Not applicable.
LOMC Subscription Service (individual orders)	$85 per issue	$3.30 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
LOMC Subscription Service (annual subscription)	$2,000	Not applicable.
NFIP Insurance Manual (full manual)	$25.00 per copy	Not applicable.
NFIP Insurance Manual (Producer's edition)	$15.00 per copy	Not applicable.
CMAL	No processing fee	$1.00 for each list.

Payment Submission Requirements

Requesters must make fee payments for non-exempt requests before we ship products or render services. This payment must be in the form of a check or money order or by credit card payment. Please make all checks and money orders in U.S. funds payable to the National Flood Insurance Program.

We will deposit all fees collected to the National Flood Insurance Fund, which is the source of funding for providing these services.

Dated: April 27, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–11013 Filed 5–2–00; 8:45 am]

BILLING CODE 6718–04–M

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 17, 2000.

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Alan E. Knudson and the Knudson Family Trust, Draper, Utah, to retain voting shares of Silver State Bancorp, Henderson, Nevada, and thereby indirectly acquire voting shares of Silver State Bank, Henderson, Nevada.

Board of Governors of the Federal Reserve System, April 27, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–10964 Filed 5–2–00; 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 26, 2000.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. CommerceFirst Bancorp, Inc., Annapolis, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of CommerceFirst Bank (in organization), Annapolis, Maryland.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Eggemeyer Advisory Corporation, WJR Corporation, Castle Creek Capital, LLC, and Castle Creek Capital Partners Funds I, IIa, and IIb, LP, all of Rancho Santa Fe, California, to acquire more than 5 percent of the voting shares of Independent Bankshares, Inc., Abilene, Texas, and thereby indirectly acquire Independent Financial Corporation, Dover, Delaware, and First State Bank, N.A., Abilene, Texas.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. State National Bancshares, Inc., Lubbock, Texas, to acquire 100 percent of the voting shares of Independent Bankshares, Inc., Abilene, Texas, and thereby indirectly acquire Independent Financial Corporation, Dover, Delaware, and First State Bank, N.A., Abilene, Texas.

Board of Governors of the Federal Reserve System, April 27, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–10965 Filed 5–2–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, May 8, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: April 28, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–11067 Filed 4–28–00; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Office of Communications; Cancellation of a Standard Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Department of State is cancelling the following Standard Form because of low usage: OF 263, Requisition for Equipment, Supplies, Furniture, Etc.

DATES: Effective May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

Dated: April 14, 2000.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 00–10968 Filed 5–2–00; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Office of Communications; Cancellation of a Standard Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Office of Personnel Management has cancelled the following Standard form because of low use:

SF 182 (2-part snapout version) (identified by NSN 7540–01–008–3899). The 5-part snapout version identified by (NSN 7540–01–008–3900) and the 10-part snapout version (identified by NSN 7540–01–008–3901) version of this form are still available from FSS.

FOR FURTHER INFORMATION CONTACT: General Services Administration, Forms Management, (202) 501–0581.

DATES: Effective May 3, 2000.

Dated: April 25, 2000.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 00–10982 Filed 5–2–00; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0021]

Proposed Collection: Comment Request Entitled Profit and Loss Statement—Operating Statement

AGENCY: Regional Support Division (PMR), GSA.

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (3090–0021).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Profit and Loss Statement—Operating Statement. The OMB clearance expires June 30, 2000.

DATES: Comment Due Date: July 3, 2000.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Marjorie Ashby, General Services Administration (MVP), Room 4011, 1800 F Street NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Deborah Purdie, (202) 501–4226.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Profit and Loss Statement—Operating Statement is the financial planning document in an offeror's proposal to perform a GSA cafeteria service contract and its contents are one factor considered by the contracting officer in deciding to award a contract. The GSA Form 2817 is also the non-ADP financial reporting vehicle used by cafeteria contractors.

B. Annual Reporting Burden

Respondents: 250; annual responses: 250; average hours per response: 1; burden hours: 250

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW, Washington, DC 20405, or by telephoning (202) 501–3822.

Dated: April 20, 2000.

Sue McIver,

Acting Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 00–10967 Filed 5–2–00; 8:45 am]

BILLING CODE 6820–61–M

Harry S. Truman Scholarship Foundation

Notice of Intent To Extend an Information Collection

AGENCY: Harry S. Truman Scholarship Foundation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Harry S. Truman Scholarship Foundation [Foundation] will publish periodic summaries of proposed projects.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments on this notice must be received by July 5, 2000 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Contact Louis H. Blair, Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW, Washington, DC 20006; telephone 202–395–4831; or send e-mail to lblair@truman.gov. You also may obtain a copy of the data collection instrument and instructions from Mr. Blair.

SUPPLEMENTARY INFORMATION:

Title of Collection: Truman Scholarship Application

OMB Approval Number: 3200–0004

Expiration Date of Approval: 12/99

Type of Request: Intent to seek approval to extend an information collection for three years.

Proposed Project: The Foundation has been providing scholarships since 1977 in compliance with PL 93–642. This data collection instrument is used to collect essential information to enable the Truman Scholarship Finalists Selection Committee to determine whom to invite to interviews. It is used by Regional Review Panels as essential background information on the Finalists whom they interview and ultimately the Truman Scholars they select. A total response rate of 100% was provided by the 598 candidates who applied for Year 2000 Truman Scholarships.

Estimate of Burden: The Foundation estimates that, on average, 50 hours per respondent will be required to complete the application, for a total of 30,000 hours for all respondents.

Respondents: Individuals.

Estimated Number of Responses: 600.

Estimated Total Annual Burden on Respondents: 30,000 hours.

Dated: April 27, 2000.

Louis H. Blair,

Executive Secretary.

[FR Doc. 00–10973 Filed 5–2–00; 8:45 am]

BILLING CODE 6820–AD–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary; Notice of Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the ''Schedule of Certified Interest Rates with Range of Maturities.'' This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register**.

The Secretary of the Treasury has certified a rate of 13¾% for the quarter ended March 31, 2000. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: April 26, 2000.

George Strader,

Deputy Assistant Secretary, Finance.

[FR Doc. 00–11018 Filed 5–2–00; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–23–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1. Telephone Survey Measuring HIV/STD Risk Behavior Using Standard Methodology—New—The Behavioral Surveillance Working Group, coordinated by the National Center for HIV, STD and Tuberculosis Prevention (NCHSTP). Proposes to conduct testing of a set of survey questions intended to obtain measures of risk behaviors for Human Immunodeficiency Virus (HIV) and Sexually Transmitted Diseases (STDs). Knowledge about the level of HIV risk behaviors in populations is essential for effective HIV prevention programs. Currently, survey-based assessment of these behaviors depends on a range of survey questions that differ across survey, and that are difficult to compare and to reconcile. Therefore, CDC has developed a draft set of items to be proposed as standard survey questions on the topics of sexual behavior, HIV testing, drug use, and other behaviors related to risk of contracting HIV and/or STDs. As part of this effort, CDC will sponsor a telephone-based pretest of 150 households, selected randomly from within an urban area, in order to test these questions.

Further, because some of the survey questions are private and potentially sensitive, the project will entail the testing of a survey administration mode: Telephone-based audio computer-assisted self-interview (T–ACASI), in which a computer will be used to administer the most sensitive questions, and in which the surveyed individual enters responses directly onto the telephone keypad. This procedure eliminates the need for communication of sensitive questions from the interviewer to the respondent, as well as the need for respondents to answer the questions verbally. In order to test the effectiveness of this procedures, half of the interviews will be conducted using the T–ACASI procedure for the most sensitive questions, and half using standard, interviewer-based administration of all questions. Data analysis will rely on an assessment of the response rate under each mode, and on the nature of the data obtained to the sensitive questions.

Information and data obtained from this evaluation will help direct future surveys by determining whether it is feasible to attempt to administer these standard risk questions using a telephone survey and whether a T–ACASI-based procedure represents a technological innovation that will positively contribute to such an effort, through improvements in data quality.

The total cost to respondents is $505.60. The Annual Burden hours are 63.2.

Respondents	Number of respondents	Number of responses/respondent	Avg. burden per response (in hours)
Screening	660	1	0.02
Interview	150	1	0.33

Dated: April 26, 2000.

Charles W. Gollmar,

Acting Associate Director for Policy, Planning and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–10977 Filed 5–2–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–24–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1. Surveillance and Evaluation of Plasma Donors for the Human Immunodeficiency Virus (HIV) and Hepatitis C Virus (HCV)—New—National Center for HIV, STD, and TB Prevention (NCHSTP). In 1987, the President directed the Department of Health and Human Services (DHHS) to determine the nationwide incidence of, to predict the future of, and to determine the extent to which human immunodeficiency virus (HIV) was present in various segments of the population. In response, the CDC formed an epidemiologic team to summarize existing information. An extensive review of published and unpublished data led to the conclusion that even though there was information suggesting a very large number of Americans were infected, there was no substitute for carefully and scientifically obtained incidence and prevalence data. The need to monitor HIV seroprevalence existed on the national and at the state and local levels for public health management: targeting and evaluating prevention programs, planning future health care needs and determining health policy. Research has also indicated that similar studies are needed to determine the incidence and prevalence of hepatitis C (HCV) infection.

A complementary family of surveys and studies, organized by the CDC, provides empirical estimates of the extent of the epidemic of the human immunodeficiency virus (HIV) in the United States. The national surveillance system of HIV infection in the United States includes monitoring incidence and prevalence rates of HIV-infection among first time and repeat whole blood donors. Although this surveillance system has been in place for several years to monitor HIV trends in the United States blood supply, such a

system does not exist for the source plasma industry for either HIV or hepatitis C (HCV).

The source plasma industry collects approximately 14 million of plasma each year. The majority of source plasma is used to produce immune globulins, albumin and other blood products utilized in the United States and in other countries. Donors may donate up to two times per week and are remunerated for each donation. Although the source collection industry plays an important role in the production of blood products, little information regarding HIV or HCV rates within the industry has been published to date.

The objectives of this study of HIV and HCV in plasma donors are to:

1. Analyze the risk behavior characteristics of infected donors to assess distribution and trends of HIV and HCV;

2. Study the motivations and risk factors of HIV and HCV infected deferred donors in order to improve the donor screening and deferral processes;

3. Monitor additional human immunodeficiency and hepatitis viruses, HIV and HCV genetic variation, and other infections relevant to the epidemiology of HIV and HCV among U.S. plasma donors;

4. Evaluate the laboratory characteristics of plasma from infected donors to determine the effectiveness of current and anticipated test modalities; and

5. Evaluate risk factors for transmission of HCV among recently infected individuals.

The above objectives will be attained though a questionnaire designed to evaluate demographic information, knowledge of HIV and HCV, risks for HIV and HCV and motivations for donating plasma. In order to elucidate risks for transmission among this population, a group of HIV and HCV negative persons will also be given the questionnaire. Respondents will be interviewed with the aid of a computer assisted telephone interview (CATI) and respondents will receive a stipend for their time and travel expenses. Participation is voluntary, and all information will be gathered only after written informed consent has been obtained.

The CDC anticipates 430 individuals will be enrolled annually in this study (based upon combined estimates obtained from the plasma companies regarding the number of HIV and HCV positive donors identified per year, plus the number of HIV and HCV negative individuals enrolled as comparisons). It has been estimated that the interview will take approximately 20 minutes to complete; therefore, the response burden will be 143 hours. The approximate hourly wage earned per respondent is $10.00/hour. The total cost to the respondents would be $1430.00. The Annual Burden hours are 218.

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden per response (in hrs.)
Questionnaire	430	1	20/60
Form	90	5	10/60

Dated: April 26, 2000.

Charles W. Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–10978 Filed 5–2–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–27–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1. Importation of Etiologic Agents and Packaging and Handling Infectious Substances and Select Agents—(0920–0199)—Extension—Interstate shipment of etiologic agents are regulated by 42 CFR Part 7. This rule establishes minimal packaging requirements for all viable microorganisms, illustrates the appropriate shipping label, and provides reporting instructions regarding damages packages and failure to receive a shipment. In recent years the threat of illegitimate use of infectious agents has attracted increasing interest from the perspective of public health. The Centers for Disease Control and Prevention (CDC) is concerned about the possibility that the interstate transportation of certain infectious agents could have adverse consequences for human health and safety. CDC has already requested that all those entities that ship dangerous human infectious agents exercise increased vigilance prior to shipment to minimize the risk of illicit access to infectious agents. Of special concern are pathogens and toxins causing anthrax, botulism, brucellosis, plague, Q fever, tularemia, and all agents classified for work at Biosafety Level 4. This information collection ensures that selected infectious agents are not shipped to parties ill-equipped to handle them appropriately, or who do not have legitimate reasons to use them and to implement a system whereby scientists and researchers involved in legitimate research may continue transferring and receiving these agents without undue burdens. Respondents include laboratory facilities such as those operated by government agencies, universities, research institutions, and commercial entities. This request is for the information collection requirements contained in 42 CFR 71.54, 72.3(e) and 72.4 relating to the importation and shipment of etiologic agents. Total annual hours burden are 1,925.

CFR Section	No. of respondents	No. of responses/ respondent	Avg. burden/ response (in hrs.)
Application for Permit	2,000	1	20/60

CFR Section	No. of respondents	No. of responses/ respondent	Avg. burden/ response (in hrs.)
72.3(e)	50	1	6/60
72.3(f)	200	10	12/60
72.4	20	1	12/60
72.6(a)	100	1	210/60
72.6(d)	300	2	30/60
72.6(e)	300	2	10/60
72.6(f)	300	2	10/60

Dated: April 26, 2000.

Charles W. Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–10979 Filed 5–2–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–28–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1. Chronic Fatigue Syndrome (CFS) Surveillance and Related Studies, Prevalence and Incidence of Fatiguing Illnesses in Sedgwick County, Kansas (0920–0401)—Extension—The Centers for Disease Control and Prevention (CDC) A Population-Based CFS Study was done previously in Kansas in 1997. Data from this cross-sectional, random-digit-dial survey of prolonged fatiguing illness in Wichita, Kansas will be added to the data previously obtained during the past 24 months from this population.

The proposed study continues the Sedgwick County study using identical methodology and data collection instruments. Beginning with a random-digit-dial telephone survey to identify previously identified fatigued and non-fatigued individuals, followed by a detailed telephone interview to obtain additional data on participants' health status during the last 12-month period. Study objectives remain to refine estimates of CFS in Wichita, identify similarities and differences among fatigued and non-fatigued subjects and to describe the clinical course of fatiguing illness in the population. Total annual hours burden are 2,066.

Form name	No. of respondents	No. of responses/respondent	Avg. burden/ response (in hrs.)
Telephone Questionnaire	4,500	1	20/60
Self-Administered Questionnaire—Initially Fatigued Adult	75	1	20/60
Self-Administered Questionnaire—Follow-up Fatigued Adult	147	1	20/60
Self-Administered Questionnaire—Non Fatigued Adult	93	1	30/60
Self-Administered Questionnaire—Initially Fatigued Adolescent	2	1	30/60
Self-Administered Questionnaire—Parent of Initially Fatigued Adolescent	2	1	30/60
Self-Administered Questionnaire—Follow-up Fatigued Adolescent	2	1	30/60
Self-Administered Questionnaire—Parent of Follow-up Fatigued Adolescent	2	1	30/60
Self-Administered Questionnaire—Non-Fatigued Adolescent	1	1	30/60
Self-Administered Questionnaire—Parent of Non-Fatigued Adolescent	1	1	30/60
Symptom Questionnaire—Initially Fatigued Adult	75	1	10/60
Symptom Questionnaire—Follow-up Fatigued Adult	147	1	10/60
Symptom Questionnaire—Initially Fatigued Adolescent and Parent of Fatigued Adolescent	4	1	10/60
Symptom Questionnaire—Follow-up Fatigued Adolescent and Parent of Fatigued Adolescent	4	1	10/60
Course of Fatiguing Illness Questionnaire	208	1	4/60
Diagnostic Interview Schedule—Adults Questionnaire	315	1	45/60
Diagnostic Interview Schedule—Parent Version	5	1	45/60
Diagnostic Interview Schedule—Child Version	5	1	45/60
Sleep Disorders Questionnaire—Fatigued Adults	222	1	7/60
Fatigue Questionnaire—Adults and Adolescents	226	1	15/60
Fatigue Questionnaire—Parent of Adolescent	4	1	15/60
SF–36 Questionnaire	320	1	11/60

Dated: April 26, 2000.

Charles W. Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–10980 Filed 5–2–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–25–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1. Surveillance and Evaluation of Blood Donors Positive for Human Immunodeficiency Virus (HIV) Antibody or HIV Antigen (0920–0329)—Extension—National Center for HIV, STD, and TB Prevention (NCHSTP). In 1987, the President directed the Department of Health and Human Services (DHHS) to determine the nationwide incidence of, to predict the future of, and to determine the extent to which human immunodeficiency virus (HIV) is present in various segments of our population. In response, CDC formed an epidemiological team to summarize existing information. An extensive review of published and unpublished data led to the conclusion that even though there is information suggesting a very large number of Americans were infected, there was no substitute for carefully and scientifically obtained incidence and prevalence data. The need to monitor HIV seroprevalence existed on the national and at the state and local levels for public health management: targeting and evaluating prevention programs, planning future health care needs and determining health policy.

On a national basis, HIV seroprevalence projects in 1987 consisted of monitoring the HIV status of: Civilian applicants for military service; blood donors, including follow-up risk factor evaluation in seropositives; and Job Corps entrants. HIV prevalence was studied in settings of special public health interest including selected colleges and prisons, among health care workers in hospital emergency rooms and among Native Americans and homeless persons. Other national data sources were examined, such as cohort studies of groups at risk, including homosexual and bisexual men and IV drug users, providing information on knowledge of AIDS and risk behaviors, changes in behavior, and incidence of HIV infection.

In 1987, OMB approved the Family of HIV Seroprevalence Surveys (0920–0232). These surveys included seven seroprevalence surveys that involved interaction with individuals (non-blinded surveys). One of these surveys was the surveillance and evaluation of blood donors.

The objectives of this study are to: (1) Estimate the prevalence and incidence of HIV infection among blood donors at participating blood centers; (2) evaluate the characteristics of infected donors to strengthen the effectiveness of the donor screening and deferral processes; (3) analyze the risk behavior characteristics of infected donors to assess distribution and trends of HIV; (4) monitor additional human immunodeficiency viruses, HIV genetic variation, and other infections relevant to the epidemiology of HIV among U.S. blood donors and seroconverted recipients; (5) estimate the risk of HIV transmission from screened blood; (6) and evaluate new tests to decrease transmission by window period donors.

In 1993 and 1996, OMB again approved for 3 years each, the surveillance and evaluation of blood donors who test positive for Human Immunodeficiency Virus (HIV) Antibody and their needle-sharing and sexual partners (0920–0329). This request is for an additional 3-year approval. The CDC anticipates 125 positive donors will enroll annually in this study (based upon previous 3 year enrollment rates and epidemiological progress of the disease). The interview takes approximately 1 hour to complete for those who agree to the interview and 10 minutes to complete for those who refuse to enroll. The Annual Burden is 140.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden response (in hours)
Blood donors (interviewed)	125	1	1.0
Blood donors (refuse interview)	92	1	10/60

Dated: April 26, 2000.

Charles W. Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–10981 Filed 5–2–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Information Collection Items in the Head Start Performance Standards (current rule).

OMB No.: 0970–0148.

Description: The Head Start Performance Standards are regulations which establish standards for Head Start grantee and delegate agencies to follow to administer quality programs as required by law. Local programs are monitored for compliance with these standards. The information collection aspects of the Performance Standards are one part of the many actions that local agencies must take to ensure they administer quality programs. Almost all these information collections items are recordkeeping requirements such as recording: Nutrition assessment data, family partnership development, and regular volunteer screening for tuberculosis. These records are intended

to act as a management tool for grantees to use in their daily operations. Such records are maintained by the grantees and are not information items which must be collected and then forwarded to the Federal government.

Respondents: Head Start grantee and delegate agencies.

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Performance Standards	2,472	Once a year	594	1,468,626

Estimated Total Annual Burden Hours: 1,468,626.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: April 26, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–11017 Filed 5–2–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACF/ACYF/CB FY 2000–01A]

Announcement of the Availability of Financial Assistance and Request for Applications To Support Adoption Opportunities Demonstration Projects, Child Abuse and Neglect Discretionary Activities, Child Welfare Training Projects, and Abandoned Infants Assistance Awards

AGENCY: Children's Bureau, Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Correction.

SUMMARY: This document contains a correction to the Notice that was published in the **Federal Register** on Thursday, April 13, 2000 (65 FR 19904). The information in the ''Eligible Applicants'' sections of the notice is more restrictive than intended. For the correct less restrictive requirements please see the complete announcement package posted on the Children's Bureau website: *http://www.acf.dhhs.gov/programs/cb/policy/cb200001.htm*.

FOR FURTHER INFORMATION CONTACT: The ACYF Operations Center at 1–800–351–2293 or send an email to *cb@lcgnet.com*. You can also contact Sally Flanzer, Children's Bureau, at 202–215–8914.

Dated: April 27, 2000.

James Harrell,

Deputy Commissioner, Administration on Children, Youth and Families.

[FR Doc. 00–11019 Filed 5–2–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90N–0056]

Agency Information Collection Activities; Announcement of OMB Approval; Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 5, 1998 (63 FR 176), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0439. The approval expires on April 30, 2003. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: April 26, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–10933 Filed 5–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98F–0430]

Nalco Chemical Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 8A4598) proposing that the food additive regulations be amended to provide for the safe use of sodium acrylate/sulfonated styrene copolymer for use as an antiscalant boiler treatment where steam from treated boilers may contact food.

FOR FURTHER INFORMATION CONTACT: Parvin M. Yasaei, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3023.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 30, 1998 (63 FR 35603), FDA announced that a food additive petition (FAP 8A4598) had been filed by Nalco Chemical Co., One Nalco Center, Naperville, IL 60563. The petition proposed to amend the food additive regulations in § 173.310 *Boiler water additives* (21 CFR 173.310) to provide for the safe use of sodium acrylate/sulfonated styrene copolymer for use as an antiscalant boiler treatment where steam from treated boilers may contact food. Nalco Chemical Co. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: April 5, 2000.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–10931 Filed 5–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–313]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection;

Title of Information Collection: Medicare DMEPOS Competitive Bidding Demonstration: Follow-up to Original Survey;

Form No.: HCFA–R–313;

Use: This collection is the ''follow-up'' or ''second round'' to the original Competitive Bidding Demonstration collection to compare the results of the two surveys to make inferences about the impact of the competitive bidding demonstration on issues measured by the survey (i.e., access and quality, and goods and services).

Section 4319 of the Balanced Budget Act (BBA) mandates HCFA to implement demonstration projects under which competitive acquisition areas are established for contract award purposes for the furnishing of Part B items and services, except for physician's services. The first of these demonstration projects implements competitive bidding of categories of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS). Under the law, suppliers can receive payments from Medicare for items and services covered by the demonstration only if their bids are competitive in terms of quality and price. Each demonstration project may be conducted in up to three metropolitan areas for a three year period. Authority for the demonstration expires on December 31, 2002. The schedule for the demonstration anticipates about a six month period required between mailing the bidding forms to potential bidders and the start of payments for DMEPOS under the demonstration. HCFA intended to operate the demonstration in two rounds, the first of two years, and the second of one year. HCFA has operated its first demonstration in Polk County, Florida, which is the Lakeland-Winter Haven Metropolitan Area. This ''second round'' evaluation is necessary to determine whether access to care, quality of care, and diversity of product selection are affected by the competitive bidding demonstration. Although secondary data will be used wherever possible in the evaluation, primary data from beneficiaries themselves is required in order to gain an understanding of changes in their level of satisfaction and in the quality and selection of the medical equipment.

The follow-up beneficiary surveys will take place July to September 2000. We will sample beneficiaries from claimant lists provided by the durable medical equipment regional carrier (DMERC). The sample will be stratified into two groups: beneficiaries who use oxygen and beneficiaries who are non-oxygen users, i.e., users of the other four product categories covered by the demonstration (hospital beds, enteral nutrition, urological supplies, and surgical dressings) but not oxygen. To draw a comparison, we will sample in both the demonstration site (Polk County, Florida) and a comparison site (Brevard County, Florida) that matches Polk County on characteristics such as number of Medicare beneficiaries and DME/POS utilization. Information collected in the beneficiary survey will be used by the University of Wisconsin-Madison (UW–M), Research Triangle Institute (RTI), and Northwestern University (NU) to evaluate the Competitive Bidding Demonstration for DME and POS. Results of the evaluation will be used by HCFA and the Congress in formulating future Medicare policy on Part B competitive bidding.

The research questions to be addressed by the surveys focus on access, quality, and product selection. Our collection process includes fielding a survey for oxygen users and a survey for non-oxygen users before the demonstration begins and again after the new demonstration prices were put into effect. The baseline beneficiary survey was conducted between March and May 1999. The same data collection process will be followed in the comparison site (Brevard County). In the analysis of the data, we will also control for socioeconomic factors. This will allow us to separate the effects of the demonstration from beneficiary or site-specific effects. In the survey, we will also ask beneficiaries about the types of equipment that they use. This will allow us to determine if certain users are affected while others are not. For example, we will be able to evaluate whether oxygen users experience a

greater increase or decrease in access and quality than beneficiaries who receive enteral nutrition.

The information that this survey will provide about access, quality, and product selection will be very important to the future of competitive bidding within the Medicare program.

Frequency: Other: One time.

Affected Public: Individuals or households;

Number of Respondents: 2,128;

Total Annual Responses: 2,128;

Total Annual Hours: 637.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's web site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 24, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–11037 Filed 5–2–00; 8:45 am]

BILLING CODE 41210–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–566]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Medicare, Managed Care Disenrollment Form;

Form No.: HCFA–566 (OMB #0938–0507);

Use: This form is used to disenroll from managed care plans. This is to be used in Social Security Field Offices to allow Medicare beneficiaries to disenroll from a managed care plan;

Frequency: On occasion;

Affected Public: Individuals or households, business or other for-profit, Not-for-profit institutions, and Federal Government;

Number of Respondents: 85,000;

Total Annual Responses: 85,000;

Total Annual Hours: 2,805.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's web site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: April 10, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–11035 Filed 5–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–310]

Agency Information Collection Activities: Submission For OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection;

Title of Information Collection: Health Care Services for Deaf and Hard of Hearing Adults—Case Story Forms;

Form No.: HCFA–R–310 (OMB #0938–NEW);

Use: The Agency seeks to obtain beneficiary information that helps providers (1) better understand situations in which problems may be avoided when encountering a hearing-impaired or deaf individual, (2) explore how such encounters may affect the delivery of quality care of adversely impact health care outcomes, and (3) provide an opportunity for hearing-impaired individuals to develop more appropriate health-seeking behavior, where indicated. This form is to be used by deaf and hard of hearing individuals accessing the Delmarva web site who may wish to identify experiences receiving health care in the United States. The experiences may be either good or bad. Respondents are asked to complete a form for each case or experience;

Frequency: On occasion;

Affected Public: Individuals or Households;

Number of Respondents: 100;

Total Annual Responses: 100;

Total Annual Hours: 17.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's web site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: April 17, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–11036 Filed 5–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–246]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the Information collections referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. Due to the unanticipated event of the settlement agreement for the Grijalva court case requiring HCFA to revise the current instrument, and because the collection of this information is needed prior to the expiration of the normal time limits under OMB's regulations at 5 CFR Part 1320, we are requesting emergency review. The Agency cannot reasonably comply with the normal clearance procedures because public harm is likely to result due to the possibility of the Medicare program being unable to provide the necessary mandated information on whether Medicare+Choice organizations are meeting their notice and appeal requirements. Additional questions have been added to the survey that address the following: enrollee knowledge about appeal rights and the appeals process; whether the enrollee ever was denied care; whether the enrollee was given written notice of the right to file a formal complaint; and whether the enrollee ever filed a complaint with his/her Medicare+Choice organization.

HCFA is requesting OMB review and approval of this collection by July 3, 2000, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by June 28, 2000. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Collection Request: Revision of a currently approved collection;

Title of Information Collection: The Medicare Managed Care CAHPS Survey and Supporting Regulations in 42 CFR 417.126 and 417.470;

Form No.: HCFA-R–246 (OMB #0938–0732);

Use: The CAHPS data is necessary to hold the Medicare managed care industry accountable for the quality of care they are delivering. It is critical to HCFA's mission that we collect and disseminate information that will help beneficiaries choose among plans, contribute to improved quality of care through identification of quality improvement opportunities, and assist HCFA in carrying out its responsibilities;

Frequency: On occasion;

Affected Public: Individuals or households, business or other for-profit, and not-for-profit institutions;

Number of Respondents: 204,000;

Total Annual Responses: 204,000;

Total Annual Hours: 67,320.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of Information requirements. However, as noted above, comments on these Information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by June 28, 2000:

Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167 Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: April 24, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–11038 Filed 5–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3030–N]

RIN 0938–AH15

Medicare Program; Lenses Eligible for an Adjustment in Payment Amount for New Technology Intraocular Lenses Furnished by Ambulatory Surgical Centers

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the lenses that we have determined meet the criteria and definition of a new technology intraocular lens (NTIOL). These lenses are eligible for a payment adjustment of $ 50 when furnished by an ambulatory surgical center (ASC).

DATES: *Effective date of this notice:* May 18, 2000.

Expiration date of this notice: May 18, 2005.

FOR FURTHER INFORMATION CONTACT: Mary Stojak, (410) 786–6939.

SUPPLEMENTARY INFORMATION:

Background

In our regulations at 42 CFR Part 416, Subpart F, we describe the process an interested party may use to request that we review the appropriateness of the payment amount for NTIOLs furnished by ASCs. On December 20, 1999, we published a notice with comment period (64 FR 71148) listing lenses for which we had received requests for a review for payment adjustment. In accordance with those regulations, we asked the FDA to review the requests to determine whether the claims of specific clinical advantage and superiority over existing intraocular lenses had been approved for labeling and advertising purposes. HCFA uses only FDA's labeling review to determine if lenses meet the NTIOL criteria. FDA conveyed their analysis of the lenses to HCFA in a December 22, 1999 memorandum. Based on that information, HCFA determined that two of the lenses met the NTIOL criteria, but four did not. The approved lenses and model numbers are listed in the ''Lenses Eligible for the Payment Adjustment'' section of this notice.

The following lenses that were considered for payment adjustment did not meet our criteria for NTIOLs:

(1) Alcon, manufacturer of Acrysof Models MA30BA and MA60BM, claimed these lenses provide a reduction in the rate of Nd:YAG capsulotomy and posterior capsule opacification. The FDA determined that these lenses did not demonstrate clinical advantages over existing lenses with respect to the claims made by the manufacturer.

(2) Allergan, manufacturer of AMO Silicone Posterior Chamber Models SI40NB and SI55NB, claimed the rate of Nd:YAG capsulotomy and posterior capsule opacification were lower after two years. The FDA determined that these lenses did not demonstrate clinical advantages over existing lenses for the claims made by the manufacturer.

(3) CIBA Vision Corporation, manufacturer of MemoryLens Models U940A and U940S, claimed that these lenses are the only small incision pre-rolled hydrophylic acrylic lenses in today's global market. They did not identify any specific clinical advantages. Based on their labeling claims, the FDA has determined that these lenses did not demonstrate any specific clinical advantages over existing lenses.

(4) Pharmacia and Upjohn, manufacturer of CeeOn Heparin Surface Modified Models 720C, 722C, 726C, 727C, 730C, 734C, 777C, 809C through 815C, and 820C, claimed that the amount of cellular deposits and the number of giant cells are reduced with their lenses. The FDA determined that these lenses did not demonstrate a clinical advantage over other approved IOLs.

We received 110 comments in response to the notice listing the lenses requesting a review. Of these, the majority were from ophthalmologists. The remainder of the comments were from professional organizations, ambulatory surgical centers, and one manufacturer of intraocular lenses.

Analysis of, and Responses to, Public Comments on Lenses Requesting Review for an Adjustment in Payment Amount

Comment: Over 100 of the comments received were testimonials in support of one or more of the lenses announced in the notice. The support was based on experience the commenters have had with a lens or lenses. A summary of these comments follow: 80 commenters supported the Alcon Acrysof lens, 29 commenters supported the Allergan Array Multifocal lens, 3 commenters supported the Pharmacia & Upjohn CeeOn lens, 3 commenters supported the STAAR Surgical Toric Optic lens, 1 commenter supported the Allergan AMO Silicone Posterior Chamber lens, and 3 commenters supported all of the lenses. These commenters suggested that these lenses be classified as new technology intraocular lenses, and, therefore, be eligible for the payment adjustment.

Response: We appreciate the commenters' interests in these lenses, and are pleased that these lenses have improved the quality of life of Medicare beneficiaries. Regulations at 42 CFR 416.180 require the FDA to determine whether the lens has specific clinical advantages and superiority over existing intraocular lenses. Testimonials that support the claims of an intraocular lens to be considered an NTIOL cannot substitute for the FDA's approval. The FDA must rely on published clinical data to decide that a lens has specific clinical advantages and superiority over existing lenses in order to be considered an NTIOL.

Comment: Two commenters made reference to the payment adjustment for intraocular lenses and the need to implement the payment process in a timely manner.

Response: Payment issues are outlined in our regulations at 42 CFR 416.185. This section codifies the payment amount, and describes the time frame for implementation of the payment adjustment. The effective date of the payment adjustment is 30 days after the publication of this notice, which must be published within 90 days of the end of the comment period of the notice listing the lenses requesting review. Since the **Federal Register** notice listing the requests was published on December 20, 1999 (64 FR 71148), the effective date of the payment adjustments can be no later than May 18, 2000. Retroactive payment adjustments will be made, if necessary.

Comment: One commenter suggested that the manufacturers of the Alcon Acrysof lens and the Allergan AMO Posterior Chamber lens should not be able to claim that their lenses are superior to existing intraocular lenses in the rate of Nd:YAG capsulotomy. The commenter claims that the studies performed by these manufacturers showed only that their lenses were superior to one particular model.

Response: The manufacturers of these lenses have not demonstrated clinical advantages and superiority over existing lenses, as the regulations require.

Lenses Eligible for the Payment Adjustment

In determining which lenses meet the criteria and definition of an NTIOL, we relied on the clinical data and evidence submitted to the FDA by the various manufacturers, demonstrating that these lenses have specific clinical advantages and superiority over existing lenses. These claims must be approved by the FDA for use in advertising and labeling. The lenses eligible for a payment adjustment are identified by a characteristic or subset of an NTIOL. The payment adjustment is effective for 5 years from the effective date of this notice. Any subsequent NTIOL with the same characteristic, and determined to be eligible for a payment adjustment, will receive the payment adjustment for the remainder of the 5 year period. Based on the FDA's approval process as required by our regulations, the following lenses are eligible for a payment adjustment of $50 when

furnished by an ambulatory surgical center:

Manufacturer: Allergan

Lens and Model Number: AMO Array Multifocal Model SA40N

Characteristic: Multifocal

Procedure Code: Q1001—NTIOL Category 1

Manufacturer: STAAR Surgical Company

Lens and Model Numbers: Elastic Ultraviolet-Absorbing Silicone Posterior Chamber

Intraocular Lens with Toric Optic Models AA4203T, AA4203TF, and AA4203TL

Characteristic: Reduction in Preexisting Astigmatism

Procedure Code: Q1002— NTIOL Category 2

Payment Adjustments made to ASCs

Payment adjustments made to ASCs that provide these lenses will be effective on May 18, 2000 and continue until May 18, 2005.

Authority: Sections 1832 (a)(2)(F)(i) and 1833(i)(2)(A) of the Social Security Act (42 U.S.C. 1395k(a)(2)(F)(i) and 1395l(i)(2)(A))

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: April 11, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 00–10970 Filed 5–2–00; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Application for the National Health Service Corps (NHSC) Scholarship Program (OMB No. 0915–0146): Extension

The National Health Service Corps (NHSC) Scholarship Program was established to help alleviate the geographic and specialty maldistribution of physicians and other health practitioners in the United States. Under this program, health professions students are offered scholarships in return for service in a federally designated Health Professional Shortage Area (HPSA). The Scholarship Program provides the NHSC with the health professionals it requires to carry out its mission of providing primary health care to HPSA populations in areas of greatest need. Students are supported who are well qualified to participate in the NHSC Scholarship Program and who want to assist the NHSC in its mission, both during and after their period of obligated service. Scholars are selected for these competitive awards based on the information provided in the application and during the semistructured personal interview that is conducted by a team of two interviewers who use a structured scoring procedure. Awards are made to applicants that demonstrate a high potential for providing quality primary health care services.

The estimated response burden is as follows:

Form	Number of respondents	Responses per respondents	Hours per reponse	Total burden hours
Application	2,000	1	1	2,000
Interview	1,100	1	1	1,100
Total	3,100	.....	.....	3,100

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Wendy A. Taylor, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: April 26, 2000.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–10930 Filed 5–2–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Federal Set-Aside Program; Special Projects of Regional and National Significance; Data Utilization and Enhancement: Cooperative Agreements for State Information Systems

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that approximately $428,000 in fiscal year (FY) 2000 funds is available for 6 to 10 cooperative agreements to improve maternal and child health State information systems. All awards will be made under the program authority of section 502(a) of the Social Security Act, the Maternal and Child Health (MCH) Federal Set-Aside Program (42 U.S.C. 702(a)). This Data Utilization and Enhancement (DUE) Cooperative Agreement Program (CFDA #93.110 U) will be administered by the Maternal and Child Health Bureau (MCHB), HRSA. Projects will be approved for a 3-year period, with awards at average yearly amounts ranging from $30,000 to $80,000. Funds for DUE cooperative agreements are appropriated by Public Law 106–113.

The DUE competition announced in this notice is a successor to a similar

competition that was published in the Fall 1999 HRSA Preview and withdrawn in the **Federal Register** notice of March 30, 2000 (65 FR 16924). The competition has been modified to adjust project expectations to available funding. This announcement will only appear in the **Federal Register** and on the HRSA Home Page at: *http://www.hrsa.dhhs.gov/.*

DATES: The deadline for receipt of applications is July 3, 2000. Applications will be considered ''on time'' if they are either received on or before the deadline date or postmarked on or before the deadline date. The projected award date is August 31, 2000.

ADDRESSES: To receive a complete application kit, applicants may telephone the HRSA Grants Application Center at 1–877–477–2123 (1–877–HRSA–123) beginning April 21, 2000, or register on-line at: *http://www.hrsa.dhhs.gov/,* or by accessing *http://www.hrsa.gov/g-order3.htm* directly. Applicants must use the appropriate Catalog of Federal Domestic Assistance (CFDA) number when requesting application materials. The CFDA is a Governmentwide compendium of enumerated Federal programs, projects, services, and activities which provide assistance. The CFDA Number for the DUE program is: #93.110 U.

This notice and application guidance for the DUE program may be downloaded in either WordPerfect 6.1 or Adobe Acrobat format (.pdf) from the MCHB HomePage at *http://www.mchb.hrsa.gov/.* Please contact Alisa Azarsa at 301/443–8989 or *aazarsa@psc.gov/,* if you need assistance.

FOR FURTHER INFORMATION CONTACT: Michael Kogan, Ph.D., 301/443–3145, email: *mkogan@hrsa.gov/* (for questions specific to project activities of the program, program objectives, or the required Letter of Intent which is further described in the application kit); Curtis Colston, 301/443–3438, email *ccolston@hrsa.gov/* (for grants policy, budgetary, and business questions).

SUPPLEMENTARY INFORMATION:

DUE Program Background and Objectives

The MCHB is directing significant attention to advancing and strengthening essential public health functions, and assisting State programs for MCH and Children with Special Health Care Needs (CSHCN) to enhance the State's analytic capability and information infrastructure. The importance of this issue is evidenced by the recent inclusion of Core Health Status Indicator 08 on ''State MCH Data Capacity'' in the MCHB's Title V Block Grant reporting system, which focuses on the ability of States to access key public health data sets related to women, children, and families.

MCHB recognizes the need to improve information collection and analysis by local, State, and Federal agencies. Data collected through separate data collection systems, such as birth certificates or Medicaid, would be more useful for identifying and addressing emerging trends if they were linked. Federal funds have been used to support development of individual State information systems through several initiatives, and there continues to be the need for a Federal role in linking datasets and enhancing information systems.

Authorization: Section 502(a) of the Social Security Act, 42 U.S.C. 702(a).

Purpose:

This initiative requires the creative application of information technologies to improve the delivery of health care services to mothers and children. It will fund Cooperative Agreements to State MCH, CSHCN, health data agencies, or to an entity designated by one of the above agencies for the use and enhancement of extant technologies and resources to better collect, manage, link, and disseminate information to improve the health status of mothers and children. Support will be provided for developing linkages between annual data, registries and surveys. Examples of such systems include: infant birth and death certificates, Medicaid claims or eligibility files, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) files, newborn screening data, hospital discharge information, birth defects surveillance data, and survey data from the Centers for Disease Control-sponsored Pregnancy Risk Assessment Monitoring System (PRAMS) and Youth Risk Behavior Surveillance System (YRBS). The information obtained should increase the ability of States to monitor health status, investigate health problems and evaluate initiatives related to women, children and families.

Awards are intended to supplement and/or complement existing activities initiated by States, local communities, and Federal agencies, thus fostering and strengthening collaboration between Federal, State and local public health agencies.

Eligibility

Under project grant regulations at 42 CFR Part 51a.3, any public or private entity, including an Indian tribe or tribal organization (as defined at 25 U.S.C. 450(b)), is eligible to apply for cooperative agreements covered by this announcement. This initiative, however, is particularly directed at State MCH, CSHCN, health data agencies, or to an entity designated by one of the above agencies that are committed to developing or improving the coordination of their maternal and child health-related datasets and are willing to demonstrate this commitment through specified actions.

Funding Level/Project Period

The total funding level for these cooperative agreements is $428,000 annually over a three-year project period, from September 1, 2000 through May 31, 2003. The project period consists of one or more budget periods, each generally of one year duration. Continuation of any project from one budget period to the next is subject to satisfactory performance, availability of funds, and program priorities. The initial budget period is expected to be 9 months, with subsequent budget periods being 12 months.

An estimated six to ten awards will be made annually, with average first-year awards ranging from $30,000 to $80,000.

Funding Priorities and/or Preferences

In view of the demonstrable State commitment required, preference in making awards will be given to State MCH, CSHCN, health data agencies, or to an entity designated by one of the above agencies.

Federal Involvement in Cooperative Agreements

It is anticipated that substantial Federal programmatic involvement will be required in these Cooperative Agreements during their performance. This means that after award, Federal staff will provide technical assistance and guidance to, or coordinate and participate in, certain programmatic activities of award recipients beyond their normal stewardship responsibilities in the administration of grants. In addition to the usual monitoring and technical assistance provided under grants, MCHB responsibilities for the DUE cooperative agreements will include the following:

(1) Provision of the services of experienced MCHB personnel through participation in the planning and development of all phases of this project;

(2) Participation, as appropriate, in any conferences and meetings conducted during the period of the Cooperative Agreement;

(3) Review, approval and implementation of procedures established for accomplishing the scope of work for the project funded under this cooperative agreement;

(4) Assistance, including referral, in establishing Federal interagency contacts necessary to the successful completion of tasks and activities identified in the approved Scope of Work. MCHB will assist in identifying and establishing Federal interagency contacts required to achieve MCHB dissemination of program communication goals;

(5) Participation in the dissemination of project products.

Review Criteria

The following are generic review criteria applicable to MCHB programs:

(1) The extent to which the project will contribute to the advancement of maternal and child health and/or improvement of the health of children with special health care needs;

(2) The extent to which the project is responsive to policy concerns applicable to MCH grants and to program objectives, requirements, priorities and/or review criteria for specific project categories, as published in program announcements or guidance materials;

(3) The extent to which the estimated cost to the Government of the project is reasonable, considering the anticipated results;

(4) The extent to which the project personnel are well qualified by training and/or experience for their roles in the project and the applicant organization has adequate facilities and personnel; and

(5) The extent to which, insofar as practicable, the proposed activities, if well executed, are capable of attaining project objectives.

The final review criteria used to review and rank applications for the DUE program are included in the application kit. Applicants should pay strict attention to addressing these criteria as they are the basis upon which their applications will be judged.

Dated: April 27, 2000.

Claude Earl Fox,

Administrator.

[FR Doc. 00–11016 Filed 5–2–00; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4560–C–05]

FY 2000 Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development and Empowerment Programs and Section 8 Housing Voucher Assistance; Notice of Clarifications and Modifications of the Fair Housing Initiatives Program (FHIP) and Extension of Application Deadline for FHIP Initiatives

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Super Notice of Funding Availability (SuperNOFA) for HUD grant programs; notice of clarifications and modifications for the FHIP funding availability announcement.

SUMMARY: On February 24, 2000, HUD published its Fiscal Year (FY) 2000 Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development, and Empowerment Programs and Section 8 Housing Voucher Assistance. This document makes certain modifications and clarifications to the FY 2000 funding availability announcement for the FHIP Program.

DATES: Except for the applications submitted under the Fair Housing Partnership Components for the Private Enforcement Initiative (EOI) and the Private Enforcement Initiative (PEI), the application due date for funding under FHIP is extended to June 2, 2000. The application due date for applications submitted under the Fair Housing Partnership Components of EOI and PEI is extended to June 30, 2000.

FOR FURTHER INFORMATION CONTACT: You may contact Lauretta Dixon, Director, FHIP–FHAP Support Division, Office of Programs, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC, at (202) 708–0800 (this is not a toll free number). Persons with speech or hearing impairments may call the FHIP–FHAP Division by calling 1–800–290–1671, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free. You may also call the SuperNOFA Information Center, which you may reach by calling 1–800–HUD–8929 or the Center's TTY number at 1–800–HUD–2209.

SUPPLEMENTARY INFORMATION: On February 24, 2000 (65 FR 9322), HUD published its Fiscal Year (FY) 2000 Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development, and Empowerment Programs and Section 8 Housing Voucher Assistance. The FY 2000 SuperNOFA announced the availability of approximately $2.424 billion in HUD program funds covering 39 grant categories within programs operated and administered by HUD offices and Section 8 housing voucher assistance.

This document makes certain modifications and clarifications to the FY 2000 funding availability announcement for the Fair Housing Initiatives Program (FHIP). The funding availability announcement for FHIP (FHIP NOFA) is found at page 9485 (65 FR 9485) of the February 24, 2000 SuperNOFA.

The modifications and clarifications made by this document do the following:

(1) Change the impact of the immigrant and other underserved populations provision with respect to the General Components of the Private Enforcement (PEI) and Education and Outreach (EOI) Initiatives by advising applicants that points will no longer be awarded under these two components for applicants that devote a portion of their activities and budget to the needs of these underserved populations;

(2) Revise the provision found in the Program Requirements Section (Part IV of the FHIP NOFA) so that an awardee will be required to reimburse the United States for FHIP funded enforcement activity when it receives compensation in a settlement or conciliation; however, the awardee will not be required to reimburse the United States when the compensation is awarded in a final judgment;

(3) Set forth technical and conforming language for errors identified in the FHIP NOFA; and

(4) Extend the application due date for applications submitted under the Fair Housing Partnership Components of EOI and PEI to June 30, 2000. For all other Initiatives/Components, the closing date for submitting applications is extended to June 2, 2000.

The corrections that follow are organized in the order of the above description of the four types of changes.

Accordingly, in the Super Notice of Funding Availability for Housing, Community Development, and Empowerment Programs and Section 8 Housing Voucher Assistance for Fiscal Year 2000, notice document 00–4123, beginning at 65 FR 9322, in the issue of Friday, February 24, 2000, the following clarifications and corrections are made to the FHIP NOFA, commencing at 9487:

1. The FHIP NOFA is modified in several places regarding the issue of immigrant and other underserved populations, as defined in the FHIP NOFA. This modification only affects applications submitted under the General Components of Private Enforcement Initiative (PEI) and Education and Outreach Initiative (EOI). Before this amendment, this provision was a rating provision, awarding up to five points to applicants that devote a portion of their activities and budget to the fair housing needs of these populations. This amendment makes this provision a tie-breaking provision. When applicants receive the same overall score, the one that describes/lists the outreach the applicant will engage in to make these populations aware of its services/activities will be ranked higher than those that do not. As a result of this amendment, applicants under the General Components of PEI and EOI need not devote a portion of their activities and budget to address the needs of immigrant and other underserved populations, as defined in the FHIP NOFA. Several portions of the FHIP NOFA are affected as follows:

On page 9488, first column, in first paragraph that continues from page 9487, remove the sentence beginning with ''Points will be awarded'' and ending with ''other underserved populations'' and substitute the following language:

As described in Part V, *Application Selection Process,* in a tie-breaking situation, applications submitted under the General Components of the Private Enforcement Initiative (PEI) and the Education and Outreach Initiative (EOI) which describe/list specific examples of the outreach which will be engaged in to advise immigrant (especially ethnic minorities that are not English-speaking) and other underserved populations, as defined in the NOFA, of the services offered by the project will be ranked higher than applications which do not. Merely asserting you will engage in/conduct outreach to these populations is not sufficient. However, whether you describe/list 1 or 101 specific examples is of no consequence since, for the purpose of breaking the tie, all that will be considered is whether, ''yes you have'' or ''no you have not'' described/listed specific examples of the outreach you will engage in to inform these populations of the services offered by the project.

On page 9488, first column, in the first paragraph that continues from page 9487, the sentence that begins, ''Applicants under the Community Tensions Component'' becomes a new paragraph and to this new paragraph the following language is added:

For those of you applying under the Establishing New Organizations Component of FHOI, HUD has identified and targeted for funding two groups whose fair housing needs have been underserved. They are (1) persons in rural areas, as defined in Section IV(A)(16), and (2) immigrants (especially ethnic minorities that are not English-speaking). The Department hopes to establish three new organizations with two of the awards (or one each) being awarded to applicants addressing the needs of these groups.

On page 9489, first column, under paragraph (2)(b) *Eligible Activities,* remove the second sentence which begins ''Points will be awarded'' and all that follows in that paragraph.

On page 9489, third column, under paragraph (2)(b) *Eligible Activities,* remove the last sentence which begins ''Points will be awarded * * * ''.

On page 9495, second column, paragraph (B)(3) on Tie Breaking, the first paragraph becomes the second paragraph and the following becomes the first paragraph.

For applications submitted under the General Components of EOI and PEI, only. When there is a tie in the overall score, the applicant who describes/lists specific examples of the outreach which will be engaged in to advise immigrant (especially ethnic minorities that are not English-speaking) and other underserved populations, as defined in Section IV(A)(16), of the services offered by the project will be ranked higher than applicants that do not. Merely asserting you will engage in/conduct outreach to these populations is not sufficient. However, whether you describe/list 1 or 101 specific examples is of no consequence since, for the purpose of breaking the tie, all that will be considered is whether, ''yes you have'' or ''no you have not'' described/listed specific examples of the outreach you will engage in to inform these populations of the services offered by the project. If some or all of the applicants have described/listed specific examples of outreach to these populations and a tie continues to exist, then the applications will be ranked in accordance with the next paragraph.

On page 9495, second column, the first paragraph of paragraph (B)(3), which is now the second paragraph as provided above, is amended by inserting the following phrase at the start of the new second paragraph—*For All Initiatives/Components.*

On page 9497, under ''Rating Factor 3: Soundness of Approach,'' the following changes are made:

First column: Remove the last paragraph which begins ''Points will be awarded'' and ends at the top of the middle column on this same page.

Middle column: remove the first two lines of the italicized paragraph which begins, ''For all Components,'' through the words ''PEI and EOI'' and capitalize the word ''Your'' and retain the remainder of the italicized paragraph.

Middle column, remove all of the second italicized language which begins ''For the General Components of PEI and EOI'' through all of the italicized language that is found in the third column, preceding the paragraph designated as paragraph ''(2)'' in the third column.

2. HUD's FY 1999 FHIP NOFA was amended to require awardees who received FHIP funding to reimburse the United States when they have received compensation for FHIP-funded activities. That requirement is also in the FY 2000 NOFA. The purpose of this change is to modify that provision so that the requirement applies to compensation received from a conciliation or settlement, but not from a final judgment in litigation. The provision is amended as follows:

On page 9494, first column, in the paragraph designated as ''(7)(b)'' insert before the word ''When'' which begins the first sentence, the following phrase—''In a conciliation, or settlement''.

On page 9494, first column, in the paragraph designated as ''(7)(b)'' at the end of paragraph (7)(b), insert the following as the last sentence of the paragraph:

This reimbursement requirement does not apply to compensation received after a judgment in state or Federal court.

3. The following are technical and conforming language changes:

On page 9491, middle column, in the paragraph designated as ''(2)(b)'' in the second line, after the phrase ''immigrant groups'' remove the phrase ''that are non-English-speaking'' and insert the following in its place: ''(especially ethnic minorities who are not English-speaking).''

On page 9494, third column, under Part V, Section (F), remove the word ''Initiatives'' from the title of Section F and insert ''Components''.

On page 9495, middle column, the paragraph designated as ''(3)'' is redesignated as paragraph ''(C).''

On page 9495, third column, the paragraph designated as ''(C)'' on ''Selections'' is redesignated as paragraph ''(D).''

On Page 9496, first column, the paragraph designated as ''(D)'' on ''Priority for Shifting Remaining Funds'' is redesignated as paragraph ''(E).''

On page 9496, middle column, the paragraph designated as ''(E)'' on ''Factors for Award'' is redesignated as paragraph ''(E)''.

On page 9508, which contains the ''Cover Page FY 2000 FHIP Application,'' the last sentence of the paragraph in the middle of the page is removed and the following is inserted:

Failure to submit your preference at the time of application will be treated as a technical deficiency, which may be corrected as noted in Section V of the General Section of the SuperNOFA.

4. The due date for applications submitted under the Fair Housing Partnership Components of the Education and Outreach and Private Enforcement Initiatives is extended to June 30, 2000. For all other Initiatives/Components, the application due date is extended to June 2, 2000.

On page 9487, first column, under ''Program Overview'' and following the heading ''Application Deadline,'' the date ''May 16, 2000'' is removed, and the following is inserted:

Application Deadline. For all Initiatives/Components, except the Fair Housing Partnership Components of the Education and Outreach Initiative (EOI) and the Private Enforcement Initiative (PEI), June 2, 2000. For the EOI and PEI Fair Housing Partnership Components, June 30, 2000.

On page 9487, first column, in Section I, under the heading ''Application Due Date'' the first paragraph is revised to read as follows:

For all Initiatives/Components, except the Fair Housing Partnership Components of the Education and Outreach Initiative (EOI) and the Private Enforcement Initiative (PEI), you must submit completed applications to HUD Headquarters, at the address shown below, on or before 12:00 midnight, Eastern time, on June 2, 2000. For applications submitted under the EOI and PEI Fair Housing Partnership Components, you must submit completed applications to HUD Headquarters, at the address shown below, on or before 12:00 midnight, Eastern time, on June 30, 2000.

Dated: April 27, 2000.

Eva M. Plaza,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 00–11088 Filed 5–1–00; 11:22 am]

BILLING CODE 4210–28–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1330–PB–24–1A]

Extension of Currently Approved Information Collection; OMB Approval Number 1004–121

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act.

The Bureau of Land Management (BLM) has submitted the following renewal for the collection of information to the Office of Management and Budget for approval under the Paperwork Reduction Act (44 U.S.C. Chapter 35). We request that interested parties provide us comments on this information collection renewal.

You may get copies of the proposed collection of information and related forms and explanatory material from the Bureau's Clearance Officer at the phone number listed below. Please make any comments and suggestions about our information collection requirements directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–30, 1004–121 and 1004–142), Washington, DC 20503.

Nature of Comments

We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of BLM, including whether the information will have practical utility;

2. The accuracy of BLM's estimate of the burden, including the validity of the methodology and assumptions used.

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the burden of collecting the information those on who are to respond, including the use of appropriate automated electronic, mechanical or other forms of information technology.

Title: Leasing of Solid Minerals Other Than Coal and Oil Shale (43 CFR 3500).

OMB Approval Number: 1004–121.

Abstract: We require persons to supply us information that we use to establish their qualifications to hold permits and leases for solid minerals other than coal and oil shale. We also require information that we use to determine procedures for the leasing of solid minerals other than coal or oil shale and for developing those leases. BLM uses this information to ensure that operations on permits and leases are conducted in a manner that is consistent with the regulations and environmental requirements in accordance with the National Environmental Policy Act of 1969, as amended.

Form Numbers: 3504–1, 3504–3, 3504–4, 3510–1, 3520–7.

Frequency: On occasion.

Description of Respondents: Those seeking to lease and develop solid minerals other than coal and oil shale.

Estimated Completion Times

BREAKDOWN OF INFORMATION COLLECTIONS AND TOTAL HOURS

Type of application	Number of responses	Hours per responses	Total hours
Prospecting Permit	25	1	25
Exploration Plan for Prospecting Permit	20	80	1600
Prospecting Permit Extension	5	1	5
Preference Right Lease	2	100	200
Competitive Lease Bid	5	40	200
Fringe Acreage Lease or Lease Modification	5	40	200
Assignment or Sublease	40	2	80
Lease Renewals or Adjustments	15	1	15
Use Permit	1	1	1
Exploration License	1	3	3
Exploration Plan for Exploration License	1	80	80
Development Contract	1	1	1
Bond	150	4	600
Mine Plan	5	150	750
Total	276		3760

BLM estimates that it will take an average of 14 hours to complete the applications, petitions, offers and statements required. The applicants will have access to records, plats and maps necessary for providing legal land descriptions. The type of information necessary is outlined in the regulations and is already maintained by the respondents for their own recordkeeping purposes and needs only to be compiled in a reasonable format. The estimate also includes the time required for assembling the information, as well as the time of clerical personnel if needed. BLM estimates that approximately 276 filings will be made each year for a total of 3,760 reporting hours.

Annual Responses: 276.

Annual Burden Hours: 3,760.

Annual Cost Burden Due to Filing Fees: $2,675 (estimated 107 filings at $25 each).

Bureau Clearance Office: Carole Smith, (202) 452–0367.

Dated: April 27, 2000.

Carole Smith,

Clearance Officer.

[FR Doc. 00–10966 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–920–1990–NJ]

Notice of Availability of the Programmatic Environmental Assessment for Selected Actions Taken for Mining Claim Use and Occupancy in Nevada, and the Finding of No Significant Impact

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), and Use and Occupancy Under the Mining Laws regulations (43 CFR 3715), the Bureau of Land Management has prepared an environmental assessment (EA) that evaluates the impacts of typical mining claim and/or mill site occupancies. This EA describes and analyzes the proposed action, consisting of six typical occupancy scenarios, and the no occupancy option. The actions analyzed in this EA involve operations that disturb 5 acres or less. This notice is intended to inform the public of the analysis of impacts presented in the EA and the performance measures developed for the proposed action.

DATES: Copies of the EA and the Finding of No Significant Impact (FONSI) will be provided to any person or agency, or to other interested parties, upon written request.

ADDRESSES: Send requests for the EA to: Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, NV 89520–0006.

FOR FURTHER INFORMATION CONTACT: Bob Gibson, Geologist, Nevada State Office. Telephone: (775) 861–6564.

Robert V. Abbey,

State Director.

[FR Doc. 00–10974 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF INTERIOR

Bureau of Land Management

[OR–030–00–1020–XU: GPO–0198]

Notice of Meeting of John Day/Snake Resource Advisory Council

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Meeting of John Day/Snake Resource Advisory Council: Enterprise, Oregon, May 23 & 24, 2000.

SUMMARY: On May 23, 2000 a field trip to view grazing and weed issues for the John Day/Snake Resource Advisory Council will begin at the Wallowa-Whitman National Forest office, 88401 Hwy 82, Enterprise, Oregon at 8:00 a.m. The meeting will continue on May 24, 2000 at the Wallowa-Whitman National Forest office, 88401 Hwy 82, Enterprise, Oregon from 8:00 a.m. to 3:00 p.m. The meeting is open to the public. Public comments will be received at 10:00 a.m. on May 24, 2000. The following topics will be discussed by the council on May 24: Hells Canyon Subgroup recommendation on the Hells Canyon Comprehensive Management Plan, John Day River Subgroup update, Blue Mtn. Demo discussion, and a 15 minute round table for general issues.

FOR FURTHER INFORMATION CONTACT: Juan Palma, Bureau of Land Management, Vale District Office, 100 Oregon Street, Vale, Oregon 97918, Telephone (541) 473–3144.

Juan Palma,

District Manager.

[FR Doc. 00–11043 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–200–00–1020–00]

Science Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Land Management (BLM) announces a public meeting of the Science Advisory Board to examine the use of science for improving the management of the Nation's public lands and resources. Topics of discussion will include the proposed BLM strategic science plan, continuity of culture across borders, use of GIS in managing paleontologic resources, and implications for science on national monument designations.

DATES: BLM will hold the public meeting on Wednesday, May 31, 2000, from 9 a.m. to 4:30 p.m. local time.

ADDRESSES: BLM will hold the public meeting in Room 6071 at the Main Interior Building, 1849 C Street, NW., Washington, DC, 20240.

FOR FURTHER INFORMATION CONTACT: Lee Barkow, Bureau of Land Management Denver Federal Center, Building 50, P.O. Box 25047, Denver, CO 80225–0047, (303) 236–6454.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92–463).

I. The Agenda for the Public Meeting Is as Follows

9:00—9:30 Opening Remarks
Committee Membership and Chair
9:30—10:00 Report from BLM Assistant Director
10:00—12:00 Proposed BLM Strategic Science Plan
12:00 Lunch
1:00—2:00 Continuity of Culture Across Borders
2:00—3:00 Use of GIS in Managing Paleontologic Resources
3:00—4:00 Implications for Science on National Monument Designations
4:00—4:30 Public Comments
4:30 Adjourn

II. Public Comment Procedures

Participation in the public meeting is not a prerequisite for submittal of written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. The BLM appreciates any and all comments, but those most useful and likely to influence decisions on BLM's use of

science are those that are either supported by quantitative information or studies, or those that include citations to and analysis of applicable laws and regulations. Except for comments provided in electronic format, commenters should submit two copies of their written comments, where practicable. The BLM will not necessarily consider comments received after the time indicated under the **DATES** section or at locations other than that listed in the **ADDRESSES** section.

In the event there is a request under the Freedom of Information Act (FOIA) for a copy of your comments, we intend to make them available in their entirety, including your name and address (or your e-mail address if you file electronically). However, if you do not want us to release your name and address (or e-mail address) in response to a FOIA request, you must state this prominently at the beginning of your comment. We will honor your wish to the extent allowed by the law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be in their entirety, including names and addresses (or e-mail addresses).

Electronic Access and Filing Address: Commenters may transmit comments electronically via the Internet to lee_barkow@blm.gov. Please include the identifier ''Science4'' in the subject of your message and your name and address in the body of your message.

III. Accessibility

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 hearing, such as interpreting service, assistive listening device, or materials in an alternate format, must notify the person listed under **FOR FURTHER INFORMATION CONTACT** two weeks before the scheduled hearing date. Although BLM 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.

Lee Barkow,

Director, National Applied Resource Sciences Center.

[FR Doc. 00–11042 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana; MT–060–00–1220–BE–003E]

Restriction of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice. Restriction of public lands.

SUMMARY: The Bureau of Land Management (BLM) Lewistown Field Office, Montana is issuing written orders implementing a two year moratorium on the issuance of new annual Special Recreation Permits for commercial guided recreation trips on the Upper Missouri National Wild and Scenic River (UMNWSR). This order applies to all public lands and waters within the boundaries of the UMNWSR from Fort Benton, Montana downstream for 149 miles to the Fred Robinson Bridge. The BLM will not accept new applications or issue new annual Special Recreation Permits to any individual, group, corporation or company for the purpose of providing guided river trips on the UMNWSR.

Exemptions apply to any person who had been issued a valid annual Special Recreation Permit for commercial recreation on the UMNWSR prior to April 1, 2000, and any person providing only land based visitor services (shuttles, rentals, etc.).

DATES: This moratorium is effective immediately and applies until April 1, 2002.

ADDRESSES: David L. Mari, Field Manager, Lewistown Field Office, P.O. Box 1160, Lewistown, MT 59457.

FOR FURTHER INFORMATION CONTACT: Gary Slagel, 406/538–1950.

SUPPLEMENTARY INFORMATION: On August 10, 1999, the Secretary of the Interior asked the Central Montana Resource Advisory Council (RAC) to seek public comment and provide him with a report and recommendations concerning future management of public lands in the Missouri River Breaks in north central Montana. The RAC was asked to complete this task by December 31, 1999. During this time period, the RAC met four times and actively solicited public input regarding management options for the Missouri Breaks area. The council received more than 400 written and oral comments.

On December 30, 1999 the RAC's final report was sent to the Secretary of the Interior. This report included numerous motions approved with full RAC consensus. One of these motions proposed a two-year moratorium on new river special recreation permit authorizations. The RAC clarified and emphasized its intent with this recommendation during an earlier conference call on December 28, 1999. The two-year moratorium allows for the same number of outfitters, in fact the same outfitters, as permitted in 1999, and applies only to those outfitters actually using the river for floating/boating/guiding clients.

During this two-year moratorium, the BLM will collect data to determine the environmental impacts and ensuing social conflicts associated with significantly increased special recreation permit authorizations on the UMNWSR.

Authority: 43 CFR 8364.1 and 8351.2–1.

Dated: April 21, 2000.

David L. Mari,

Field Manager.

[FR Doc. 00–10948 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–1610–DH–241A]

Notice of Intent to Prepare an Amendment to the Walker Resource Management Plan

The Carson City Field Office of the Bureau of Land Management and Douglas County, Nevada will jointly coordinate preparation of the following: (1) A County Specific Plan for about 625 acres of Federal and private lands in Douglas County, Nevada and (2) a BLM Resource Management Plan Amendment for about 430 acres of BLM lands included in Douglas County's Specific Plan.

AGENCY: Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701.

ACTION: Notice of intent to prepare an amendment to the Walker Resource Management Plan, notice of scoping period and public meetings.

SUMMARY: The Bureau of Land Management (BLM), Carson City, Field Office, and Douglas County will jointly direct preparation of a County Specific Plan and Walker Resource Management Plan Amendment and environmental assessment. The Resource Management Plan Amendment will identify specific tracts of BLM managed public lands in the North Douglas County specific Planning Area for potential disposal through exchange or under the Recreation and Public Purposes Act (R&PP) and criteria for BLM acquisition

of private lands or interests in private lands within Douglas County, Nevada. The environmental assessment, to be produced by a third-party contractor, will analyze the impacts (direct, indirect, and cumulative) of the potential disposal of BLM managed public lands and criteria for acquisition or private lands or interests in private lands by the BLM.

EFFECTIVE DATES: A public scoping meeting will be held on May 17, 2000 to allow the public an opportunity to identify issues and concerns to be addressed in the plan amendment and Environmental analysis. Comments will be accepted until June 2, 2000. Scoping comments may be sent to: Field Manager, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, NV 89701.

The scheduled public meeting will be held on May 17, 2000 at 6:30 p.m. at the Carson Valley Community Church, located at 3616 North Sunridge Drive.

FOR FURTHER INFORMATION CONTACT: For additional information, write to the Field Manager of the Carson City Field Office at the address listed in the agency section of this notice, call or email Mike McQueen (BLM NEPA Coordinator) at (775) 885–6120, mmcqueen@nv.blm.gov.

SUPPLEMENTARY INFORMATION: The proposed plan amendment schedule is as follows:

Begin Public Scoping: May 1, 2000
Host Public Scoping Meeting: May 17, 2000
Release Proposed Plan Amendment, EA and FONSI for Public Review, Governor's Consistency Review: September 15, 2000
Issue Plan Amendment and Decision Record: January 15, 2000

Planning Criteria

Planning criteria have been developed to ensure that the plan amendment is tailored to the issues identified and ensure that unnecessary data collection and analysis would be avoided. These criteria may change in response to public comment and coordination with state and local governments or other Federal agencies. The criteria developed for the North Douglas County Plan Amendment are described below. The plan amendment will address the following decisions in the North Douglas County Planning Area:

1. Identify specific parcels of public lands for potential disposal through exchange, or under the R&PP Act to private entities.

2. Identify specific parcels of public lands for potential transfer to the Washoe Tribe or to another Federal agency for management on behalf of the Tribe.

3. Adopt criteria for BLM acquisition of private lands or interests in lands within Douglas County.

4. Approximately 430 acres of BLM managed public lands located in North Douglas County will be affected by the decisions regarding land disposal through exchange, R&PP Act or transfer to the Tribe or other Federal agency for management on behalf of the Tribe.

5. A significant cultural resource site important to the Washoe Tribe exists on these lands and will require inventory, delineation, management and protection.

6. Criteria for BLM acquisition of lands or interests in lands will focus on the acquisition of conservation easements in the Carson River Flood Plain in order to protect agricultural lands and the associated open space values, wildlife habitat, and flood plain functions. Approximately 25,000 of private lands in the flood plain are expected to be threatened by development in the future.

7. Additional acquisition criteria will be developed or adopted for sensitive lands elsewhere in Douglas County.

8. No lands will be transferred out of or into Federal ownership as a direct result of this plan amendment. Specific exchange proposals or leases under the R&PP will be considered and analyzed case by case after the joint County Specific Plan and BLM Resource Management Plan Amendment are completed.

Dated: April 27, 2000.

Richard Conrad,

Assistant Field Office Manager for Nonrenewable Resources.

[FR Doc. 00–11056 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–952–00–1420-BJ]

Filing of Plats of Survey; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

EFFECTIVE DATES: Filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: David J. Clark, Chief, Branch of Geographic Services, Bureau of Land Management (BLM), Nevada State Office, 1340 Financial Blvd., P.O. Box 12000, Reno, Nevada 89520, 775–861–6541.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on February 10, 2000:

The plat, representing the entire survey record of a metes-and-bounds survey in section 1, Township 1 South, Range 68 East, Mount Diablo Meridian, Nevada, Under Group No. 781, was accepted February 8, 2000.

This survey was executed to meet certain administrative needs of the Bureau of Land Management and Lincoln County, Nevada.

2. The Plat of Survey of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on March 17, 2000:

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 14, and a metes-and-bounds survey of Lot 10 in section 14, Township 20 North, Range 20 East, Mount Diablo Meridian, Nevada, under Group No. 786 was accepted March 17, 2000.

This survey was executed to meet certain administrative needs of the Bureau of Land Management and Holy Cross Catholic Community.

3. The above-listed surveys are now the basic record for describing the lands for all authorized purposes. These surveys have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: April 20, 2000.

David J. Clark,

Chief Cadastral Surveyor, Nevada.

[FR Doc. 00–11044 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

Record of Decision for the Comprehensive Design Plan for the White House and President's Park and Final Environmental Impact Statement

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior, National Park Service has prepared the following Record of

Decision on the Final Comprehensive Design Plan for the White House and President's Park and Environmental Impact Statement. This Record of Decision is a statement of the background of the project, what decisions were made, the basis for the decision, what alternatives were considered, the environmentally preferred alternative, the measures to minimize environmental harm and the public involvement in the planning process.

Background of the Project

Need for the Plan

The White House and President's Park are located in our nation's capital, Washington D.C., where the White House serves as the home and office of the President of the United States. The overall purpose of a Comprehensive Design Plan for the White House and President's Park is to provide a framework for future management of the area that will respect past traditions and meet the needs of tomorrow. This effort represents the first comprehensive plan for the property since George Washington designated the site in 1791 as the residence for the President.

The White House and President's Park are a manifestation of more than 200 years of incremental change. Most problems have been addressed as they have arisen, while some have not been addressed at all. The lack of a comprehensive plan has generally resulted in a piecemeal approach to problem solving and development. Also, surrounding urban land uses continue to encroach on President's Park and threaten its dignity and character.

Some of the critical concerns facing the White House and President's Park include:

- Not enough space or facilities, or facilities that are not of the right type or in the right location, to accommodate the changing functions of the Executive Office of the President.
- Insufficient informational and educational programs and support facilities for visitors.
- A lack of privacy and indoor recreation space for the first family.
- The inconsistent use of designs and materials throughout the area, creating a haphazard appearance.
- Adverse effects on the dignity and visual quality of the White House and President's Park as a result of vehicles parking throughout the site, temporary structures (such as bleachers) that look out of place, and other activities that create a disorganized appearance.
- Inadequate maintenance storage and equipment; poorly located and worn-out utilities.

The following agencies, which serve as members of the project's Executive Committee, helped develop the Comprehensive Design Plan for the White House and President's Park: Advisory Council on Historic Preservation, Commission of Fine Arts, District of Columbia, Executive Office of the President, Executive Residence at the White House, General Services Administration, National Capital Planning Commission, National Park Service, Pennsylvania Avenue Development Corporation (until April 1996), U.S. Department of the Treasury, U.S. Secret Service, White House Military Office.

Park Purpose

The White House has been the official residence of every president since November 1, 1800 when the first residents—John and Abigail Adams—moved in. The White House is a classic Georgian manor house that is one of the most important buildings in the history of the United States.

The White House was created and set aside as an important national treasure to: (1) Provide a residence that offers privacy, protection and recreational opportunities for the first family; (2) Provide a suitable location for the official functions and activities of the presidency; (3) Provide office facilities for the president and immediate staff; and to (4) Preserve and interpret the museum character of the White House; provide public access to the principal corridor on the ground floor and to the state rooms on the first floor.

President's Park was created and set aside to: (1) Preserve the cultural resources of the White House—its architecture, artifacts, landscape design, gardens and grounds and the surrounding parklands—in ways that foster and preserve dignity and respect for the office of the presidency while still allowing for their use; (2) Provide a dignified transition area from an urban environment to the White House environs; (3) Interpret the history and significance of the presidency, the White House, and President's Park, including their relationship to the American public, our republican form of government, and the growth of Washington, DC; (4) Preserve existing historic memorials as examples of memorial art; (5) Provide a large open area associated with the White House for freedom public expression and assembly activities, as well as for public use and enjoyment; (6) Protect and enhance views to and from the White House and provide a setting for viewing the White House; (7) Preserve Lafayette Park as open public space in the foreground of the White House as a setting for passive activities (reflecting, observing, making a personal connection with the presidency), First Amendment activities within legal limitation, and as a support area for presidential inaugural activities; (8) Preserve and interpret Lafayette Park as one element of the oldest planned federal reservation in the nation, an example of early American landscape design, and the 19th century neighborhood of the president; and to (9) Provide a setting for viewing the White House and elements of the Lafayette Square National Historic Landmark District.

Planning Assumptions

The following planning assumptions form the framework for future actions at President's Park and the White House and were used in development of the proposed action and the alternatives. The alternatives, draft and final plans were measured against these assumptions to guide the choice of actions.

Comprehensive Design

Future designs and actions on the White House grounds and within President's Park will respect the significant elements of past landscape designs. Elements may be carefully redesigned to serve modern functions, but their original context will be preserved. The vistas, viewsheds, buildings, roadway and walkway systems, fencelines, plantings, and all other elements that combine to create a ceremonial landscape for state functions will be respected in the design and construction of new facilities. President's Park will continue to be an open area that is visually linked to the National Mall; the traditional vistas to and from the north and south will be maintained. No new surface facilities will be constructed within primary and secondary views with President's Park. Facilities and maintenance operations will reflect the dignity, significance, and history of the site and the presidency.

Design Guidelines that have been developed for architecture, landscape architecture, design elements, signs, and temporary facilities at the White House and President's Park will be followed. Quality materials will be used to reflect the importance and dignity of the White House.

Resource Conservation and Management

Cultural and natural resources will continue to receive high-quality care and protection. All federal agencies managing cultural resource programs at

the site will continue to do so. The National Park Service will cooperate with these agencies to foster the exchange of information and the development of cooperative approaches and programs for resource protection. All memorials established by legislation will be retained. All programs and facilities will be designed and managed in an environmentally sound manner.

Executive Residence

The White House will continue to serve as the executive residence of the President of the United States. The plan will not address the second and third floors of the White House. Official functions will continue to be held at the White House and on its grounds. Vehicular arrivals and departures by the president and official visitors will continue at multiple entry and exit points. The south lawn of the White House, and on occasion the Ellipse, will be used for air transport. Safety and security for the president and the first family will not be compromised. Business visitors, guests for official functions and staff will be cleared at entrances that are convenient to their meetings or events, or their work places. West Executive Avenue will continue to be within the secured portion of the White House complex and closed to public pedestrian traffic. New utility systems will be energy efficient, environmentally sensitive, and easy to maintain and upgrade.

Executive Office Support Services

The White House will continue to serve as the president's official office. Multiple points of access into the White House complex will continue to be available for all presidential guests and visitors. Space for essential White House administrative and operational functions will be provided within or adjacent to the White House; existing spaces within President's Park may be used. Staff parking on the Ellipse and adjacent roadways, East Executive Park, West Executive Avenue, and Hamilton, State, Jackson, and Madison Places will be provided elsewhere in order to improve aesthetics and to reestablish the dignity and character of the site. Replacement parking with easy access to the White House will be provided.

News Media Facilities

Facilities will be provided for the news media to maintain direct access to the press secretary and the press staff. Such facilities are in the long tradition of chief executives providing space for the news media so they can provide coverage of, and maintain proximity to, the operations of the Executive Office of the President.

Visitor Use and Services

The White House and President's Park are integral to the total visitor experience of Washington DC. The White House will continue to be open to the general public on a regular basis free of charge. The present White House tour will not change dramatically and will continue to feature rooms on the ground and state floors. Because access to the White House is the most important objective of most visitors to President's Park, this experience will be made as pleasant and convenient as possible. To ensure adequate visitor orientation to the White House and President's Park and to provide ticketing and staging for White House tours, a White House visitor center and museum will be provided within easy access of the White House.

Special Events

Special events of varying size, intensity, and significance will continue in President's Park, as well as on the White House grounds. All First Amendment activities will be accommodated in compliance with current law.

Transportation

The National Park Service will enter into discussions with local and regional planning agencies to address traffic concerns in the Washington, DC, downtown area in a comprehensive fashion, while ensuring the protection and preservation of national resources as represented by the White House and President's Park. Access to the White House and President's Park will be maintained for operational support and emergency vehicles. Madison, Jackson, State, and Hamilton Places will remain restricted to public vehicular traffic and will become pedestrian-oriented streets. No vehicle parking will be provided on Jackson, Madison, State, or Hamilton Place; on the Ellipse roadways, or along the curb lanes surrounding President's Park (15th Street, 17th Street, Constitution Avenue, and H Street). A future long-term design for Pennsylvania Avenue, as well as Lafayette Park, will be considered in a separate planning document. The use of mass transit by visitors and staff will be actively encouraged through policy and design. Agencies will work with the Washington Metropolitan Area Transit Authority to promote staff and visitor use of mass transit.

Site Management and Operations

The White House and President's Park will continue to be managed through interagency cooperation. All buildings and grounds within the White House complex will be managed by the responsible agency or through interagency agreements. Sites or structures outside the boundaries of President's Park may have to be used in order to meet needs identified in the plan.

Decision (Selected Action)

Comprehensive Design

The plan includes those actions that will best meet the needs of the Executive Residence, the Office of the President, the multiple agencies involved in stewardship or management roles within President's Park, and visitors. The historic elements and character of President's Park and the White House, including roadways, boulevards, and walkways, will continue to be respected. This area will still serve as a ceremonial landscape for state events. A comprehensive landscape plan will be developed for the White House and President's Park, including guidelines for maintenance practices. The landscape plan will update the existing Olmsted Plan (1935) for the White House grounds and create a guide for landscaping in the remainder of President's Park.

President's Park will become a pedestrian-oriented space. While pedestrians can enter from any point around the site, entryways would be created at intersections with the highest pedestrian volumes. These entryways will signal visitors that they are coming into a special place and also will provide visitor information. A total of 8 entryways will be provided (two each on H Street, Pennsylvania Avenue, E Street, and Constitution Avenue).

Design Guidelines for the White House and President's Park, approved in 1995, provide a framework to guide future development. The guidelines identify principles for architecture, landscape architecture, design elements, signs and temporary facilities. They are based on existing designs in and around President's Park and the White House.

Two objectives were considered in locating all proposed facilities: (1) Where possible, use existing buildings (if they meet desired future conditions and program requirements) in order to protect resources, enhance the site character, and minimize new development. (2) Where new facilities are needed, relocate as many functions as possible to new underground structures to minimize any new

intrusions on the surface; optimize the use of new facilities in order to avoid the creation of numerous small facilities and increased costs.

Resource Conservation and Management

All cultural resource documentation will be kept current. All monuments and memorials within President's Park will receive conservation/preservation treatment on a regular schedule and be kept in the best possible condition. All historically significant trees and specimen plants will be identified, physically assessed, inventoried, maintained and replaced with similar plant materials, as needed.

A comprehensive landscape plan will be developed for the White House and President's Park, including guidelines for maintenance practices. The landscape plan also will update the existing Olmsted Plan (1935) for the White House grounds.

A comprehensive archeological program, based on a completed preliminary survey, will be developed to help ensure the conservation, protection and proper administration of archeological resources.

Storage space for fine and decorative arts will be provided within or immediately adjacent to the White House so that items can be properly prepared for shipment to offsite storage facilities, or so that damaged items can be fully assessed before transportation to conservators. This facility will also be used to temporarily store artifacts during events.

Executive Residence

Secure, indoor, informal recreation space for future first families will be provided outside of the White House itself, but immediately adjacent to the residence. General storage space for items frequently used at the Executive Residence will be provided below ground underneath Pennsylvania Avenue. An underground corridor will connect the storage area and the Executive Residence. Other storage will also be provided in the lower level of the west colonnade. The maintenance facility on the south grounds of the White House will be redesigned for efficiency within the footprint of the current structure.

Executive Office Support Services

Official visitors and White House guests will continue to use multiple entry points. West Executive Avenue will be redesigned to appear similar to East Executive Park. Utility systems will be replaced and relocated to meet the changing and expanding needs of the White House complex and grounds.

Staging for motorcades and parking for senior staff will be provided in a 290-space parking garage beneath Pennsylvania Avenue, with a belowground access corridor to the White House complex. Parking for other staff will be provided by constructing an 850-space garage beneath the Ellipse. Pending the completion of this facility, parking will be leased in private parking garages within about a 10-minute walk of the White House complex.

To accommodate existing needs, new meeting/conference space will be constructed under West Executive Avenue. To facilitate staff circulation and deliveries throughout the site and to minimize conflicts with Executive Residence operations, a belowground corridor will connect the Dwight D. Eisenhower Executive Office Building, the White House and the Treasury Building. Deliveries will be made at docks in the New Executive Office Building and distributed throughout the site by way of underground service corridors. Facilities for the news media will be upgraded on the first floor of the west colonnade, with additional new facilities provided beneath West Wing Drive.

Visitor Use and Services

Complete information and orientation for visitors will be provided at entryways to the park, using staff and interactive computer monitors.

The White House Visitor Center in the Commerce Building will be expanded below ground in existing and new space to provide small theaters for staging the public tour, a museum, and exhibit, program and educational areas. Expanded interpretive programs about the White House and the presidency will be offered, with specially designed programs for visitors and schoolchildren. Visitors taking a public tour of the White House will watch a short orientation film and then move through a naturally lighted pedestrian corridor to just outside the fenced portion of the White House grounds. From there they will walk on the surface sidewalk to the existing visitor entrance building.

To improve the appearance and dignity of President's Park, no commercial vending will be allowed along adjacent sidewalks and curb lanes. Informal recreational activities will continue on the Ellipse.

Special Events

For special events, a new plaza/performance area will be constructed in the panel just northeast of the Ellipse. The plaza will provide permanent infrastructure to reduce impacts associated with staging events. Events will need to reflect the purpose and dignity of the site, be small scale and of short duration, involve minimal commercialism, and reflect multiple cultures. Any temporary facilities used for staging events will be promptly removed.

Transportation

In the long term, the plan seeks to reduce the pedestrian vehicle conflicts in President's Park and thus calls for E Street to be two lanes eastbound with an access lane for official White House traffic and a landscaped median to create a more parklike atmosphere. Long term major improvements will be made to enhance E Street's appearance, including changing the shape of some medians, planting along medians and pavement and other material changes along the roadway to create a more parklike setting. The intent of all such improvements will be to help blend the road into the vista and minimize its intrusion. Changes in paving pattern or materials will signify a special place for all vehicles entering the park.

However, the plan recognizes that severe traffic problems exist in the downtown District of Columbia street system. Further, the plan recognizes that interim measures involving E Street within President's Park must be taken to help alleviate these problems. The Federal Highway Administration, with the cooperation of the District of Columbia and the National Park Service, will complete a project during 2000 to restore westbound traffic between 15th and 17th Streets, thus re-opening two-way traffic on E Street.

Proposals have also been introduced for the E Street area, such as tunnels, which are beyond the scope of this plan, but that may be considered in the future. Reducing surface traffic within President's Park remains a long-term goal of the plan. To enhance the pedestrian experience and safety, the National Park Service may experiment with options such as timed access and crossing assistance.

The roadways on the Ellipse will be closed to vehicular traffic except for limited access by emergency and authorized traffic. The roads' historic configuration and character will be retained for use as wide pedestrian paths leading to adjacent gardens in the side panels.

Site Management and Operations

To make park operations more efficient, a satellite maintenance facility will be developed near President's Park.

The steam line under the center of the Ellipse will be relocated, subject to criteria to protect park resources.

Other Alternatives Considered

The No Action Alternative

Comprehensive Design

The no-action alternative would continue current management strategies. Management decisions regarding the development and appropriate design of elements within the park (e.g., monuments, paving materials, fences and barriers, and infrastructure for special events) would be made on a project-by-project basis. Construction and development would be undertaken to address immediate needs and pressures. No coordinated efforts by agencies would be undertaken to minimize impacts from overuse.

Home and Office of the President

No additional recreation space would be provided for future first families. Meetings and conferences would continue to be held in available spaces throughout the complex, including historic rooms that are not equipped for such functions. Frequently used materials within the White House complex would be stored offsite and brought in as needed. Deliveries would be made at various surface locations. Facilities for the news media would remain in the west colonnade. Staff vehicles would be parked in currently used areas.

Visitor Use and Services

Information and orientation sources would be scattered throughout President's Park; visitors would continue to stop at security guard booths for information. The visitor center would remain in the Commerce Building. After picking up same-day public tour tickets at the visitor center, visitors would queue up for tours on the Ellipse during the summer and along the White House fence the rest of the year, as they do now. Commercial vending would continue along sidewalks and curb lanes adjacent to President's Park.

Special Events

Special events on the Ellipse and within the White House grounds would continue to be accommodated, with no controls on growth.

Transportation

E Street would remain as two lanes eastbound across President's Park.

Site Management and Operations

Maintenance operations would be based at an existing facility about 1.5 miles away.

Alternatives 1, 2 and 3

As previously mentioned, alternatives 1, 2, and 3 were presented to the public during the spring of 1995. The proposed plan includes elements from all these alternatives, and the following discussion focuses on the different approaches between the alternatives.

Comprehensive Design

Under each alternative, as described for the proposed plan, pedestrian entryways would signify to visitors that they were coming into President's Park.

Under *alternative 1* traditional patterns of use and site relationships would be respected. All major support operations would be accommodated below ground within the White House complex and President's Park.

Under *alternative 2* major support operations and facilities for the Executive Residence and the Office of the President would be accommodated as much as possible within the White House complex and President's Park. All elements of President's Park would be visually unified by emphasizing north/south views along East Executive Park and West Executive Avenue, with pedestrian plazas on the eastern and western portions of South Executive Avenue. E Street would be tunneled, providing unobstructed views to and from the White House and allowing the Ellipse to be linked with the rest of President's Park.

Under *alternative 3* operations and support facilities would be smaller, decentralized, and dispersed away from the White House grounds and President's Park as much as possible. Only those operations that must occur within or near the White House would remain. The use of existing structures would be emphasized, with as little new facility construction as possible. A historical ambience would be evident through President's Park, and E Street would be removed, helping link the Ellipse with the rest of President's Park.

Resource Conservation and Management

Under each alternative, resources would be managed as described for the proposed plan.

Home and Office of the President

Facilities under each alternative would be similar to those under the proposed plan, but locations would differ.

Under *alternative 1* indoor recreation space for future first families, storage space, and facilities for the news media would be provided beneath West Executive Avenue, in conjunction with meeting space. Staff parking facilities would be provided onsite. In addition to a 290-space parking facility under Pennsylvania Avenue and an 850-space facility under the northern part of the Ellipse, below ground parking would also be provided south of the Treasury Building (170 spaces). Deliveries would be accommodated at the facility south of Treasury, as well as through the New Executive Office Building.

Under *alternative 2* indoor recreation space for future first families would be provided below ground north of the residence. A meeting and conference facility, plus general storage space, would be constructed beneath West Executive Avenue; a motorcade staging area and parking for diplomatic and business visitors (290) would be provided below ground south of the Dwight D. Eisenhower Executive Office Building. Parking for other staff (850 spaces) would be leased or provided in a new facility within about a 10-minute walk of the complex. For news media facilities, either existing facilities in the west colonnade would be upgraded or the first floor of the colonnade would be upgraded and additional facilities constructed under West Wing Drive.

Under *alternative 3* recreation space for future first families would be provided within the west colonnade where press facilities are now. Facilities for meetings and conferences and the news media would be developed within the north courtyard of the Dwight D. Eisenhower Executive Office Building rather than below West Executive Avenue. As described for the proposed plan, a 290-space parking facility for motorcades, diplomatic and business visitors, and some senior staff would be constructed under Pennsylvania Avenue. An additional 200 parking spaces, as well as delivery facilities, would be provided in the Office of Thrift Supervision or under Pennsylvania Avenue, and another 650 parking spaces would be leased or provided in a new facility nearby.

Visitor Use and Services

Visitor information and orientation functions would be provided at park entryways under each alternative, as described for the proposed plan. No commercial vending would be allowed along sidewalks or curb lanes adjacent to President's Park under any alternative.

Under *alternative 1* a new 66,000-square-foot visitor center and museum would be built underground in the northeast quadrant of the Ellipse.

Visitors would have additional opportunities to learn about the presidency and the White House through interpretive programs, including living history, conducted throughout the park. Visitors on public tours of the White House would move through a below ground corridor from the visitor center directly to the visitor entrance building.

Under *alternative 2* a 40,000-square-foot visitor center would be constructed below ground to the south and west of the U.S. Treasury Building. Visitors on public tours of the White House would take escalators, elevators, or stairs directly up to the visitor entrance building. In lieu of interpretive exhibits and activities at this smaller visitor center, numerous interpretive and educational experiences would be provided throughout the site. (This proposal could conflict with utility work recently being planned south of the Treasury Building.)

Under *alternative 3* interpretive programs and exhibits would be focused at an expanded visitor center and museum in the Commerce Building (60,000 square feet), as described for the proposed plan.

Special Events

Criteria would be established for special events in President's Park (other than First Amendment demonstrations) under *alternatives 1 and 2*, similar to the proposed plan. Under *alternative 1* all special events would be worthy of attendance by the first family and reflect the site's dignity. Existing special events on the Ellipse would be reduced in scale and duration, and they would be dispersed around the site to allow sufficient time for turf and garden areas to recover. Under *alternative 2* a special events plaza, as described for the proposed plan, would be built in the Ellipse area. Under *alternative 3* all special events currently held within President's Park would be moved to other sites within the metropolitan area.

Under each alternative recommendations would be developed for events on the White House grounds to protect resources.

Transportation

As described for the proposed plan, Ellipse Drive and the adjacent roadways would be closed to vehicular traffic, although access would still be allowed for emergency and authorized traffic. The roadways would be redesigned as pedestrian walkways, with pathways leading to gardens and sitting areas in the side panels.

Under *alternative 1* E Street would be widened to four lanes (two lanes in each direction) across President's Park and between 17th and 18th Streets. A pedestrian underpass would be provided near 15th Street.

Under *alternative 2* E Street would be tunneled as a four-lane, two-way street through President's Park.

Under *alternative 3* E Street would be closed to traffic and replaced with a broad walkway.

Site Management and Operations

Under each alternative a satellite maintenance facility would be developed to allow more efficient maintenance operations throughout President's Park. Under *alternative 1* this facility would be built in conjunction with the Ellipse parking facility, while under *alternatives 2 and 3* it would be provided nearby. As described for the proposed plan, the steam line under the Ellipse would be relocated, based on criteria to protect park resources.

Environmentally Preferred Alternative

The environmentally preferred alternative is defined as ''the one that will promote National Environmental Policy as expressed in the National Environmental Policy Act's, Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances the historic, cultural and natural resources in the area where the proposed action is to take place.'' (''Forty Most Asked Questions Concerning Council on Environmental Quality's (CEQ) National Environmental Policy Act Regulations.'' 1981).

The no-action alternative would eventually result in the deterioration or loss of significant cultural and natural resources as site staff respond to immediate needs and pressures rather than a coherent long term plan that minimizes impacts.

All action alternatives have varying cultural resources impacts that may be considered adverse and they are identified in the Environmental Impact Statement. Section 106 Memorandum of Agreements would be developed for each project considered adverse and located outside the area excluded by Section 107 of the Historic Preservation Act of 1966, as amended.

The selected action will result in considerable ground disturbance for construction of underground parking facilities, the storage area and the news media and meeting facilities.

Alternative 1 would result in extensive ground disturbance for construction of underground parking facilities, the eastside parking/delivery area, the visitor center and museum, and the news media and meeting facilities.

Alternative 2 would result in extensive ground disturbance for the visitor center, the westside parking/delivery area, the news media and meeting facilities, storage facilities and the tunneling of E Street.

Alternative 3 would result in ground disturbance for the visitor center corridor, and the parking facilities and delivery access.

Alternative 3 has the least impact on vegetation and soils because much of the new development would take place under existing streets. However, elements of Alternative 3 have serious adverse effect upon the historic Dwight D. Eisenhower Executive Office Building. Alternative 3 also would have significant impact upon the surrounding fabric and existing functions of the city.

The selected action is the environmentally preferred alternative because while it causes considerable disruption of soils and vegetation, it does not have a serious adverse effect upon the historic Dwight D. Eisenhower Executive Office Building and does not expand the White House complex into new areas of the city beyond the present security perimeter, thus minimizing additional intrusion by the operational needs of the site into the surrounding fabric of the city. The natural environment at the site, which is a series of historic landscapes, has been affected by human design and presence since the 1790s. All areas where ground disturbance takes place will be restored and replanted following construction. The selected action also provides for maintenance of, and enhancement to, the historic landscape and built environment through creation of an update to the Olmsted Plan and implementing of design work based on that document.

Basis for Decision

The selected action was created based upon the ''Planning Assumptions'', described in the foregoing material. In addition, public involvement at the data collection, alternatives and draft and final plan stages provided further insights as to how others saw the site and its problems.

Many elements of the selected action were common to all alternatives in order to meet the ''Planning Assumptions''. There are some places where differences between the alternatives occur and in those cases, the basis for the decision included:

Home and Office

For efficiency purposes, it is important to have storage of commonly used items immediately accessible to the Executive Residence. To be effective for future first families, the indoor recreation space needs to be immediately adjacent to the historic White House structure.

Meeting space needs to be in immediate proximity to the West Wing and the Dwight D. Eisenhower Executive Office Building, but not be built within the courtyards of the historic building.

Motorcade and staff parking need to be consolidated into two facilities in close proximity to the White House complex. The access portals for the facilities should not expand the perimeter of the secure complex.

The new delivery facility should not expand the perimeter of the secure complex.

For the news media, new updated facilities need to be provided and the existing ground floor of the west colonnade needs to be renovated.

Visitor Use and Services

The existing visitor center at the Commerce Department has the appropriate large entry area for the numbers of people who take the White House tours. The existing facility should be expanded rather than impact historic structures and landscapes at the site with a new visitor center structure.

A full visitor education program is needed for the White House and President's Park.

White House tour visitors should spend a brief period of time along the White House fence to experience the historic context and vistas of the White House as they wait for their tour.

The historic landscape of the Ellipse needs to be maintained and preserved, while providing traditional recreational uses, encouraging passive recreation and providing no permanent infrastructure for active sports.

Special Events

An events plaza needs to be constructed to provide the infrastructure needed for special events at the site. Special events are a part of the site's history and tradition. These need to be continued while finding ways to minimize the impacts and damage to the historic landscape.

Transportation

Reducing pedestrian/vehicle conflicts at the site, especially in the E Street corridor, is the long-term goal of the plan. However, the very difficult traffic congestion problems in the downtown area of the District of Columbia mean that interim measures need to be taken to improve traffic on E Street. The Federal Highway Administration, in cooperation with the National Park Service and the District of Columbia, will complete a project in 2000 to restore westbound traffic to E Street between 15th and 17th Streets.

Site Management and Operations

For efficiency, the President's Park maintenance facility needs to be included in the Ellipse parking facility.

Measures to Minimize Harm

All practical measures to avoid or minimize environmental impacts that could result from implementation of the selected action have been identified and incorporated.

Representatives of the District of Columbia and the Advisory Council on Historic Preservation have been involved in the development of the selected action. Further consultation will occur prior to implementation of individual actions described within the plan. Archeological evaluation and mitigation will precede all ground disturbances, if required.

The final plan recommends a landscape management plan for the White House and President's Park be undertaken to guide development and aid preservation of significant historical features of the landscape. In addition, site-specific vegetation management plans will be developed to guide individual actions.

Site specific plans will be developed to prevent storm water runoff in construction areas that could result in groundwater contamination.

Hazardous waste removal plans will be developed as necessary in construction areas where the potential for contaminated materials exists. In particular, studies for hazardous materials will be conducted in the area of the Ellipse parking garage during the preliminary design development stages of the project. Sampling will be conducted as specified in the comments from the Environmental Protection Agency, and additional test samples will be taken as required.

Public and Interagency Involvement

Throughout the planning process for this Comprehensive Design for the White House and President's Park, consultation and coordination opportunities have been made available to other agencies, organizations, visitors, and the general public, as described below. In addition, presentations were made to a variety of organizations and individuals interested in the status of planning for the White House and President's Park.

Scoping Activities for the Plan

A **Federal Register** notice was published by the National Park Service on March 19, 1993, announcing the start of the process for a Comprehensive Design Plan for the White House and the preparation of a draft environmental impact statement.

Beginning in March 1993 and throughout the spring and summer, issue workshops were held to elicit the concerns of two audiences: (1) Officials and staffs of the 12 stewardship and oversight agencies with management responsibilities at the White House and within President's Park, and (2) organizations, including adjacent businesses and institutions, that have specific interest or concerns at the site. Approximately 50 different agencies and organizations participated in the workshops; more than 70 organizations were invited to attend. Workshops continued into the fall of 1993.

From April 30 through May 3, 1993, an opportunity to hear from visitors and the general public was provided on the eastern side-panel of the Ellipse near 15th Street. Members of the planning team were on the site to talk with local, national, and international visitors about their time in the study area. The purpose of this activity was to listen to concerns and comments from visitors, in addition to agency concerns. Team members talked to people on Friday and Saturday, when the White House was open for tours, and on Sunday and Monday, when the White House is closed for tours. Approximately 1,100 visitors were encouraged to provide information for a series of exhibits to find out how visitors arrived at the site, what they saw while there, what they wanted to know more about in relationship to the presidency and the White House, and their suggestions for improvements in the area.

Desired Futures

In the fall of 1993 a total of 80 subject matter experts were invited to workshops on October 27 and 28 to develop desired futures for what the area should be like in the year 2015. Nine working groups addressed support services for the Executive Residence, support services for the Executive Office of the President, resource conservation and protection, official functions, security, special events, visitor use and services, transportation, and site character. Individuals represented both the public and private sectors; some had a long experience at the site, and others had expertise in a particular field but no

experience with the White House and President's Park. The desired futures developed at these workshops can be found on page 16, and a list of the participants is included in Appendix G of the Final Comprehensive Design Plan for the White House and President's Park and Final Environmental Impact Statement.

Executive Committee

To help guide the development of the plan, the Director of the National Park Service asked the leadership of governmental stewardship and oversight agencies (those federally chartered organizations who have official responsibilities within the study area) to serve on an Executive Committee chaired by the National Park Service Director. The intent was to create a forum for each member to be directly involved and to be able to provide their expertise and that of their agencies with regard to the White House and President's Park.

Agencies serving on the Executive Committee include:

Executive Office of the President—National Park Service
Executive Residence at the White House—District of Columbia
White House Military Office—Commission of Fine Arts
Department of the Treasury—National Capital Planning Commission
U.S. Secret Service—Advisory Council on Historic Preservation
General Services Administration—Pennsylvania Avenue Development Corporation (until 4/96)

Beginning in spring 1993, the committee met at the following key stages to guide the development of the plan: issue identification, desired futures, conceptual alternatives, alternatives, development of a preferred alternative and development of the final plan.

During its work the committee formed two subcommittees: one helped develop design guidelines for the site (chaired by the National Park Service), and a second helped develop a draft strategy for implementing and financing the final plan (chaired by the Pennsylvania Avenue Development Corporation).

Design Guidelines

The Design Guidelines Subcommittee held a workshop on August 3, 1994, with a cross section of professionals in landscape architecture, urban planning, architecture, lighting, and land management. Ideas generated during the workshop helped develop the foundations for the Design Guidelines. The Design Guidelines can be found on page 15, and the workshop participants are listed in Appendix G of the Final Comprehensive Design Plan for the White House and President's Park and Final Environmental Impact Statement.

Interpretive Themes Workshop

A workshop was held on March 2, 1994, to develop interpretive themes for the White House and President's Park. Participants used their expertise in interpretation and the history of the site, as well as the results of the Ellipse public involvement from spring 1993 and the earlier visitor surveys done at the site. The interpretive themes developed at this workshop are described in Appendix D, and the participants are listed in Appendix G of the Final Comprehensive Design Plan for the White House and President's Park and Final Environmental Impact Statement.

News Media Working Group

In March 1995 the National Park Service presented the alternative concepts being considered for the site to the news media organizations that cover the White House. At that time concerns were expressed about proposals for spaces they use at the site. As a result, the Park Service invited the White House Correspondents' Association, the White House News Photographers' Association, and the Network Pool to join in a news media working group. The group worked with the Park Service and other agencies at the site to develop proposals for the space assigned to the news media. The working group meetings included a news media desired futures workshop in August 1995. The participants in the news media working group can be found in Appendix G, and the news media desired futures in Appendix H of the Final Comprehensive Design Plan for the White House and President's Park and Final Environmental Impact Statement.

Public Forum and Alternatives Newsletter

During April and May 1995 the alternative concepts being considered for the White House and President's Park were made available for the public review and comment. Copies of the planning newsletter were mailed to approximately 5,000 persons and organizations on the project mailing list. Included in the newsletter was a description of three alternative concepts for the site plus a response form. The alternative concepts were the subject of widespread radio and television news coverage and were the focus of public forums held at the White House Visitor Center in Washington, D.C., on April 10 and 11. During the forums some 2,400 people saw exhibits and a video on the alternatives. Copies of the alternative concepts and the newsletter response form were available. Members of the National Park Service planning team were available to discuss problems at the site and the three alternative concepts. These concepts were the basis for the three alternatives presented in the Final Comprehensive Design Plan for the White House and President's Park and Final Environmental Impact Statement; the final plan draws elements from each of the alternatives.

Development and Review of the Draft Plan

After public review of the conceptual alternatives further work was done to refine the alternative elements. The draft plan was developed in coordination with members of the Executive Committee.

The Draft Comprehensive Design Plan for the White House and President's Park and Draft Environmental Impact Statement was made available to the public for review and comment from December 2, 1998, until March 11, 1999. Interested federal and local public agencies, neighboring businesses and organizations, interested individuals, and the cooperating agencies on the Executive Committee were provided an opportunity to review and comment on the document.

During the comment period, the proposed plan was presented in many media, including newspaper and magazine articles, television and radio broadcasts, public summaries of the proposed plan (9,000 copies were distributed), an Internet Web site, National Park Service presentations to interested groups, and an exhibit at the White House Visitor Center. Public forums were held on the draft document at the White House Visitor Center on January 27 and 28, 1999.

Public and agency review of the Draft Comprehensive Design Plan for the White House and President's Park and Draft Environmental Impact Statement helped ensure that relevant issues and alternatives were adequately considered and evaluated, and that all pertinent implications of the alternatives were analyzed. The comments and responses enabled interested parties to review and assess how other agencies, organizations, and individuals responded to the proposed action, the alternatives, and their potential impacts.

Summary of Comments

A total of 100 responses were received—14 from governmental

agencies, 15 from businesses and organizations, 2 from students at educational institutions, and 69 from individuals. The responses represented a wide geographic distribution, with 22% from the Washington, D.C., area and 78% from the rest of the nation.

The comments came in various forms: 51 letters, 31 E-mails and Web site responses, and 18 exhibit questionnaires. The most frequently mentioned topics in the responses related to facilities, project cost or funding, adjacent streets, parking, landscape design, and the implementation schedule.

Facilities

Six responders were not in favor of improving White House recreation facilities for the president. With regard to facilities for the White House press corps, the White House Correspondents' Association was concerned about space and access to the president (two letters signed by nine individuals), while four public commenters suggested removing or restricting press space. Other responses suggested improving the Pageant of Peace location on the Ellipse (2 comments) and improving existing facilities and outdoor space at the White House (2 comments).

Project Costs or Funding

Seventeen responders were concerned about how the project would be financed or the total cost of the project.

Adjacent Streets

Both E Street and Pennsylvania Avenue were mentioned by several responders. E Street comments included the following range, as summarized below:

- Tunnel E Street (5 comments).
- Do not tunnel E Street (1 comment).
- Eliminate/close E Street (2 comments).
- Do not close E Street (1 comment).
- Widen E Street to four lanes (2 comments).
- Provide reversible lanes on E Street (1 comment).
- Clarify the short-term versus the long-term action (1 comment).

Responders commented on Pennsylvania Avenue even though the draft document stated that public vehicular access on the avenue had been restricted by the U.S. Department of the Treasury and that a future long-term design for Pennsylvania Avenue would be considered in a separate planning document. The comments ranged from supporting the permanent closure of Pennsylvania Avenue (3 comments) to objecting to the closure or requesting that subsequent impacts on historic buildings, traffic, and parking be addressed (3 comments).

Parking

Parking comments related to support for underground parking (4 comments), support for removing cars from the Ellipse (3 comments), security concerns (4 comments), concerns about too much staff parking (5 comments), a question about cumulative impacts on parking with a new Washington Convention Center (1 comment), and a need to more adequately assess the impacts of leasing parking space (1 comment).

Three responders expressed concern about security within an underground parking garage beneath the Ellipse and access to the White House. There were also concerns about vegetative impacts (2 comments), potential landfill problems (1 comment), visual impacts of the portals (1 comment), and traffic impacts on Constitution Avenue associated with the Ellipse parking facility (1 comment). Three responders suggested providing public parking under the Ellipse, and six others suggested promoting public transportation instead of providing additional parking.

Landscape Design

There were 13 comments either supporting specific design elements or offering suggestions pertaining to the ''Greening of the White House,'' memorial requests, the First Division Monument, the use of native landscape materials within the White House grounds, and architectural design features not provided in the framework of the Design Guidelines for the White House and President's Park.

Implementation Schedule

Five individuals encouraged shortening the proposed 20-year implementation schedule.

Final Plan and Environmental Impact Statement

Portions of the Draft Environmental Impact Statement (DEIS) were clarified and expanded upon, based upon the comments received during review of the draft plan and DEIS. The elements of the Draft Comprehensive Design Plan for the White House and President's Park were confirmed to be the elements of the final plan.

The Final Comprehensive Design Plan for the White House and President's Park and Final Environmental Impact Statement (FEIS) was released December 13, 1999. The Environmental Protection Agency 30-day no action period closed January 21, 2000. A total of 351 copies of the Final Plan/FEIS were distributed to all who commented on the Draft Plan/DEIS, park neighbors, interested public and private organizations and Members of Congress.

During the 30-day no action period, comments were received: (1) from the Environmental Protection Agency stating that EPA has determined that the National Park Service has adequately addressed its comments within the FEIS, and (2) from the Washington Metropolitan Area Transit Authority (METRO) complementing the plan and confirming that the plan has no impacts upon the existing Metrorail Red Line tunnels that traverse Lafayette Park and the northeast corner of the Treasury Building. METRO stated that they are looking at potential rail transit service from Georgetown to Mt. Vernon Square as well as other enhancements to the capacity of their Core system. They requested that as the project progresses into detailed design, they would appreciate an opportunity to review the documents associated with the underground parking and pedestrian connections along Pennsylvania Avenue between West Executive Avenue/Jackson Place and Madison Place. The National Park Service and the other agencies involved in the planning look forward to working together with METRO as the project moves forward through the implementation phase.

Conclusion

The National Park Service has determined that the preferred alternative described in the Final Comprehensive Design Plan for the White House and President's Park and Final Environmental Impact Statement (and described in the foregoing as the ''Selected Action'') best meets the future needs of the White House and President's Park while protecting the natural and cultural resources located here and the fabric of the city surrounding the site.

Dated: March 29, 2000.

Robert Stanton,

Director, National Park Service.

[FR Doc. 00–10951 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Environmental Impact Statement, Big Bend National Park, Texas; River Management Plan, Environmental Impact Statement, Rio Grande Wild and Scenic River, Texas, and Wilderness Study, Environmental Impact Statement, Harte Ranch, Big Bend National Park, Texas

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement for the general management plan, Big Bend National Park (NP), Texas, river management plan, Rio Grande Wild and Scenic River (WSR), Texas, and wilderness study, Harte Ranch, Big Bend National Park.

SUMMARY: Under the provisions of the National Environmental Policy Act of 1969, the National Park Service is preparing an environmental impact statement for the general management plan (GMP) for Big Bend NP, river management plan (RMP), Rio Grande WSR and wilderness study, Harte Ranch, Big Bend NP. The Harte Ranch, in the northern portion of the park, was added to the park since the 1973 Final Environmental Impact Statement on Proposed Wilderness Classification, Big Bend National Park. The planning projects may be covered together in one EIS or may be separated into two or three. The planning effort will result in a comprehensive general management plan and river management plan that encompass preservation of natural and cultural resources, visitor use and interpretation, roads, and facilities. In cooperation with local interests, attention will also be given to resources outside the boundaries that affect the integrity of the park or wild and scenic river. Alternatives to be considered include no-action, the preferred alternative, and other alternatives addressing the following major issues:

- How can the important natural and cultural resources be best protected and preserved, while providing for visitor use for present and future generations?
- What level and type of use is appropriate to be consistent with the park's purpose, and to relate to the park's significance?
- What facilities are needed to meet the mission goals of the park regarding natural and cultural resource management, visitor use and interpretation, partnerships, and operations?

The document will also include a study of the Harte Ranch and its characteristics and values related to wilderness as defined in the Wilderness Act. The study will include alternative recommendations to Congress for Wilderness designation of all or portions of the Harte Ranch.

The National Park Service is planning to hold public scoping meetings regarding the three projects (GMP, RMP, wilderness study) during the week of May 22. Specific dates, times, and locations will be announced in the local media, and can be obtained by contacting the park superintendent. The purpose of these meetings is to explain the planning process and to obtain comments concerning appropriate resource management; desired visitor use, interpretation, and facilities; and issues that need to be resolved. In addition to attending scoping meetings, people wishing to provide input to this initial phase of developing the GMP, RMP, and wilderness study may address comments to the superintendent. Scoping comments should be received no later than 60 days from the publication of this Notice of Intent.

Comments

If you wish to submit issues or provide input to this initial phase of developing the GMP, RMP, and wilderness study, you may do so by any one of several methods. In addition to attending scoping meetings, you may mail comments to Superintendent, P.O. Box 129, Big Bend National Park, Texas 79834. You may comment via the Internet to BIBE_Superintendent@NPS.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: GMP Team'' 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 Superintendent Frank Deckert directly at telephone (915) 477–1101. Finally you may hand-deliver your comments to park headquarters, Panther Junction, Big Bend National Park, Texas. Scoping comments should be received no later than 60 days from the publication of this Notice of Intent. 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 addresses from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the 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.

FOR FURTHER INFORMATION CONTACT: Superintendent Frank Deckert, P. O. Box 129, Big Bend National Park, Texas 79834; Tel: (915) 477-1101; Fax: (915) 477–2357; e-mail: deckert_frank@nps.gov.

Dated: April 26, 2000,

Richard Everhart,

Acting Director, Intermountain Region, National Park Service.

[FR Doc. 00–10949 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Resource Protection Study, Environmental Impact Statement, Curecanti National Recreation Area, Colorado

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement for the Resource Protection Study, Curecanti National Recreation Area, Colorado.

SUMMARY: Under the provisions of the National Environmental Policy Act of 1969, the National Park Service is preparing an environmental impact statement for the Resource Protection Study (RPS) for Curecanti National Recreation Area, Colorado. The study will result in recommendations to be made to the Congress, as directed by Public Law 106–76, concerning resource protection and open space on land within and surrounding Curecanti National Recreation Area. The alternatives to be considered include no action, the preferred alternative, and other alternatives that address issues required by P.L. 106–76:

- assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

• identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

• recommend a variety of economically feasible and viable tools to achieve these purposes;

• estimate the costs of implementing the approaches recommended by the study; and not later than October 21, 2002, submit a report to Congress containing the study's findings and recommendations.

The National Park Service is planning to hold an open house regarding the Curecanti Resource Protection Study between the hours of 3:00 p.m. and 8:00 p.m. on May 24, at the Gunnison County Multi-Purpose Building, Gunnison Fairgrounds, 275 South Spruce, Gunnison, CO. The purpose of the open house is to explain the planning process, to solicit concerns and comments regarding the study, and to identify resource and other issues that need to be resolved. The National Park Service will send individual notices regarding the meeting to adjacent landowners and to other persons and organizations on the park's mailing list, as well as prepare news releases to be distributed to various forms of news media announcing the open house meeting.

Comments

If you wish to submit issues or provide input to this initial phase of the Curecanti RPS, you may do so by any one of several methods. In addition to attending the open house, you may mail comments to Curecanti Resource Protection Plan, Attn: Dave Roberts, 2465 South Townsend Avenue, Montrose, CO 81401. You may also comment via the Internet to dave_roberts@nps.gov. Please submit Internet comments as an ASCII file, avoiding the use of special characters and any form of encryption. Entitle the subject of your Internet message ''RPP Comments''. Include your name and home address at the end of your message. If you do not receive a confirmation from the system that we have received your Internet message, contact Dave Roberts at 970–240-5432. Finally, you may hand-deliver your comments to either of two locations: (1) Superintendent's Office, located near Elk Creek Visitor Center, approximately 15 miles west of the City of Gunnison on Hwy. 50; or (2) the Montrose Public Lands Center, 2535 South Townsend Avenue, Montrose, CO. Comments should be received no later than 60 days from the publication of this Notice of Intent.

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 addresses from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the 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 of 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: Dave Roberts, Management Assistant, Black Canyon of the Gunnison National Park and Curecanti National Recreation Area, 2465 South Townsend Avenue, Montrose, CO 81401, Telephone: 970–240–5432, E-Mail: dave_roberts@nps.gov.

Dated: April 19, 2000.

Michael D. Synder,

Acting Director, Intermountain Region.

[FR Doc. 00–10950 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bay-Delta Advisory Council's Ecosystem Roundtable Meeting and Ecosystem Roundtable Amendments Subcommittee Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meetings.

SUMMARY: The Bay-Delta Advisory Council's (BDAC) Ecosystem Roundtable will meet on May 17, 2000 to be briefed on proposals received from the 2001 proposal solicitation package, to discuss the water acquisition program, the Restoration Reserve, and other topics. The Amendments Subcommittee will also meet on May 17, 2000 to discuss proposed contract modifications for several ongoing ecosystem restoration projects including the Fish Passage Improvement Project at Red Bluff Diversion Dam, Assessment of Ecological and Human Health Impacts of Mercury in the Bay-Delta watershed and others. These meetings are open to the public. Interested persons may make oral statements to the Ecosystem Roundtable and Amendments Subcommittee or may file written statements for consideration.

DATES: The BDAC's Ecosystem Roundtable meeting will be held from 9:30 a.m. to 12:00 p.m. on Wednesday, May 17, 2000. The Ecosystem Roundtable Amendments Subcommittee meeting will be held from 1:00 p.m. to 3:00 p.m. on Wednesday, May 17, 2000.

ADDRESSES: The Ecosystem Roundtable and Amendments Subcommittee will meet at the Resources Building, Room 1131, 1416 Ninth Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Wendy Halverson Martin, CALFED Bay-Delta Program, at (916) 657–2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan that addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long-term

solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA). The BDAC provides advice to CALFED on the program mission, problems to be addressed, and objectives for the Program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called the Ecosystem Roundtable to provide input on annual workplans to implement ecosystem restoration projects and programs.

Minutes of the meeting will be maintained by the Program, Suite 1155, 1416 Ninth Street, Sacamento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: April 26, 2000.

Kirk C. Rodgers,

Deputy Regional Director, Mid-Pacific Region.

[FR Doc. 00–10975 Filed 5–2–00; 8:45 am]

BILLING CODE 4310–94–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–432]

Certain Semiconductor Chips With Minimized Chip Package Size and Products Containing Same; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 28, 2000, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Tessera, Inc., of San Jose, California. Letters supplementing the complaint were filed on April 14, 2000 and April 19, 2000. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor chips with minimized chip package size and products containing same by reason of infringement of claims 6 and 22 of U.S. Letters Patent 5,679,977, and claims 1, 3, and 11 of U.S. Letters Patent 5,852,326. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent limited exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint and supplements, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone 202–205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained 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).

FOR FURTHER INFORMATION CONTACT: Benjamin D. M. Wood, Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2582.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (1999).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 27, 2000, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain semiconductor chips with minimized chip package size or products containing same by reason of infringement of claims 6 or 22 of U.S. Letters Patent 5,679,977 or claims 1, 3, or 11 of U.S. Letters Patent 5,852,326, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Tessera, Inc., 3099 Orchard Drive, San Jose, California 95134.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Texas Instruments, Inc., 13500 North Central Expressway, Dallas, Texas 75243.

Sharp Corporation, 22–22 Nagaike-cho, Abeno-ku, Osaka, Japan.

Sharp Electronics Corporation, 1 Sharp Plaza, Mahwah, New Jersey 07430.

(c) Benjamin D. M. Wood, Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401–I, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: April 27, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–11028 Filed 5–2–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Degree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 30, 2000, a proposed Consent Decree in *United States, et al.* v. *745 Property Investments, Inc. et al.*, No. 00–1215–Civ–Seitz (S.D. Fla.), was lodged on March 31, 2000 with the United States District Court for the Southern District of Florida.

In this action the United States sought performance of work, and recovery of costs incurred by the United States Environmental Protection Agency, in connection with responding to the release and threatened release of hazardous substances at the Anodyne National Priorities List Site in Miami, Florida. The consent decree resolves all claims brought against defendants 745 Property Investments, Inc., Floyd Abramson and Julius Golding the partners of the, G.D.W. Partnership, Ltd., and Prudential Insurance Company of America (collectively, the ''settlers'').

The proposed consent decree provides that the settlers will perform the Zone 1 soils excavation and monitoring program required by the Record of Decision for the site, pay for up to $100,000 of EPA's oversight of that portion of the remedial action, to pay all of EPA's other Future Response Costs in connection with the Consent Decree, and to pay $35,704.56 for Past Costs, to resolve their liability to the United States for response costs as described above. The proposed consent decree includes a covenant not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, for the entire Site (Zones 1 and 2), including all past and future costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, D.C. 20044–7611, and should refer to *United States, et al.* v. *745 Property Investments, Inc. et al.*, No. 00–0215–Civ-Seitz (S.D. Fla.), DOJ Ref. #90–11–2–881/1.

The proposed consent decrees may be examined at the office of the United States Attorney, Southern District of Florida, 99 N.E. 4th Street, Miami, Florida 33132, (305) 961–9329; the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, S.W., Atlanta, GA 30303–8960. A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, Department of Justice, P.O. Box 7611, Washington, D.C. 20044–7611. In requesting copies please refer to the referenced case and enclose a check in the amount of $67.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.

[FR Doc. 00–11045 Filed 5–2–00; 8:45 am]

BILLING CODE 4470–15–M

MERIT SYSTEMS PROTECTION BOARD

Appointment of Members to the Performance Review Board

AGENCY: Merit Systems Protection Board.

ACTION: Notice of appointment of members to the Performance Review Board (PRB).

SUMMARY: This notice publishes the names of the new and current members of the Performance Review Board as required by 5 U.S.C. 4314(c)(4). Lonnie L. Crawford will continue as Chairman. John Palguta, Robert Lawshe and Mary Joyce Carlson have been appointed new members. John Seal will continue to serve on the PRB.

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Linda Nicholson, Personnel Officer, U.S. Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419.

Dated: April 26, 2000.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 00–10958 Filed 5–2–00; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Combined Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Design section (Creativity, Organizational Capacity & Public Works categories), to the National Council on the Arts will be held from June 1–2, 2000 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW, Washington, DC 20506. A portion of this meeting, from 2 p.m. to 3 p.m. on June 2nd, will be open to the public for policy discussion.

The remaining portions of this meeting—from 9 a.m. to 6 p.m. on June 1st, and from 9 a.m. to 2 p.m. and 3 p.m. to 4 p.m. on June 2nd—are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue NW, Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: April 24, 2000.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 00–11027 Filed 5–2–00; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Leadership Initiatives Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Advisory Panel, ArtsREACH section, to the National Council on the Arts will be held from May 31–June 2, 2000 in Room 730 at the Nancy Hanks Center, 1100 Pennsylvania

Avenue NW, Washington, DC 20506. A portion of this meeting, from 11 a.m. to 12:30 p.m. on June 2nd, will be open to the public for policy discussion.

The remaining portions of this meeting—from 9 a.m. to 5:30 p.m. on May 31st, 9 a.m. to 6 p.m. on June 1st, and from 9 a.m. to 11 a.m. and 12:30 p.m. to 3 p.m. on June 2nd—are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue NW, Washington, DC 20506, 202/682–5532, TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: April 24, 2000.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 00–11026 Filed 5–2–00; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL INSTITUTE FOR LITERACY

Meeting Notices

AGENCY: National Institute for Literacy (NIFL).

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Institute for Literacy Board (Board). This notice also describes the function of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

DATE AND TIME: May 15, 2000 from 8:30 a.m. to 5 p.m., and may 16, 2000 from 8:30 a.m. to 12 Noon.

ADDRESSES: IBM Executive Conference Center in Palisades, Rout 9W, P.O. Box 1025, Palisades, New York 10965.

FOR FURTHER INFORMATION CONTACT: Shelly Coles, Assistant National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 2006. Telephone number (202) 233–2027, email scoles@nifl.gov.

SUPPLEMENTARY INFORMATION: The Board is established under the Workforce Investment Act of 1998, Title II of Public Law 105–220, Sec. 242, the National Institute for Literacy. The Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Board is established to advise and make recommendations to the Interagency Group, composed of the Secretaries of Education, Labor, and Health and Human Services, which administers the National Institute for Literacy (Institute). The Interagency Group considers the Board's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve the goals of the Institute. Specifically, the Board performs the following function (a) Makes recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and Director of the Institute. In addition, the Institute consults with the Board on the award of fellowships. The National Institute for Literacy Advisory Board will be meeting on May 15–16, 2000. The Advisory Board will focus on refinements in the NIFL's three-year program plan; specific activities to be carried out next year to implement the plan; and changes that have occurred, or might occur over the next three to five years that need to be anticipated, and factored into the NIFL's planning and activities. Records are kept of all Board proceedings and are available for public inspection at the National Institute for Literacy, 1775 I Street, NW, Suite 730, Washington, DC 20006, from 8:30 a.m. to 5 p.m.

Dated: April 28, 2000.

Carolyn Staley,

Deputy Director.

[FR Doc. 00–11057 Filed 5–2–00; 8:45 am]

BILLING CODE 6055–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8989; License No. SMC–1559]

Envirocare of Utah and The Snake River Alliance; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petitions dated February 24, 2000, and March 13, 2000, The Snake River Alliance and Envirocare of Utah respectively, have requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to protecting the public health and safety. The petitioners request that the NRC assume responsibility for Formerly Utilized Sites Remedial Action Program (FUSRAP) radioactively contaminated material and ensure its proper disposal in an NRC-licensed facility.

As the basis for these requests, the petitioners state that the NRC, under Sections 81 and 84 of the Atomic Energy Act (AEA), was given authority by Congress to regulate all 11e.(2) material regardless of when it was generated.

The requests are being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The requests have been referred to the Director of the Office of Nuclear Material Safety and Safeguards. As provided by Section 2.206, appropriate action will be taken on the petitions within a reasonable time. By letters dated April 25, 2000, the Director accepted the petitioners' requests for the NRC to review the AEA and the NRC regulations governing disposal of 11e.(2) byproduct material whether or not it was generated after 1978, and is not taking any immediate action. A copy of the petitions are available for inspection at the Commission's Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC 20555–0001.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 25th day of April, 2000.

William F. Kane,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–10987 Filed 5–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from April 8, 2000, through April 21, 2000. The last biweekly notice was published on April 19, 2000 (65 FR 21034).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By June 2, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these

requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: April 7, 2000.

Description of amendment request: The proposed amendment would revise Harris Nuclear Plant (HNP) Technical Specification (TS) 3/4.7.6, ''Control Room Emergency Filtration System,'' TS 3/4.7.7, ''Reactor Auxiliary Building Emergency Exhaust System,'' TS 3/4.9.12, ''Fuel Handling Building Emergency Exhaust System,'' and the associated Bases. Specifically, the licensee proposes to revise these TS to provide an Action when the Control Room Emergency Filtration System or Reactor Auxiliary Building Emergency Exhaust System ventilation boundary is inoperable and a note that allows an applicable ventilation boundary to be open intermittently under administrative controls. Additionally, the licensee proposes to modify TS 3/4.3.3.1, ''Radiation Monitoring for Plant Operations,'' to provide consistency between the applicability of the Control Room Emergency Filtration System and the radiation monitors that initiate a Control Room Isolation signal.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Ventilation systems are not accident initiating systems as described in the Final Safety Analysis Report. The changes are based on the low probability of a design basis accident occurring during the 24 hour completion time and compensatory measures available to minimize dose consequences of an event during this time. The proposed change does not affect another Structure, System, or Component.

Current HNP TS do not restrict fuel movement in the fuel handling or loads over spent fuel pools concurrent with an inoperable Control Room Emergency Filtration System. Providing restrictions for fuel movement and loads over spent fuel pools preserves assumptions made in the fuel handling accident analysis. The addition of applicability requirements for fuel movement and movement of loads over spent fuel pools is consistent with NUREG–1431, Revision 1, and is more restrictive than current HNP TS.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Ventilation systems are not accident initiating systems as described in the Final Safety Analysis Report. As such, the failure of the ventilation system to operate properly or a premature actuation of the ventilation system can not initiate an accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed change to ventilation systems does not significantly affect any of the parameters that relate to the margin of safety as described in the Bases of the TS or the FSAR [Final Safety Analysis Report]. Accordingly, NRC Acceptance Limits are not affected by this change. The changes are based on the low probability of a design basis accident occurring during the 24 hour completion time and compensatory measures available to minimize dose consequences of an event during this time.

The addition of applicability requirements for Control Room Emergency Filtration System during movement of irradiated fuel assemblies and movement loads over spent fuel pools provide additional margin not currently provided in HNP TS.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Richard P. Correia.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: April 12, 2000.

Description of amendment request: The proposed amendment would revise Harris Nuclear Plant (HNP) Technical Specification (TS) 3/4.4.9.2, ''Pressure/Temperature (P-T) Limits—Reactor Coolant System,'' and TS 3/4.4.9.4, ''Overpressure Protection System,'' and the associated Bases. Specifically, the licensee proposes to revise the applicable TS to incorporate results of the Reactor Vessel Surveillance Program capsule analysis. A summary report was previously submitted to the NRC (HNP–99–157, dated 11/9/99) in accordance

with Title 10 of the Code of Federal Regulations, Part 50 (10 CFR 50), Appendix H. Additionally, the licensee's submittal requested an exemption to 10 CFR 50.60 (a), based on American Society of Mechanical Engineers (ASME) Code Case N–640 and WCAP–15315. The exemption request will be evaluated separate from the proposed license amendment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes affect operations of the Reactor Coolant System (RCS) components when the RCS temperature is below 350° F. The revisions to P–T limits and allowable heatup and cooldown rate limits are consistent with ASME code cases which have been authorized for other licensees by the NRC. The proposed changes modify the setpoint of the pressurizer PORVS [power operated relief valves] for LTOPS [low temperature overpressure setpoints]. Changes to the LTOPS setpoints applicable below 350° F effectively increase the allowable operating pressure for any given temperature during shutdown. These changes do not result in conditions which are outside of the design basis for RCS Structures, Systems, and Components (SSCs). Therefore, the proposed changes do not alter the characteristics of the RCS SSCs adversely, and therefore do not impact the performance of the RCS SSCs during power operations.

The revised P–T limits and heatup and cooldown rate limits are within the design capabilities of the RCS SSCs and pressure control systems. While the proposed new P–T limits are less restrictive than the current Technical [Specification] requirements, they assure that plant operation is within the design capacity of the reactor vessel materials. Therefore, the RCS capability as a fission product barrier is not compromised.

The changes to the LTOPS setpoints do not affect accident consequences since no credit is assumed for operation of LTOPS to mitigate accidents.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve new plant components or procedures, but only revise existing operational limits and setpoints. These changes do not place SSCs in conditions outside of their design basis, and the revised operating setpoints and conditions are within the capability of the plant control systems.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed changes to the P–T limits and LTOPS setpoints change the calculational method from that described in the bases to one based on ASME Code Case N–640, and on WCAP–15315. The effect of this change is to allow plant operation with different limits, but still with adequate margins to assure the integrity of the reactor vessel and RCS.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Richard P. Correia.

Commonwealth Edison Company, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: March 15, 2000.

Description of amendment request: The proposed amendments would revise the ultimate heat sink temperature in the technical specifications from 98°F to 100°F.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of any accident previously evaluated?

Analyzed accidents are assumed to be initiated by the failure of plant structures, systems or components. An inoperable Ultimate Heat Sink (UHS), which is the source of water for the Essential Service Water (ESW) System, is not considered as an initiator of any analyzed events. The analyses for Braidwood Station, Units 1 and 2, assume a UHS temperature of 100°F. Therefore, continued operation with a UHS temperature less than or equal to 100°F will not increase the probability of occurrence of any accident previously evaluated in the Updated Final Safety Analysis Report (UFSAR). The proposed change does not involve any physical alteration of plant systems, structures or components. A UHS temperature of up to 100°F does not increase the failure rate of systems, structures or components because the systems, structures or components are rated and analyzed for operation with ESW temperatures of 100°F and the design allows for higher temperatures than at which they presently operate.

The basis provided in Regulatory Guide 1.27 ''Ultimate Heat Sink for Nuclear Power Plants,'' Revision 2, dated January 1976, was employed for the temperature analysis of the Braidwood Station UHS to implement General Design Criteria (GDC) 44, ''Cooling water,'' and GDC 2, ''Design bases for protection against natural phenomena,'' of Appendix A to 10 CFR Part 50. This Regulatory Guide was employed for both the original design/licensing basis of the Braidwood Station UHS and a subsequent evaluation which investigated the potential for increasing the average water temperature of the UHS from ≤98°F to ≤100°F. The heat loads selected for the UHS analysis considered one Braidwood Station unit in a Loss of Coolant Accident (LOCA) condition concurrent with a Loss Of Offsite Power (LOOP) event and the remaining Braidwood Station unit undergoing a safe non-accident shutdown. In the analysis, these heat loads are removed by the UHS using only ESW pumps. The main cooling pond is conservatively assumed not to be available at the start of the event. The analysis shows that with an initial UHS temperature of 100°F, the required heat loads can be met for 30 days while maintaining ESW temperatures at acceptable values.

Based on the above, it has been demonstrated that the operation at an initial UHS temperature of ≦100° F at the start of the design basis event will result in the continued ability of the equipment and components supplied by the ESW system to perform their intended safety functions.

Therefore, increasing the average water temperature limit of the UHS from ≦98° F to ≦100° F does not increase the consequences of any accident previously evaluated. Raising this limit does not introduce any new equipment, equipment modifications, or any new or different modes of plant operation, nor does it affect the operational characteristics of any equipment or systems. Therefore, this proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not involve a physical alteration of the units. There is no change being made to the parameters within which the units are operated that is not bounded by the analyses. There are no setpoints at which protective or mitigative actions are initiated that are affected by this proposed change. This proposed change will not alter the manner in which equipment operation is initiated, nor will the function demands on credited equipment be changed. No alteration in the procedures that ensure the units remain within analyzed limits is proposed, and no change is being made to

procedures relied upon to respond to an off-normal event. As such, no new failure modes are being introduced. The proposed change does not alter assumptions made in the safety analysis.

Increasing the allowed average water temperature of the UHS in Technical Specification (TS) 3.7.9, ''Ultimate Heat Sink (UHS),'' has no impact on plant operation. Operating at the proposed higher temperature limit does not introduce new failure mechanisms for systems, structures or components. The engineering analyses performed to support the change to UHS temperature limit provides the basis to conclude that the equipment is designed for operation at elevated temperatures. The current analyses and calculations assume a UHS temperature of 100° F, which is within the design limits of the affected equipment. In addition, design and construction codes applied to the affected structures, systems and components provided sufficient margin to accommodate the proposed temperature change.

Therefore, this proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change allows operation with the UHS temperature ≦100° F. The margin of safety is determined by the design and qualification of the plant equipment, the operation of the plant within analyzed limits, and the point at which protective or mitigative actions are initiated. The proposed change does not impact these factors. The existing analyses already assume an initial UHS temperature of 100° F for design basis accident conditions. There are no required design changes or equipment performance parameter changes associated with this change. No protection setpoints are affected as a result of this change. This temperature increase has been confirmed to not change the operational characteristics of the design of any equipment or system. All accident analysis assumptions and conditions will continue to be met. Thus, the proposed increase in UHS temperature does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690≤980767.

NRC Section Chief: Anthony J. Mendiola.

Detroit Edison Company, Docket No. 50–16, Enrico Fermi Atomic Power Plant, Unit 1, Monroe County, Michigan

Date of amendment request: February 11, 1999 (Reference NRC–00–0023).

Description of amendment request: The proposed amendment will revise the Technical Specifications by: (1) Deleting Specification A.8, the definition of ''Primary System'' which will no longer be necessary if the specifications related to the Primary System cover gas system are deleted; (2) deleting Specification D, which specifies the requirements for the Primary System cover gas system; (3) deleting the portion of Specification H.1 that specifies the surveillance requirements for the Primary System pressure alarms; (4) deleting Table H.1 item a, the Primary System pressure alarm points; (5) deleting Specification H.3.b, the requirement to perform surveillances of the door and seals around the machinery dome; (6) deleting Specification I.7.b, which requires procedures for maintaining cover gas supply; and (7) deleting Specification I.9.d, which requires keeping records of CO_2 cover gas usage. The above-listed changes would allow the licensee to remove the Primary System cover gas system from service, an action that would allow the licensee to begin work on removing the remaining residual sodium from the Primary System. The licensee also requested an editorial change in Table H.1 item b.1, to change ''Bldg.'' to ''Building''.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration using the standards in 10 CFR 50.92(c). The licensee's analysis is presented below:

(1) The proposed change does not involve a significant increase in the probability or consequences of an accident.

Removing the cover gas from the [P]rimary [S]ystem, opening the [P]rimary [S]ystem, and cleaning out sodium residues will not significantly increase the probability of an accident occurring as long as the probability of an uncontrolled water reaction with the sodium is not significantly increased. This is done by conducting cutting operations and sodium reactions under control conditions. Removing the cover gas or opening the system will not take place until the current asbestos abatement project in the Reactor Building is complete since water is being used. The abatement is expected to be completed this winter before the license amendment will be approved. Note that EPA approval for dry removal has been obtained for where there is a risk of water coming into contact with sodium. The successful dismantling of the secondary sodium system piping in the Steam Generator building demonstrates that sodium systems can be cut open safely. The sodium residue processing in the secondary sodium storage tanks demonstrates sodium cleanup can be conducted safely. The consequences of an accident will not be increased by removing the cover gas, opening the [P]rimary [S]ystem, or reacting the sodium residues because the previously analyzed accidents already involve the release of all the radioactive material in the [P]rimary [S]ystem and all the radioactive material in the liquid waste system. The maximum postulated dose to the public was analyzed to be within the 10 CFR [Part] 20 limit of 100 mrem/year. This change will not increase the amount of radioactive material available to be released.

(2) The proposed change does not create the possibility of a new or different accident from any previously evaluated.

Removing the cover gas from the [P]rimary [S]ystem, opening the [P]rimary [S]ystem, and cleaning out the sodium residues will not create a new or different type of accident. A sodium accident has been previously evaluated. The only other type of accident which could possibly be caused by removing the [P]rimary [S]ystem cover gas, opening the [P]rimary [S]ystem, or processing primary sodium residues is a liquid waste release, which is highly unlikely. A liquid waste accident has also been previously evaluated. Only the [P]rimary [S]ystem and other equipment or piping containing primary sodium is expected to be affected by this change.

(3) The proposed change does not involve a significant reduction in a margin of safety.

Only a relatively small amount of sodium remains in the [P]rimary [S]ystem and other equipment containing primary sodium. Some of this residual may have been converted to sodium carbonate, leaving even less sodium remaining. The cover gas was a good precaution, especially for systems sitting unattended for many years. It prevented moisture from intruding into the systems and reacting with the sodium residues. It prevented oxygen from entering and reacting with any hydrogen formed from reactions of water and sodium. Discontinuing the use of cover gas slightly reduces the margin of safety, but not significantly. Removing the cover gas does not, in itself, introduce water into the system in an uncontrolled manner. Even if slight amounts of moisture from humidity in the air enter over the next year or two until the sodium is removed while the system is opened or unsealed, the system volume is large enough that the system will be able to dissipate any small reactions that occur. In addition, the calculated consequence[s] of releasing the radioactive material in the primary sodium is small and well within 10 CFR [Part] 20 and Technical Specification limits.

The planned processing of sodium residues is evaluated as releasing the radioactive material to the atmosphere, as planned release using controls specified in the Technical Specifications for gaseous effluents. For these reasons, the proposed change does not involve a significant reduction in the margin of safety.

NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, NRC staff proposes to determine that the amendment request involves no significant hazards consideration. Attorney for licensee: John Flynn, Esquire, Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Branch Chief: Larry W. Camper.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Dade County, Florida

Date of amendment request: November 30, 1999, as supplemented March 8, 2000.

Description of amendment request: The proposed amendments would revise the Technical Specifications to allow the use of credit for soluble boron in the spent fuel pool criticality analyses. In addition, a revised criticality analysis for the fresh fuel storage racks will be used to update the licensing bases. Criticality analyses were performed using the methodology developed by the Westinghouse Owners Group and described in WCAP–14416–NP–A, Revision 1, Westinghouse Spent Fuel Rack Criticality Analysis Methodology.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

There is no increase in the probability of a fuel assembly drop accident in the Spent Fuel Pool (SFP) when considering the presence of soluble boron in the SFP water for criticality control. The handling of the fuel assemblies in the SFP has always been performed in borated water. The consequences of a fuel assembly drop accident in the SFP are not affected when considering the presence of soluble boron.

There is no increase in the probability of the accidental misloading of spent fuel assemblies into the SFP racks when considering the presence of soluble boron in the pool water for criticality control. Fuel assembly placement will continue to be controlled pursuant to approved fuel handling procedures and will be in accordance with the Technical Specification (TS) spent fuel rack storage limitations. There is no increase in the consequences of the accidental misloading of spent fuel assemblies into the SFP racks because criticality analyses demonstrate that the pool will remain subcritical following an accidental misloading if the pool contains an adequate boron concentration. The proposed TS ensure that an adequate SFP boron concentration will be maintained. There is no increase in the probability of the loss of normal cooling to the SFP water when considering the presence of soluble boron in the pool water for subcriticality control since a high concentration of soluble boron has always been maintained in the SFP water.

A loss of normal cooling to the SFP water causes an increase in the temperature of the water passing through the stored fuel assemblies. This causes a decrease in water density, which would result in a net increase in reactivity when soluble boron is present in the water and Boraflex neutron absorber panels are present in the racks. However, the additional negative reactivity provided by the 1950 ppm boron concentration limit, above that provided by the concentration required (650 ppm) to maintain K_{eff} less than or equal to 0.95, will compensate for the increased reactivity which could result from a loss of SFP cooling event. Because adequate soluble boron will be maintained in the SFP water, the consequences of a loss of normal cooling to the SFP will not be increased.

The Fresh Fuel racks are analyzed by employing the ''Westinghouse Spent Fuel Rack Criticality Analysis Methodology'' approved by the NRC and described in WCAP–14416, NP–A, Revision 1. Only the method for Fresh Fuel storage racks criticality calculations has changed. The method of handling fuel, the maximum fuel enrichment, and the limiting values for criticality have not changed. Therefore, there is no change in the margin of safety for the Fresh Fuel storage racks.

Therefore, based on the conclusions of the above analysis, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any previously evaluated.

Spent fuel handling accidents are not new or different types of accidents, they have been analyzed in Section 14.2.1 of the Updated Final Safety Analysis Report (UFSAR). Criticality accidents in the SFP are not new or different types of accidents, they have been analyzed in the UFSAR and in the spent fuel storage criticality analysis. Current TS 3/4.9.14 already contains a limit on the SFP boron concentration. The boron concentration in the SFP has always been maintained near the limit of the RWST boron concentration for refueling purposes. The current TS boron concentration requirement for the SFP water conservatively bounds the boration assumptions of the revised criticality analyses. Since soluble boron has always been maintained in the SFP water, the implementation of this requirement for criticality purposes will have no effect on normal pool operations and maintenance.

Since soluble boron has always been present in the SFP, a dilution of the SFP soluble boron has always been a possibility. However, it was shown in the SFP dilution analysis that a dilution of the Turkey Point SFP which could increase the spent fuel storage rack K_{eff} to greater than 0.95 is not a credible event. Therefore, the implementation of limitations on the SFP boron concentration for criticality purposes will not result in the possibility of a new or different kind of accident.

Proposed TS 3/4.9.14 Table 3.9–1 specifies the requirements for the spent fuel rack storage, which is currently contained in the TS. These proposed new SFP storage limitations are consistent with the assumptions made in the spent fuel rack criticality analysis, and will not have any significant effect on normal SFP operations and maintenance, and will not create any possibility of a new or different kind of accident. Verifications will continue to be performed to ensure that the SFP loading configuration meets specified requirements.

The Fresh Fuel racks are analyzed by employing the ''Westinghouse Spent Fuel Rack Criticality Analysis Methodology'' approved by the NRC and described in WCAP–14416, NP–A, Revision 1. Only the method for Fresh Fuel storage racks criticality calculations has changed. The method of handling fuel, the maximum fuel enrichment, and the limiting values for criticality have not changed. Therefore, there is no change in the margin of safety for the Fresh Fuel storage racks.

As discussed above, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated. There is no significant change in plant configuration, equipment design or equipment.

(3) Operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The proposed TS changes will provide adequate safety margin to ensure that the stored fuel assembly array will always remain subcritical. Those limits are based on a plant specific criticality analyses performed in accordance with the NRC approved Westinghouse Spent Fuel Rack criticality analysis methodology.

The criticality analysis takes credit for soluble boron to ensure that K_{eff} will be less than or equal to 0.95 under normal circumstances. Storage configurations have been defined using a 95/95 K_{eff} calculation to ensure that the spent fuel rack K_{eff} will be less than 1.0 with no soluble boron. Soluble boron credit is used to provide safety margin by maintaining K_{eff} less than or equal to 0.95, including uncertainties, tolerances, and accident conditions in the presence of SFP soluble boron.

The loss of substantial amounts of soluble boron from the SFP that could lead to exceeding a K_{eff} of 0.95 has been evaluated in the SFP Dilution analysis and shown to be not credible.

The analysis shows that the dilution of the SFP boron concentration from 1950 ppm to 650 ppm is not credible. When this result is combined with the results from the 95/95 criticality analyses, which show that the spent fuel rack K_{eff} will remain less than 1.0 when flooded with unborated water, it provides a level of safety comparable to the

conservative criticality analysis methodology required by ANSI 57.2–1983, NUREG–0800, and Regulatory Guide 1.13.

The Fresh Fuel racks are analyzed by employing the ''Westinghouse Spent Fuel Rack Criticality Analysis Methodology'' approved by the NRC and described in WCAP–14416, NP–A, Revision 1. Only the method for Fresh Fuel storage racks criticality calculations has changed. The method of handling fuel, the maximum fuel enrichment, and the limiting values for criticality have not changed. Therefore, there is no change in the margin of safety for the Fresh Fuel storage racks.

Therefore, the proposed changes in these license amendments will not result in a significant reduction in the plant's margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

GPU Nuclear, Inc. et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: June 3, 1999, as supplemented on December 22, 1999

Description of amendment request: The proposed amendment would permit continued plant operation with a maximum of two inoperable recirculation loops, provided certain conditions are met. Oyster Creek's Technical Specifications (TSs), Section 3.3.F.2 currently permit operation with 4 of the 5 recirculation loops with certain constraints. If only 3 loops are operable, however, the TSs require plant shutdown within 12 hours. Analysis indicates that the plant may be safely operated at 90 percent power with three operable recirculation loops.

Two definitions are added to Section 1 of the TSs to specify the difference between an idle recirculation loop and an isolated recirculation loop. These definitions have been incorporated into the specification to provide an explicit description of acceptable valve configurations. In addition, several paragraphs have been added to the Bases of Section 3.3 and one paragraph in the Bases of Section 3.10 has been modified. In each case the Bases section has been segmented from the specification, which affects the pagination of the Bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

When operating with two inoperable recirculation loops, the proposed section 3.3.F.2.b requires that the reactor core thermal power not exceed 90% of rated power. This is a physical limitation of the plant conditions because maximum power is about 90% of rated power at the maximum recirculation flow with only three recirculation pumps operating. As such, the 90% of rated power becomes a limiting condition for three-loop operation. The licensee states that the results of this analysis conform to all the requirements of 10 CFR 50.46 and Appendix K.

The licensee analyzed recirculation pump trip transients for single and multiple pump trips. Although the transient in general is very mild, the licensee considers the case of simultaneous trip of all five pumps to be the limiting event among all possible recirculation pump trip events. For three-loop operation, given the requirement that the power level be maintained at or below 90% of rated power, the transient resulting from the loss of all three pumps would be bounded by the five-pump-trip event.

The proposed change, which permits three loop operation with a maximum of two idle or one idle and one fully isolated loop, will provide adequate safety margins during transient and accident conditions. The proposed changes do not affect any accident precursors because the accident occurrence is not dependent on the number of operating recirculation loops. Therefore, the probability of an accident previously evaluated is not increased. The proposed TS change will assure the ability of systems to perform their intended function. Therefore, the proposed changes will not introduce a significant increase in the consequences of an accident previously evaluated. Therefore, the probability of occurrence or the consequences of an accident previously evaluated in the Safety Analysis Report (SAR) will not increase as a result of these changes.

2. The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes permit three-loop operation with a maximum of two idle or one idle and one fully isolated loop. The licensee considers the case of simultaneous trip of all the five pumps to be the limiting event among all possible recirculation pump trip events. For three-loop operation, given the requirement that the power level be maintained at or below 90% of rated power, the transient resulting from the loss of all three pumps would be bounded by the five-pump-trip event.

The proposed changes will not create a possibility for an accident or transient of a different type than any previously identified in the SAR.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

The proposed changes will not decrease the margin of safety as defined in the basis of any Technical Specification. All relevant transient and accident scenarios have been analyzed for the conditions of three-loop operation and have demonstrated adequate margin to safety limits. Therefore, the proposed changes do not involve a significant reduction in the margin of safety. They neither adversely affect the performance characteristics of systems nor do they affect the ability of systems to perform their intended function. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: M. Gamberoni, Acting.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: March 17, 2000.

Description of amendment request: This amendment request proposes to revise the Cooper Nuclear Station Technical Specifications to incorporate the recommended Generic Letter 99–02, ''Laboratory Testing of Nuclear-Grade Activated Charcoal,'' laboratory testing protocol of American Society for Testing and Materials (ASTM) D3803–1989 for Engineered Safety Feature ventilation system charcoal samples.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed charcoal testing changes and explicit reference to American Society for Testing and Materials (ASTM) D3803–1989 nuclear-grade activated charcoal test protocol do not affect Engineered Safety Feature (ESF) ventilation system operation or performance, reliability, actuation setpoints, or accident mitigation capabilities. The proposed

changes also do not affect the operation and performance of any other equipment important to safety at Cooper Nuclear Station (CNS). ASTM D3803–1989 is a more accurate and demanding test which ensures that the charcoal filter efficiencies assumed in the CNS accident dose analysis are maintained. The proposed changes involve ESF ventilation system charcoal testing only and do not affect accident initiators. Therefore the proposed changes do not significantly increase the probability or consequences of an accident previously evaluated, as revised by the design basis accident radiological assessment calculational methodology revision submitted to the NRC under Reference 3 [in the March 17, 2000, amendment request].

2. Does not create the possibility for a new or different kind of accident from any accident previously evaluated.

The charcoal testing changes, and explicit reference to ASTM D3803–1989 nuclear-grade activated charcoal test protocol, do not affect ESF ventilation system operation or performance, or the operation and performance of any other equipment important to safety at CNS. The proposed changes clarify and explicitly identify the testing of the ESF ventilation system charcoal samples. No new or different accident scenarios, transient precursors, failure mechanisms, plant operating modes, or limiting single failures are introduced as a result of these changes. Therefore, the possibility of a new or different kind of accident from that previously evaluated, as revised by the design basis accident radiological assessment calculational methodology revision submitted to the NRC under Reference 3, is not created by this change.

3. Does not create a significant reduction in the margin of safety.

The required performance of the ESF ventilation systems following a design basis accident is not impacted by utilizing a more demanding protocol for charcoal testing. Thus, the margin of safety assumed in the CNS accident analysis, as revised by the design basis accident radiological assessment calculational methodology revision submitted to the NRC under Reference 3, is maintained. Revising the Technical Specifications to clarify charcoal testing methodology and explicitly referencing the charcoal [adsorber] testing being performed does not affect ESF ventilation system performance or operation, or the operation and performance of any other equipment important to safety at CNS. Therefore, these changes do not result in a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Section Chief: Robert A. Gramm.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment requests: December 23, 1999.

Description of amendment requests: The proposed amendment would revise improved TS (ITS) 5.5.9.d.1.j)(iv) to change the tube support plate (TSP) intersections that are excluded from application of steam generator (SG) tube voltage based repair criteria for outside diameter stress corrosion cracking indications at TSPs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Application of a smaller wedge region exclusion zone [due to loss of coolant accident (LOCA) plus safe shutdown earthquake (SSE)] and a new seventh tube support plate (TSP) bending stress exclusion zone (due to feedline break (FLB)/steamline break (SLB) plus SSE) with respect to alternate repair criteria (ARC), does not increase the probability of tube burst or leakage following a postulated main steam line break (MSLB). Exclusion zones tubes will be inspected by bobbin every outage and by rotating pancake coil (RPC) if bobbin detects degradation. Tubes containing RPC-confirmed crack-like degradation at wedge region exclusion zone intersections and at the seventh TSP bending exclusion zone intersections will be plugged.

Tube burst criteria are inherently satisfied during normal operating conditions because of the proximity of the TSP. It is conservatively assumed that the entire crevice region is uncovered because of TSP displacement during the secondary side blowdown of a MSLB. Therefore, during a postulated MSLB accident, tube burst capability must exceed the Regulatory Guide 1.121 criterion requiring a margin of 1.43 times the SLB pressure differential on tube burst.

Relative to the expected leakage during accident condition loadings, a postulated MSLB outside of containment, but upstream of the main steam isolation valve, represents the most limiting radiological condition. The steam generator (SG) tubes are subjected to an increase in differential pressure following a MSLB, resulting in a postulated increase in leakage and associated offsite doses. Leakage following a MSLB bypasses containment.

Following each inspection, condition monitoring will be performed to verify that tube burst and leakage performance criteria were satisfied for all degradation.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Implementation of revised ARC exclusion zones does not introduce any significant change to the plant design basis. Use of new exclusion zones does not create a mechanism which could result in an accident in the free span. It is expected that for all plant conditions, neither a single nor multiple tube rupture event would likely occur in a SG where ARC exclusion zones have been applied.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Revised wedge region exclusion zones are based on a DCPP-specific analysis under locked tube conditions for the combined effects of a LOCA and SSE. The number of wedge region tubes that are predicted to collapse has been decreased when compared to the prior analysis, which used highly conservative assumptions. The revised analysis incorporates DCPP-specific LOCA and seismic loads that were not available when the prior analysis was performed. However, the revised analysis also yields conservative results, such that the number of tubes in the exclusion zone (244 per SG) bound the number of tubes calculated to collapse (144 per SG). Tubes located in the revised wedge region exclusion zone will continue to be subject to enhanced eddy current inspection requirements and will be excluded from application of ARC. Thus, existing tube integrity requirements apply to these tubes and the margin of safety is not reduced.

New seventh TSP bending exclusion zones are also based on a DCPP-specific analysis under locked tube conditions for the combined effects of a FLB/SLB and SSE. The analysis yields conservative results, such that 914 tubes per SG at the seventh TSP are assumed to exceed the Westinghouse lower tolerance limit yield stress of the tubing. Tubes located in the seventh TSP bending exclusion zone will be subject to enhanced eddy current inspection requirements and will be excluded from application of ARC. Thus, existing tube integrity requirements apply to these tubes and the margin of safety is not reduced.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Christopher J. Warner, Esq., Pacific Gas and Electric

Company, P.O. Box 7442, San Francisco, California 94120.

NRC Section Chief: Stephen Dembek.

South Carolina Electric & Gas Company (SCE&G), South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: April 6, 2000.

Description of amendment request: The Virgil C. Summer Nuclear Station Technical Specifications are being revised to change the definitions and surveillance requirements for response time testing of the Engineered Safety Feature Actuation System (ESFAS) and the Reactor Trip System (RTS). These changes will permit the verification of response time, whereas the current definitions imply the response time must be measured.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

This change to the Technical specifications (TS) does not result in a condition where the design, material, and construction standards that were applicable prior to the change are altered. The same RTS and ESFAS instrumentation is being used; the time response allocations/modeling assumptions in the Final Safety Analysis Report (FSAR) Chapter 15 analyses are still the same; only the method of verifying the time response is changed. The proposed change will not modify any system interface and could not increase the likelihood of an accident since these events are independent of this change. The proposed change will not change, degrade or prevent actions or alter any assumptions previously made in evaluating the radiological consequences of an accident described in the FSAR.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

This change does not alter the performance of process protection racks, Nuclear Instrumentation, and logic systems used in the plant protection systems. These systems will still have response time verified by test before being placed in operational service. Changing the method of periodically verifying instrument[ation] for these systems (assuring equipment operability) from response time testing to calibration and channel checks will not create any new accident initiators or scenarios. Periodic surveillance of these systems will continue and may be used to detect degradation that could cause the response time to exceed the total allowance. The total time response allowance for each function bounds all degradation that cannot be detected by periodic surveillance. Implementation of the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in margin of safety?

This change does not affect the total system response time assumed in the safety analysis. The periodic system response time verification method for the process protection racks, Nuclear Instrumentation, and logic systems is modified to allow the use of actual test data or engineering data. The method of verification still provides assurance that the total system response is within that defined in the safety analysis, since calibration tests will continue to be performed and may be used to detect any degradation which might cause the system response time to exceed the total allowance. The total response time allowance for each function bounds all degradation that cannot be detected by periodic surveillance. Based on the above, it is concluded that the proposed change does not result in a significant reduction in margin with respect to plant safety.

Pursuant to 10 CFR 50.91, the preceding analyses provides a determination that the proposed Technical Specifications change poses no significant hazard as delineated by 10 CFR 50.92.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Section Chief: Richard L. Emch, Jr.

South Carolina Electric & Gas Company (SCE&G), South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station (VCSNS), Unit No. 1, Fairfield County, South Carolina

Date of amendment request: April 6, 2000.

Description of amendment request: The proposed Technical Specifications change request (TSCR) seeks to remove the prescriptive testing requirements of TS 4.8.1.1.2.i.2 to allow the ASME Code Class 3 portions of the diesel fuel oil system to be pressure tested in accordance with Section XI of the ASME Boiler and Pressure Vessel Code as required by TS 4.0.5. This will permit the use of Code Case N–498–1 as accepted by Regulatory Guide 1.147, Revision 12, for assessment of the diesel fuel oil system pressure boundary integrity.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Industry experience has shown that an inservice leak test conducted at normal operating temperature and pressure is just as effective at finding leakage as a hydrostatic test conducted at 110% of the design pressure.

Therefore, there is no increase in the probability or consequences of previously evaluated accidents.

Also note that the Diesel Generator Fuel Oil System is not specifically modeled in the VCSNS Probability Risk Assessment. It is contained in the diesel generator fail to run event that has a probability of 5.8E–2. If the diesel generator fuel oil system had been modeled, pipe ruptures would not have been included because they would be dominated by failure of other components such as check valves which have failure probabilities several orders of magnitude higher.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed TSCR provides an alternative method of leak detection for the required 10-year inservice inspection. It does not result in an operational condition different from that which has already been considered by TS. Therefore, the change does not create the possibility of a new or different kind of accident or malfunction.

3. Does this change involve a significant reduction in margin of safety?

The alternative method of leak detection has no impact on the consequences of any analyzed accident and does not significantly change the failure probability of equipment which provides protection for the health and safety of the public. Therefore, there is no significant decrease in the margin of safety.

Pursuant to 10 CFR 50.91, the preceding analyses provides a determination that the proposed Technical Specifications change poses no significant hazard as delineated by 10 CFR 50.92.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric & Gas

Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Section Chief: Richard L. Emch, Jr.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: March 30, 2000 (PCN–515).

Description of amendment requests: The amendment application proposes to revise the San Onofre Nuclear Generating Station, Units 2 and 3, Technical Specification (TS) 3.6.6.1, ''Containment Spray and Cooling Systems,'' and the associated Bases. The proposed change would revise the Allowed Outage Time (AOT) for a single inoperable train of the containment spray system from 72 hours to 7 days and revise the combined AOT of 10 days which appears in both Conditions A and C of Limiting Condition for Operation 3.6.6.1 from 10 days to 14 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This proposed change is a request to revise Technical Specification 3.6.6.1, ''Containment Spray and Cooling Systems'' and the associated Bases. The proposed change revises the Allowed Outage Time (AOT) for a single inoperable train of the Containment Spray System (CSS) from 72 hours to 7 days. The following changes are proposed for the Containment Spray System as described in Technical Specification (TS) 3.6.6.1:

a. The Allowed Outage Time (AOT) for a single train of Containment Spray (Condition A of LCO 3.6.6.1) is extended from 72 hours to 7 days.

b. The Combined AOT of 10 days which appears in both Conditions A and C of LCO 3.6.6.1 is extended from 10 days to 14 days.

c. The Bases of TS 3.6.6.1 are revised to reflect the changes described above.

The Containment Spray System is an Engineered Safety Feature (ESF) system. Inoperable Containment Spray components are not considered to be accident initiators. Therefore, this change does not involve an increase in the probability of an accident previously evaluated.

The proposed AOT for the Containment Spray System does impact the ability to mitigate accident sequences. Therefore, to fully evaluate the effects of the proposed CSS AOT extension, Probabilistic Safety Analysis (PSA) methods were utilized. The results of these analyses show no significant increase in core damage frequency. As a result, there would be no significant increase in the consequences of an accident previously evaluated. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

This proposed change does not change the design, configuration, or method of operation of the plant.

Therefore, this proposed change will not create the possibility of a new or different kind of accident from any accident that has been previously evaluated.

(3) Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No

The proposed change does not affect the limiting conditions for operation or their bases that are used in the deterministic analyses to establish the margin of safety. PSA evaluations were used to evaluate these changes.

Therefore, there will be no significant reduction in a margin of safety as a result of this change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: March 17, 2000.

Description of amendment request: The proposed changes would modify the voltage setting limits specified in Technical Specification (TS) Table 3.7–4, page 3.7–26, item 7 for the emergency bus degraded voltage, and revise the loss of voltage setpoints from a percentage of nominal bus voltage to an actual bus voltage value. The degraded voltage setting limit is being changed to increase the minimum allowable bus voltage to improve long-term motor performance in the event of operation with bus voltage less than nominal. The emergency bus loss of voltage setting limit is being revised to better address expected relay performance over time (*i.e.,* setting drift). Section 3.6.B, page 3.6–1, of the TS would be changed to revise the required reactor coolant system conditions from the existing wording of ''350 degrees F or 450 psig'' to ''350 degrees F and 450 psig.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

We have reviewed the proposed change against the criteria of 10 CFR 50.92 and have concluded that the change does not pose a significant safety hazards consideration as defined therein. Specifically, operation of Surry Power Station with the proposed change will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

No increase in the probability of occurrence or consequences of an accident previously evaluated will result from the proposed change in the setting limits for the emergency bus degraded voltage and loss of voltage relay setpoints. The proposed change only affects actuation limits and therefore has no bearing on the probability of an accident. Neither the logic nor the function of the undervoltage protection circuits is being changed, nor is circuit or equipment reliability being reduced. The higher degraded voltage relay setpoint limit will improve motor terminal voltage, and thus promote longer motor life. Changing the setpoint limit for the loss of voltage relays will better characterize the relays' capabilities and facilitate calibration. Further, the performance characteristics of the electrical distribution system and components supplied (motors, etc.) are not being altered, and compliance with GDC–17 [General Design Criterion] is being maintained. The electrical distribution system remains capable of performing its safety function without spurious separation of the emergency buses from offsite power. If offsite power is lost, the capability of the EDG's [emergency diesel generators] to perform their safety function is not altered. Therefore, the probability of an accident previously evaluated is not increased.

The consequences of an accident do not increase since the proposed change implements setting limits that will continue to ensure that adequate voltages will be available for the continuous operation of safety-related equipment required to function to mitigate a design basis accident. The proposed setting limits for the emergency bus degraded voltage and loss of voltage bound the setpoints and initial conditions assumed in the accident analyses and ensure that appropriate protection is maintained.

The editorial change is administrative in nature and consequently does not affect the probability or consequences of an accident in any way.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

Implementing the proposed Technical Specifications emergency bus degraded voltage and loss of voltage relay setting limits cannot create the possibility of a new or different kind of accident than any accident previously evaluated. Revising the setpoint setting limits does not introduce any new accident precursors, and operation of the electrical distribution system and the undervoltage relaying schemes is unchanged. Raising the setting limit for emergency bus degraded voltage and decreasing the setting limit for emergency bus loss of voltage do not introduce any new accident precursors or modes of operation. The relays will continue to detect undervoltage conditions and transfer safety loads to the emergency diesel generators at a voltage level adequate to ensure proper safety equipment performance and to prevent long-term equipment degradation due to undervoltage conditions. The proposed setting limits include adequate tolerances to calibrate the undervoltage relays while ensuring that emergency bus voltages remain above analytical limits. As noted above, the performance characteristics of the electrical distribution system and the components being supplied are not being altered, and compliance with GDC–17 is being maintained. The proposed Technical Specifications change will ensure that appropriate electrical protection is available as assumed in the safety analysis.

The editorial change is administrative in nature and consequently does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed change continues to ensure that adequate voltage is available for safety-related equipment relied upon to respond to a design basis accident. The proposed setting limit for degraded bus voltage is conservative with respect to the existing Technical Specifications and ensures an adequate safety margin is being maintained. Further, the setting limit is maintained low enough to prevent spurious actuations given expected offsite grid voltages. The setting limit for the emergency bus loss of voltage relays is being changed to better characterize the relays' capabilities and to facilitate calibration. While the loss of bus voltage setting limit is being reduced, sustained bus voltage in this range is not credible. Furthermore, there is no safety limit associated with the loss of voltage setting limit.

The proposed change continues to ensure that the setting limits for the emergency bus degraded voltage and loss of voltage relays bound the setpoints and initial conditions assumed in the accident analyses and ensures that appropriate electrical protection is maintained. The editorial change is administrative in nature and consequently does not affect the safety analysis in any way. Consequently, the margin of safety is not being reduced by the proposed Technical Specifications change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Section Chief: Richard L. Emch, Jr.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Carolina Power & Light Company, et al., Docket No. 50–325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of amendment request: April 14, 2000.

Description of amendment request: The proposed amendment would modify Surveillance Requirement 3.1.3.3 to allow partial insertion of control rod 26–47 instead of insertion of one complete notch. This revised acceptance criterion would be limited to the current Unit No. 1 operating cycle, after which the current one-notch requirement will be re-established.

Date of publication of individual notice in ***Federal Register:*** April 21, 2000 (65 FR 21481).

Expiration date of individual notice: May 22, 2000.

GPU Nuclear, Inc., Docket No. 50–320, Three Mile Island Nuclear Station, Unit 2, Middletown, Pennsylvania

Date of amendment request: April 6, 2000.

Brief description of amendment request: The proposed amendment would reflect an administrative name change from GPU Nuclear Corporation to GPU Nuclear, Inc. Furthermore, the proposed license amendment makes an editorial change to better describe TMI–2's use of site physical security, guard training and qualification, and safeguard contingency plans that are maintained by the Three Mile Island Nuclear Station, Unit 1, licensee, AmerGen Energy Company, LLC. In addition, the licensee requests that minor changes (mainly in titles) be made in Section 6.0 of the Technical Specifications to reflect the TMI–2 organizational and administrative controls that will exist following the sale of the Oyster Creek Nuclear Generating Station.

Date of publication of individual notice in ***Federal Register:*** April 21, 2000 (65 FR 21484).

Expiration date of individual notice: May 21, 2000.

Notice of Issance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L

Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Baltimore Gas and Electric Company, Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: February 18, 2000, as supplemented March 3, 2000.

Brief description of amendment: The amendment approved resolution of an issue involving the Societie Alsacienne Construction Mechaniques Del Melhouse (SACM) diesel generator (DG) that constitutes an unreviewed safety question. Specifically, a new failure mode has been identified for DG 1A SACM that is not adequately described in the Updated Final Safety Analysis Report. The manufacturer has indicated that operating the engine in a light load condition may degrade engine performance and ultimately result in engine failure.

Date of issuance: April 20, 2000.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 235.

Renewed Facility Operating License No. DPR–53: Amendment revised the Updated Final Safety Analysis Report.

Date of initial notice in ***Federal Register:*** March 7, 2000 (65 FR 12038).

The March 3, 2000, submittal did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 20, 2000.

No significant hazards consideration comments received: No.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: May 27, 1999, as supplemented by letters of February 25, 2000, March 30, 2000, and eMail of March 13, 2000.

Brief description of amendment: This amendment revises the maximum allowable service water temperature permitted by Surveillance Requirement 3.7.8.2 for the ultimate heat sink (UHS) from the currently permitted limit of 95 °F to 97 °F while it restores the original Technical Specifications provisions for required action and completion times of 6/36 hours to be in mode 3/5, respectively, in the event the UHS temperature were to exceed 97 °F.

Date of issuance: April 18, 2000.

Effective date: April 18, 2000.

Amendment No.: 187.

Facility Operating License No. DPR–23: Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 23, 2000 (65 FR 9001). The supplements of February 25, March 13, and March 30, 2000, provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 18, 2000.

No significant hazards consideration comments received: No

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: May 5, 1999, as supplemented on October 8, 1999.

Brief description of amendments: The amendments resolved an Unreviewed Safety Question (USQ) related to an evaluation of the reactor building ventilation system exhaust plenum masonry walls. The amendments approved the use of different methodology and acceptance criteria for the reassessment of certain masonry walls subjected to transient pressurization loads resulting from a high energy line break. This change to the licensing basis, when evaluated by the licensee in accordance with 10 CFR 50.59, resulted in an USQ that required prior approval by the NRC staff in accordance with the provisions of 10 CFR 50.90.

Date of issuance: April 11, 2000.

Effective date: Immediately, to be implemented during the next scheduled Final Safety Analysis Report update.

Amendment Nos.: 139 and 124.

Facility Operating License Nos. NPF–11 and NPF–18: The amendments revised the Updated Final Safety Analysis Report.

Date of initial notice in ***Federal Register:*** June 16, 1999 (64 FR 32286). The October 8, 1999, submittal provided additional clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 11, 2000.

No significant hazards consideration comments received: No.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: September 23, 1999.

Brief description of amendment: The amendment relocates items associated with instrumentation for toxic gas monitoring from Technical Specifications to the Updated Final Safety Analysis Report.

Date of issuance: April 20, 2000.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 208

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 1, 1999 (64 FR 67332).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 20, 2000.

No significant hazards consideration comments received: No.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 22, 1999, as supplemented by letters dated March 20, March 24 (2), March 29, and April 5, 2000.

Brief description of amendment: The amendment authorized revisions to the radiological assessment calculational methodology for the loss-of-coolant accident (LOCA) and the control rod drop accident (CRDA). The amendment request was submitted to address potential unreviewed safety questions resulting from these revisions due to instances of increased dose consequences. Because of outstanding issues involving various assumptions used in these calculational methodologies, the staff is deferring the review of implementing this change on a permanent basis. Subsequently, this amendment is to be effective immediately and remain effective until Cooper Nuclear Station enters mode 4 in preparation for refueling outage 20 (effectively, one operating cycle). Also, the staff has deferred review of the radiological assessment methodology revisions for the fuel handling accident (FHA) and the main steamline break (MSLB) accident. It is anticipated that Nebraska Public Power District (NPPD) will resolve any outstanding issues concerning these calculational methodology revisions in a timely manner in support of a permanent change that is acceptable to the staff.

Date of issuance: April 7, 2000.

Effective date: April 7, 2000, to be implemented within 30 days and remain effective until Cooper Nuclear Station enters mode 4 in preparation for refueling outage 20.

Amendment No.: 183.

Facility Operating License No. DPR–46: The amendment authorizes changes to the licensing basis and changes to the operating license.

Date of initial notice in ***Federal Register:*** January 26, 2000 (65 FR 4280). The March 20 and 24 (2), March 29, and April 5, 2000, letters provided additional clarifying information that was within the scope of the original application and **Federal Register** notice and did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 7, 2000.

No significant hazards consideration comments received: No.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 15, 1999, as supplemented by letters dated February 15 and April 8, 2000.

Brief description of amendment: The technical specification change revises the average power range monitors (APRMs) neutron flux-high (flow-biased) allowable value based on a revised power-to-flow map. The revised power-to-flow map extends the current plant operating domain to above the rated rod line, to within an envelope referred to as the maximum extended load line limit (MELLL) and adds the increased core flow (105 percent) region.

Date of issuance: April 11, 2000.

Effective date: April 11, 2000, to be implemented within 30 days.

Amendment No.: 184.

Facility Operating License No. DPR–46: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 26, 2000 (65 FR 4279). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 11, 2000.

No significant hazards consideration comments received: No.

North Atlantic Energy Service Corporation, et al., Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: November 19, 1999.

Description of amendment request: The amendment revised Technical Specification (TS) 6.4.3, ''Nuclear Safety Audit Review Committee (NSARC),'' by relocating the specific requirements of this TS to the Quality Assurance Program located in the Updated Final Safety Analysis Report (UFSAR).

Date of issuance: April 11, 2000.

Effective date: As of its date of issuance, and shall be implemented within 90 days.

Amendment No.: 67.

Facility Operating License No. NPF–86: Amendment revised the Technical Specifications and authorized changes to the UFSAR.

Date of initial notice in ***Federal Register:*** January 26, 2000 (65 FR 4281).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 11, 2000.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: February 1, 2000.

Brief description of amendment: The amendment revises limiting conditions for operation (LCO) 3.0.1 and 3.0.2 and adds LCO 3.0.5 to the Technical Specifications (TSs) for Milstone 3. LCO 3.0.5 establishes allowances for restoring equipment to service under administrative controls when the equipment has been removed from service or declared inoperable to comply with actions in the TSs.

Date of issuance: April 17, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 179.

Facility Operating License No. NPF–49: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 1, 2000 (65 FR 11092).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 17, 2000.

No significant hazards consideration comments received: No.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of application for amendments: November 10, 1999, as supplemented February 25, 2000.

Brief description of amendments: The amendments revise the elevated F-star (EF*) distance for the steam generator tubes specified in Technical Specification 4.12.D.1.(l) following a correction to a minor error in the calculations supporting the current EF* distance.

Date of issuance: April 19, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days of the date of issuance.

Amendment Nos.: 149 and 140.

Facility Operating License Nos. DPR–42 and DPR–60: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 23, 2000 (65 FR 9010).

The February 25, 2000, supplemental letter provided clarifying information that did not change the staff's initial proposed no significant hazards consideration determination and did not expand it beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 19, 2000.

No significant hazards consideration comments received: No.

PECO Energy Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: June 7, 1999, as supplemented September 27, 1999.

Brief description of amendments: Revised Technical Specifications Section 3/4.4.3 to clarify the action statement concerning inoperative reactor coolant leakage detection systems.

Date of issuance: April 5, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 140 and 103.

Facility Operating License Nos. NPF–39 and NPF–85. The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 14, 1999 (64 FR 38034).

The September 27, 1999, letter provided clarifying information that did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 5, 2000.

No significant hazards consideration comments received: No.

PECO Energy Company, Docket No. 50–352, Limerick Generating Station, Unit 1, Montgomery County, Pennsylvania

Date of application for amendment: October 14, 1999, as supplemented February 11, 2000.

Brief description of amendment: This amendment revised Technical Specification (TS) Section 2.2, ''Safety

Limits and Limiting Safety Systems Settings,'' and TS Section 3.0/4.0, ''Limiting Conditions for Operation and Surveillance Requirements.''

Date of issuance: April 12, 2000.

Effective date: Effective as of the date of issuance and; Unit 1 shall be implemented during the LGS Unit 1 refueling outage scheduled to begin March 29, 2000.

Amendment No.: 141.

Facility Operating License No. NPF–39. This amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 1, 1999 (64 FR 67337).

The February 11, 2000, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 12, 2000.

No significant hazards consideration comments received: No.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: February 26, 1998, as supplemented October 14, 1999.

Brief description of amendment: The amendment changes the Technical Specifications (TSs) by changing the value of the allowable containment leakage rate to 1.5 percent per day and correcting conflicting information in TS Section 4.6.C, ''Coolant Chemistry.''

Date of issuance: April 14, 2000.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 261.

Facility Operating License No. DPR–59: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 22, 1998 (63 FR 19977).

The October 14, 1999, supplemental letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 14, 2000.

No significant hazards consideration comments received: No.

Rochester Gas and Electric Corporation, Docket No. 50–244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: November 30, 1999.

Brief description of amendment: The amendment revises Technical Specification 5.5.10, ''Ventilation Filter Testing Program'' to meet the actions requested by Generic Letter 99–02.

Date of issuance: April 12, 2000.

Effective date: April 12, 2000.

Amendment No.: 77.

Facility Operating License No. DPR–18: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 26, 2000 (65 FR 4290)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 12, 2000.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: February 26, 1999.

Brief description of amendments: These amendments revised the Technical Specifications (TSs) to eliminate inconsistencies and redundancies in Section 3.8.1.1, action statements involving inoperable offsite AC circuits and combinations of inoperable offsite power supplies and emergency diesel generators.

Date of issuance: April 14, 2000.

Effective date: April 14, 2000.

Amendment Nos.: 255 and 246.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revised the TSs.

Date of initial notice in ***Federal Register:*** March 24, 1999 (64 FR 14287).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 14, 2000.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of no Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have

been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By June 2, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of application for amendments: March 29, 2000 (TS–402).

Brief Description of amendments: The amendments revised the Technical Specifications (TS) requirements applicable to opening of secondary containment access doors.

Date of issuance: April 21, 2000.

Effective date: April 21, 2000.

Amendment Nos.: 238, 264, and 224.

Facility Operating License No. DPR–33, DPR–52 and DPR–68: Amendments revise the TS.

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes (65 FR 18141 dated April 6, 2000). The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received. The notice also provided for an opportunity to request a hearing by April 20, 2000, but indicated that if the Commission makes a final NSHC determination, any such hearing would take place after issuance of the amendment.

The Commission's related evaluation of the amendment, finding of exigent circumstances, and final determination of NSHC are contained in a Safety Evaluation dated April 21, 2000.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

Dated at Rockville, Maryland, this 26th 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. 00–10743 Filed 5–2–00; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Amendment to a System of Records

AGENCY: Office of Personnel Management.

ACTION: Technical amendment of existing routine use.

SUMMARY: This notice serves as a technical amendment to an existing routine use contained in OPM's CENTRAL–1 system of records.

DATES: The change will be effected without further notice on June 12, 2000 unless comments are received that would result in a contrary determination.

ADDRESSES: Send written comments to the Office of Personnel Management, ATTN: Mary Beth Smith-Toomey, Office of the Chief Information Officer, 1900 E Street NW., Room 5415, Washington, DC 20415–7900.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606–8358.

SUPPLEMENTARY INFORMATION: In OPM's CENTRAL–1 system of records, routine use(s) has been amended to move ''requesting'' in front of the word ''States'' to clarify that OPM can disclose information to Federal agencies regardless of whether they specifically requested the information.

(s) To disclose information contained in the Retirement Annuity Master File; including the name, Social Security Number, date of birth, sex, OPM's claim number, health benefit enrollment code, retirement date, retirement code (type of retirement), annuity rate, pay status of case, correspondence address, and ZIP code, of all Federal retirees and their survivors to Federal agencies and requesting States to help eliminate fraud and abuse in the benefit programs administered by the Federal agencies and States (and those States to local governments) and to collect debts and overpayments owed to the Federal Government, and to State governments and their components.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–10989 Filed 5–2–00; 8:45 am]

BILLING CODE 6325–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17f–1(b)—SEC File No. 270–28—OMB Control No. 3235–0032

Rule 17f–1(c) and Form X–17F–1A—SEC File No. 270–29—OMB Control No. 3235–0037

Rule 17h–1T and 17h–2T—SEC File No. 270–359—OMB Control No. 3235–0410

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Rule 17f–1(b) requires approximately 1,150 entities in the securities industry to register in the Lost and Stolen Securities Program. Registration fulfills a statutory requirement that entities report and inquire about missing, lost, counterfeit, or stolen securities. Registration also allows entities in the securities industry to gain access to a confidential database that stores information for the program.

It is estimated that 1,150 entities will register in the Lost and Stolen Securities Program annually. It is also estimated that each respondent will register one time. The staff estimates that the average number of hours necessary to comply with the Rule 17f–1(b) is one-half hour. The total burden in 575 hours annually for respondents, based upon past submissions. The average cost per hour is approximately $50. Therefore, the total cost of compliance for respondents is $28,750.

Rule 17f–1(b) is a reporting rule and does not specify a retention period. The rule requires a one-time registration for reporting institutions. Registering under Rule 17f–1(b) is mandatory to obtain the benefit of a central database that stores information about missing, lost, counterfeit, or stolen securities for the Lost and Stolen Securities Program. Reporting institutions required to registered under Rule 17f–1(b) will not be kept confidential, however, the Lost and Stolen Securities Program database will be kept confidential.

Rule 17f–1(c) and Form X–17F–1A requires approximately 23,000 entities in the securities industry to report lost, stolen, missing, or counterfeit securities to a central database. Form X–17F–1A facilitates the accurate reporting and precise and immediate data entry into the central database. Reporting to the central database fulfills a statutory requirement that reporting institutions report and inquire about missing, lost, counterfeit, or stolen securities. Reporting to the central database also allows reporting institutions to gain access to the database that stores information for the Lost and Stolen Securities Program.

It is estimated that 23,000 reporting institutions will report that securities are either missing, lost, counterfeit, or stolen annually. It is also estimated that each reporting institution will submit this report 56 times each year. The staff estimates that the average amount of time necessary to comply with Rule 17f–1(c) and Form X–17F–1A is five minutes. The total burden is 107,333 hours annually for respondents, based upon past submissions. The average cost per hour is approximately $50. Therefore, the total cost of compliance for respondent is $5,366,666.

Rule 17f–1(c) is a reporting rule and does not specify a retention period. The rule requires an incident-based reporting requirement by the reporting institutions when securities are discovered missing, lost, counterfeit, or stolen. Registering under Rule 17f–1(c) is mandatory to obtain the benefit of a central database that stores information about missing, lost, counterfeit, or stolen securities for the Lost and Stolen Securities Program. Reporting institutions required to register under Rule 17f–1(c) will not be kept confidential, however, the Lost and Stolen Securities Program database will be kept confidential.

Rules 17h–1T requires a broker-dealer to maintain and preserve records and other information concerning certain entities that are associated with the

broker-dealer. This requirement extends to the financial and securities activities of the holding company, affiliates and subsidiaries of the broker-dealer that are reasonably likely to have a material impact on the financial or operational condition of the broker-dealer. Rule 17h–2T requires a broker-dealer to file with the Commission quarterly reports and a cumulative year-end report concerning the information required to be maintained and preserved under Rule 17h–1T.

The collection of information required by Rules 17h–1T and 17h–2T are necessary to enable the Commission to monitor the activities of a broker-dealer affiliate whose business activities are reasonably likely to have a material impact on the financial and operational condition of the broker-dealer. Without this information, the Commission would be unable to assess the potentially damaging impact of the affiliate's activities on the broker-dealer.

There are currently 215 respondents that must comply with Rules 17h–1T and 17h–2T. Each of these 215 respondents require approximately 10 hours per year, or 2.5 hours per quarter, to maintain the records required under Rule 17h–1T, for an aggregate annual burden of 2,150 hours (215 respondents × 10 hours). In addition, each of these 215 respondents must make five annual responses under Rule 17h–2T. These five responses require approximately 14 hours per respondent per year, or 3.5 hours per quarter, for an aggregate annual burden of 3,010 hours (215 respondents × 14 hours). Thus, the total compliance burden per year is approximately 5,160 burden hours (2,150 + 3,010).

Written 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: April 19, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11001 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–1869; File No. 4–433]

Roundtable on Investment Adviser Regulatory Issues

AGENCY: Securities and Exchange Commission.

ACTION: Notice of roundtable meeting; request for comment.

SUMMARY: On May 23, 2000, the Securities and Exchange Commission will host a roundtable discussing several issues relating to investment advisers. The Commission has several initiatives on its agenda for this year which promise to dramatically alter the regulatory landscape for advisers. The roundtable will bring together investment advisers, legal counsel to advisers, representatives from state regulatory bodies, representatives from the NASD, and others to discuss these issues and offer their recommendations.

The roundtable will take place at the Commission's headquarters at 450 Fifth Street, NW, Washington, DC from 9 a.m. to 5:30 p.m. The public is invited to observe the roundtable discussions. Seating is available on a first-come, first-serve basis.

DATES: comments must be received on or before May 12, 2000.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Comments may also be submitted electronically at the following E-mail address: rule-comments@sec.gov. All comment letters should refer to File No. 4–433; this File number should be included on the subject line if E-mail is used. Comment letters will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549. Electronically submitted comment letters also will be posted on the Commission's Internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Cynthia M. Fornelli, Senior Adviser to the Director, Division of Investment Management, (202) 942–0720, or J. David Fielder, Adviser to the Director, Division of Investment Management, (202) 942–0530, fielderd@sec.gov. at Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0506.

SUPPLEMENTARY INFORMATION: The public may submit written comments on the following topics to be discussed at the Roundtable on Investment Adviser Regulatory Issues:

I. Investment Advisers in Today's Competitive Markets/Modernization of Adviser Regulation

A. Investment Advisers and Broker Dealers—Are the Lines Blurring? (Proposed rule 202(a)(11)–1: Deeming certain broker-dealers not to be investment advisers).

B. Should the other statutory exceptions from the definition of ''investment adviser'' be revisited?

C. Effectiveness of bifurcated regulatory regime under NSMIA.

D. Review of the disclosure model.

E. Is there a need for a self-regulatory organization?

II. Trading Practices

A. Use of soft dollars.

B. Obligation to seek best execution.

C. Allocation of investment opportunities.

D. Personal trading (including whether there should be a code of ethics requirement).

E. Custody.

F. Trading error correction.

III. Conflicts of Interest

A. Conflicts faced by advisers.

B. Proposed rule 206(4)–5; pay to play.

C. Possible rule modifying Section 206(3)'s restrictions on principal trading.

D. Supervision.

IV. Advertising and Performance Reporting

A. Use of investment performance in advertising.

B. Revisions to the Advisers Act advertising rules.

C. Standardization of performance reporting.

V. Technology and Investment Adviser Regulation

A. Implications of Internet/Technology for Advisers.

B. Regions to Form ADV.

C. The IARD: new electronic filing system.

D. Modifying the rules regarding maintenance of investment adviser books and records.

Dated: April 27, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11002 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be published).

STATUS: Open meeting.

PLACE: 450 Fifth St., NW, Washington, DC.

DATE PREVIOUSLY ANNOUNCED: To be published.

CHANGE IN THE MEETING: Additional meeting.

An open meeting will be held on Thursday, May 4, 2000, at 10:00 a.m. in Room 1C30.

Commissioner Unger, as duty officer, determined that no earlier notice thereof was possible.

The subject matter of the open meeting scheduled for Thursday, May 4, 2000 at 10 a.m. will be: The Commission's Division of Market Regulation will conduct a roundtable on May 4, 2000, to discuss limit order transparency. Representatives of the following have been invited to participate: retail, institutional, and wholesale firms; the New York Stock Exchange, Nasdaq, and ECNs; mutual fund companies and pension plans; and market data vendors. For further information, please contact Rebekah Liu at (202) 942–0133.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 942–7070.

Dated: April 28, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–11066 Filed 4–28–00; 4:13 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [to be published].

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: To be published.

CHANGE IN THE MEETING: Time Change.

The closed meeting scheduled for Wednesday, May 3, 2000 at 11 a.m., has been changed to Wednesday, May 3, 2000, at 2 p.m.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: April 28, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–11104 Filed 5–1–00; 11:36 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42726; File No. SR–DTC–00–05]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Revising Fee Schedule

April 26, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 31, 2000, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises DTC's fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to adjust the fees DTC charges for various services so that they are aligned with their respective estimated service costs for 2000. The revised fees will be effective for services provided on and after April 1, 2000.

DTC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC and in particular with Section 17A(b)(3)(F) of the Act because fees will be allocated more equitably among users of DTC services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments from DTC participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[3] of the Act and Rule 19b–(f)(2)[4] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by DTC. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC.

All submissions should refer to File No. SR–DTC–00–05 and should be submitted by May 24, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11004 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42725; File No. SR–EMCC–00–02]

Self-Regulatory Organizations; Emerging Markets Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees

April 26, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 31, 2000, the Emerging Markets Clearing Corporation (''EMCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by EMCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises EMCC's fee schedule to include a charge for reprocessing cancelled trade instructions.

II. Self-Regulatory Organization's Statement of the Purpose of, Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, EMCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. EMCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

EMCC monitors all trade settlements. On occasion, members cancel trade instructions submitted by EMCC to Euroclear. When this occurs, EMCC must reinstate the trade instructions. EMCC has determined to charge a fee of $250.00 for the reprocessing of such trade instructions.

EMCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to EMCC and in particular with Section 17A(b)(3)(F) of the Act because the rule change provides for the equitable allocation of dues, fees, and other charges among EMCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

EMCC does not believe that the proposed rule change will have an impact on or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments relating to the proposed rule change have been solicited or received. EMCC will notify the Commission of any written comments received by EMCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[3] of the Act and Rule 19b-4(f)(2)[4] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by EMCC. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written date, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of EMCC.

All submissions should refer to File No. SR–EMCC–00–02 and should be submitted by May 24, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11003 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42721; File No. SR–MBSCC–99–8]

Self-Regulatory Organizations; MBS Clearing Corporation; Order Approving a Proposed Rule Change Relating to Electronic Pool Notification Service Rules

April 25, 2000.

On October 20, 1999, MBS Clearing Corporation (''MBSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by EMCC.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] 17 CFR 200.30–3(a)(12).

(File No. SR–MBSCC–99–8), and on November 8, 1999, amended the proposed rule change, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on February 11, 2000.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

Revised Article VIII, Rule 1, Section 3(d) of MBSCC's Electronic Pool Notification (''EPN'') Rules requires EPN users to utilize the EPN service for all messages relating to EPN eligible securities unless MBSCC's procedures specifically exempt the message or both parties agree not to send the message through the EPN service. The rule change makes it explicit that in the event of an EPN system disruption and an extension of the cut-off times for communicating pool allocation information pursuant to The Bond Market Association (''BMA'') Guidelines, EPN users will be relieved of their obligation to process messages through the EPN service until the beginning of the next business day after the EPN system has been recovered.

The proposed rule change also will:

• Amends Article VIII, Rule 2 to require MBSCC members to give MBSCC written notice ten days, instead of thirty days, prior to termination of an EPN account or withdrawal as an EPN user.

• Delete references in the cover page and in Article VI, Rule 1 to the ''EPN Division'' because while EPN is a separate service from the comparison and clearing service, it is not a separately constituted division.

• Replace references in Article VI, Rule 1 to ''Federal National Mortgage Association'' with ''Fannie Mae'' to reflect the name change of such organization.

• Renumbers the rules contained in Article IX and makes corresponding changes to cross-references to such rules and to the table of contents.

• Add Managing Director to Article X, Rules 1 and 3 as a person who may take certain actions with respect to certain actions taken by MBSCC.

• Repaginates with consecutive page numbers throughout rather than page numbers by article for ease of reference.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 42390 (February 7, 2000), 65 FR 7078.

II. Discussion

Section 17A(b)(3)(F) [3] of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. As set forth below, the Commission finds that MBSCC's proposed rule change is consistent with MBSCC's obligations under the Act because the rule change provides explicit guidance to MBSCC's members on their obligations when there is an EPN system disruption and an extension of the cut-off times for communicating pool allocation information pursuant to the BMA guidelines. Further, expressly stating that MBSCC's members may use other communication methods, presumably the telephone and the fax machine, until the next business day after the EPN system has been recovered should reduce any confusion or uncertainty that could arise among MBSCC's members.

The Commission finds that reducing the time period to provide MBSCC with written notification of withdrawal from the EPN service from thirty to ten days still provides MBSCC with sufficient time to process the withdrawal. The Commission also finds that the other amendments contained in the rule change are technical and do not raise substantive issues. Accordingly, the Commission finds that the rule change promotes the prompt and accurate clearance and settlement of securities transactions.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–MBSCC–99–8) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11007 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78q–1(b)(3)(F).

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42724; File No. SR–NSCC–00–01]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Revising Fee Schedule

April 26, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] notice is hereby given that on February 23, 2000, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises NSCC's fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule filing is to reduce the fees for certain NSCC services, Trade Recording, Trade Clearance, and ACATSTIF.[3] Currently, the trade recording fee for each side of each stock, warrant, or right item entered for settlement, but not for comparison by NSCC, is $.006 per 100 shares with a minimum fee of $.024 and a maximum fee of $.36. Under the proposed rule change, NSCC will reduce

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by NSCC.

[3] Automated Customer Account Transfer Service Initiation Form.

the fee for each side entered to $.005 per 100 shares with a minimum fee of $.020 and a maximum fee of $.30.

The Trade Clearance fee [4] for receipts from Continuous Net Settlement (''CNS'') to satisfy a long valued position currently is $.40 per issue received. The proposed rule change reduces the fee for such items to $.35 per issue received.

The Trade Clearance fee for deliveries to CNS in the night processing cycle to cover a short valued position currently is $.40 per delivery. The proposed rule change reduces the fee for these items to $.35 per delivery.

The Trade Clearance fee for deliveries to CNS in the day processing cycle to cover a short valued position currently is $1.00 per delivery. The proposed rule change reduces the fee for these items to $.75 per delivery.

The Trade Clearance fee for fails to deliver to CNS (Short-in-CNS) currently is $.35 per item. The proposed rule change reduces the fee for these items to $.25 per delivery.

The Trade Clearance fee for trade clearance (netting) currently is $.03 per side. The proposed rule change reduces the fee for these items to $.025 per side.

The Trade Clearance fee for designated valued deliveries (transaction Processing) entered into the clearance system through special representation procedures currently is $.10 per side. The proposed rule change reduces the fee for these items to $.075 per side.

The ACATSTIF fee represents the fee charged by NSCC's enabling members and Qualified Securities Depositories (''The Depository Trust Company'') to transfer accounts of their customers between themselves on an automated basis through the Automated Customer Account Transfer Service. The ACATSTIF fee currently is $1.00 per submission. The proposed rule change reduces the fee for such items to $.85 per submission.

NSCC intends to give members the benefit of these fee changes effective as of January 1, 2000. The necessary adjustments to accommodate these reductions will be reflected in billing statements transmitted in February 2000.

NSCC believes the proposed rule change is consistent with the requirements of Section 17A of the Act [5] and the rules and regulations thereunder applicable to NSCC and in particular with Section 17A(b)(3)(F) of the Act because it provides for the equitable allocation of dues, fees, and other charges among NSCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Composition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) [6] of the Act and Rule 19b–4(f)(2) [7] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by NSCC. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SRO–NSCC—00–01 and should be submitted by May 24, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11004 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–M

[4] The Trade Clearance fees represent fees for netting, issuing instructions to receive or deliver; effecting book-entry deliveries, and related activities.

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42708; File No. SR–PCX–99–37]

Self-Regulatory Organizations; Pacific Exchange, Inc.; Order Approving Proposed Rule Change and Amendment Nos. 1 and 2 Authorizing the PCX ITS Coordinator To Accept Inbound Commitments on Behalf of Other PCX Specialists

April 20, 2000.

I. Introduction

On October 5, 1999, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to authorize the PCX Intermarket Trading System (''ITS'') Coordinator [3] (''ITS Coordinator'') to accept inbound commitments on behalf of other PCX specialists. PCX filed an amendment on November 2, 1999 (''Amendment No. 1''),[4] and an amendment on December 7, 1999 (''Amendment No. 2''),[5] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''ITS Coordinator'' is used interchangeably with the term ''PCX Coordinating Specialist'' as defined in new PCX Rule 5.20(a)(xi).

[4] *See* November 1, 1999 letter from Michael Pierson, Director, Regulatory Policy, PCX, to Marla Chidsey, Law Clerk, Division of Market Regulation, Commission (''Amendment No. 1''). Amendment No. 1 clarifies that the ITS coordinator need not confirm with other PCX specialists executions made on behalf of those other PCX specialists before executions occur. Also, Amendment No. 1 explains that when an ITS inbound commitment is received on the PCX, and the commitment would match against multiple specialists' bids or offers, every specialist in that issue will receive a ''shadow'' notification of the ITS commitment.

[5] *See* December 6, 1999 letter from Michael Pierson, Director, Regulatory Policy, PCX to Marla Chidsey, Law Clerk, Division of Market Regulation, Commission (''Amendment No. 2''). Amendment No. 2 adds PCX 5.20(a)(xi) defining the term ''PCX Coordinating Specialist'' as the specialist responsible for coordinating the acceptance of inbound ITS commitments.

proposed rule change, as amended, was published for comment in the **Federal Register** on January 25, 2000.[6] The Commission did not receive any comment letters on the proposal. This order approves the proposal.

II. Description of the Proposal

The PCX proposed to adopt PCX Rule 5.20 Commentary .04, which will provide that in the case of the assignment of an ITS stock to more than one PCX Registered Specialist, the PCX Coordinating Specialist or PCX Registered Specialist at whose ITS station an ITS commitment to trade is received is authorized to accept such commitment at the PCX bid or offer price, if still available (or at a better price if available), and up to the size of the PCX bid or offer without the need to communicate with other PCX members. Whenever an inbound ITS commitment is received on the PCX, the specialists whose quotes prompted the inbound commitment will be notified by a ''shadow'' message that the inbound commitment has been received on the PCX.[7]

At the PCX, there are generally two registered specialists per equity issue traded on the Exchange.[8] However, there is only one specialist per issue who acts as the ITS Coordinator. The ITS Coordinator is generally responsible for coordinating acceptance of incoming ITS commitments among the specialists in a particular stock. The PCX expects that there will continue to be only one ITS Coordinator per stock after the Exchange expands the number of specialists per issue.

Currently, any PCX specialist may send an outbound ITS commitment to another market center without that ITS Coordinator's assistance. A PCX specialist who is not an ITS Coordinator may also receive inbound ITS commitments without the involvement of the ITS Coordinator, as long as the ITS Coordinator is not designated to participate in the trade as a result of the inbound commitment.[9] However, if an inbound commitment involved more than one PCX specialist as the contra side, then the ITS Coordinator is required to coordinate the execution of the commitment among the PCX participants verbally.

The current PCX rules do not authorize expressly the ITS Coordinator to accept ITS commitments on behalf of other specialists. The ITS Coordinator must obtain the verbal consent of the other specialist before accepting an inbound commitment on behalf of that other specialist. The PCX proposed to provide the ITS Coordinator with the express authority to accept ITS commitments on behalf of other specialists.[10]

III. Discussion

The Commission has reviewed carefully the PCX's proposed rule change, as amended, and, for the reasons set forth below, finds the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange. In particular, the Commission finds the proposed rule change is consistent with Section 6(b)(5)[11] and Section 11A of the Act.[12]

The Commission finds the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to promote just and equitable principles of trade and to protect investors and the public interest. The proposed PCX Rule 5.20, Commentary .04 allows the PCX Coordinating Specialist or the PCX Registered Specialist to accept an ITS commitment at the PCX bid or offer price without the need to communicate with other PCX members. Allowing the PCX Coordinating Specialist to accept ITS commitments on behalf of other specialists is consistent with Section 6(b)(5)[14] of the Act because it fosters cooperation and coordination by providing quick and efficient execution of securities transactions.

In addition, the Commission finds the proposed rule change is consistent with the goals set forth in Section 11A[15] of the Act. Section 11A(a)(1)(B) notes that new data processing and communications techniques may create the opportunity for more efficient and effective market operations.[16] Under Section 11A(a)(1)(C), Congress found that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure economically efficient execution of securities transactions.[17] The linking of markets for qualified securities through communication and data processing facilities should help to foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to the best execution of such orders.[18] The proposed PCX rule change should facilitate the acceptance of ITS commitments, and should help foster efficiency, facilitate the offsetting of investors' orders, and contribute to the best execution of such orders.[19]

Further, whenever an inbound ITS commitment is received on the PCX, the specialists whose quotes prompted the inbound commitment will be notified by a ''shadow'' message that the inbound commitment has been received on the PCX.[20] The shadow notification gives the specialists (other than the ITS Coordinator) an opportunity to notify the ITS Coordinator that the commitment should not be accepted on the specialist's behalf, under appropriate circumstances. The PCX specialist must stand up to the quote and cannot back away from executing the trade. This is consistent with the Act because the ''shadow'' message increases the information available to brokers, dealers, and investors, and facilitates efficiency by providing the specialist with the opportunity to notify the ITS Coordinator that the commitment should not be accepted on the specialist's behalf.

The Commission notes that if the PCX receives notification of incoming ITS commitments, it must comply with the firm quote rule.[21] The Commission also notes that priority and parity rules will

[6] *See* Securities Exchange Act Release No. 42349 (January 19, 2000), 65 FR 4008.

[7] *See* Amendment No. 1 (explaining that the ITS coordinator will not need to confirm with the other PCX specialists because every specialist in that issue will receive a ''shadow'' notification of the ITS commitment at the time it is received on the PCX).

[8] The PCX expects that there will be more than one specialist per stock when its competing specialist program is implemented. *See* Securities Exchange Act Release No. 41327 (April 22, 1999), 64 FR 23370 (April 30, 1999) (SR–PCX–99–07).

[9] The ITS Coordinator need not coordinate the commitment if he or she is not quoting at the price of the inbound commitment and is not representing an order at that price.

[10] For example, assume Specialist A and Specialist B (PCX specialists) are both bidding $20 (the national best bid) for 500 shares of XYZ stock. If the PCX receives an inbound ITS commitment to sell 1,000 shares of stock, and if Specialist A is the ITS Coordinator, then Specialist A will confirm with Specialist B that 500 shares of XYZ may be accepted by Specialist A on Specialist B's behalf. The proposed rule change would allow Specialist A to accept the 500 shares on Specialist B's behalf, on the ground that Specialist B's bid for 500 shares is still outstanding at the time that Specialist A receives the inbound commitment for 1,000 shares.

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78k-1.

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78k-1.

[16] 15 U.S.C. 78k-1(a)(1)(B).

[17] 15 U.S.C. 78k-1(a)(1)(C).

[18] 15 U.S.C. 78k-1(a)(1)(D).

[19] 15 U.S.C.. 78k-a(a)(1)(D).

[20] *See* footnotes 4 and 10, *supra*

[21] 17 CFR 270.11Ac1–1(c)(2).

not be affected by the proposed rule change.[22]

The PCX asserts that currently the ITS Coordinator can accept commitments on behalf of other specialists without creating reasonable disputes among PCX specialists. However, the PCX is waiting for Commission approval of the proposed rule change prior to providing the ITS Coordinator with the express authority to accept inbound ITS commitments on behalf of other specialists. The Commission believes that codification of practices and procedures in written form is appropriate. The new PCX Rule provides the ITS Coordinator with the express authority to accept ITS commitments on behalf of other specialists without verbal consent. The Commission therefore finds it is appropriate for the Exchange to adopt new PCX Rule 5.20, Commentary .04.[23]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[24] that the proposed rule change (SR–PCX–99–37) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11008 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42714; File No. SR–Phlx–00–29]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Extending Pilot Program Assessing a Monthly Capital Funding Fee

April 24, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 7, 2000, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to extend its three-month pilot program, which imposed on each of the 505 Exchange seat owners[3] a monthly capital funding fee of $1,500 per seat owned.[4] The Exchange is requesting that the current pilot program, which expired on April 5, 2000, be extended for an additional three-month period.[5]

II. Self-Regulatory Organization's Statement for the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement for the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the applicability of the Exchange's current monthly capital funding fee of $1,500 for a three-month period, until July 6, 2000. As it did during the initial phase of the pilot program, the Exchange intends to charge each seat owner a monthly capital funding fee of $1,500 per Exchange set.

The $1,500 capital funding fee will be imposed on each of the 505 Exchange seat owners at the beginning of each month. In order to be charged the fee, a seat owner must own a seat on the last business day of the month preceding the month that is being billed. Thus, at the beginning of each month, the seat owner will be billed for that entire month.[6] The Exchange intends to segregate the funds generated from the $1,500 fee from Phlx's general funds.

The monthly $1,500 fee is part of the Exchange's long-term financing plan. This monthly fee is intended to provide funding for technological improvements and other capital needs.[7] Specifically, it is intended to fund capital purchases, including hardware for capacity upgrades, development efforts for decimalization and trading floor expansion. The revenue generated from the fee will assist the Exchange in remaining competitive in the capital markets environment.

2. Statutory Basis

For these reasons, the Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[8] in general, and with Section 6(b)(4),[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members, issuers, and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange received 22 written comments on the proposal, which it forwarded to the Commission on December 23, 1999.

[22] January 18, 2000, telephone conversation among Michael Pierson, Director, Regulatory Policy, PCX, and Christine Richardson, Attorney, and Marla Chidsey, Attorney, Division of Market Regulation, Commission.

[23] In approving this proposed rule change, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30.3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For the purposes of this filing, an ''owner'' shall mean any person or entity who or which is a holder of equitable title to a membership in the Exchange.

[4] Although the term ''seat owner'' is not defined in Phlx's By-laws or Certificate of Incorporation, the term ''seat-owner'' is the equivalent of an owner of a ''membership'' as referenced in Phlx's By-laws and Certificate of Incorporation.

[5] The Commission approved the original pilot program on January 5, 2000. *See* Securities Exchange Act Release No. 42318 (January 5, 2000), 65 FR 2216 (January 13, 2000) (SR–Phlx–99–49). On November 24, 1999, the Exchange filed a proposal seeking permanent approval of the $1,500 capital funding fee. *See* Securities Exchange Act Release No. 42405 (February 8, 2000), 65 FR 8226 (February 17, 2000) (SR–Phlx–99–51). The proposal is pending.

[6] For example, a seat owner on September 30th will be billed $1,500 for the month of October.

[7] This fee is distinguished from the Exchange's technology fee in that the technology fee was intended to cover system software modifications, Year 2000 modifications, specific system development (maintenance) costs, SIAC and OPRA communication charges, and ongoing system maintenance charges. *See* Securities Exchange Act Release No. 38394 (March 12, 1997), 62 FR 13204 (March 19, 1997) (SR–Phlx–97–09).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has been filed by the Exchange pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] The Exchange represents that the proposed rule change:

(i) Does not significantly affect the protection of investors or the public interest;

(ii) Does not impose any significant burden on competition; and

(iii) Does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The Exchange has requested that the Commission accelerate the operative date of the proposal. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description of the proposed rule change, more than five business days prior to the date of filing the proposed rule change.

The Commission finds that it is appropriate to designate this proposal to become operative today because such designation is consistent with the protection of investors and the public interest.[12] Specifically, the proposal is an across-the-board assessment on all seat owners intended to raise revenues to provide capital improvements to the Exchange. The Phlx represent that the fee is necessary to help the Phlx remain competitive with other markets by enabling it to make technological and capital improvements. The Exchange represents that the revenue raised from this fee is necessary to fund capital purchases, including hardware for capacity upgrades, development efforts for decimalization, trading floor expansion, and communication enhancements. Moreover, absent acceleration of the operative date, the Phlx's ability to collect these fees will lapse, because the initial phase of the pilot program has expired. Accordingly, based on the representations of the Exchange, the Commission deems it appropriate to approve the proposed rule change on an accelerated basis until July 6, 2000.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii). For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–00–29 and should be submitted by May 24, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11006 Filed 5–2–00; 8:45 am]

BILLING CODE 8010–01–M

[13] 17 CFR 200.30–3(a)(12)

SOCIAL SECURITY ADMINISTRATION

[Social Security Acquiescence Ruling 00–2(7)]

Hickman v. Apfel; Evidentiary Requirements for Determining Medical Equivalence to a Listed Impairment—Titles II and XVI of the Social Security Act.

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Acquiescence Ruling.

SUMMARY: In accordance with 20 CFR 402.35(b)(2), the Commissioner of Social Security gives notice of Social Security Acquiescence Ruling 00-2 (7).

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: Wanda D. Mason, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-5044.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 402.35(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (the Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

We will apply the holding of the Court of Appeals' decision as explained in this Social Security Acquiescence Ruling to claims at all levels of administrative review within the Seventh Circuit. This Social Security Acquiescence Ruling will apply to all determinations or decisions made on or after May 3, 2000. If we made a determination or decision on your application for benefits between August 6, 1999, the date of the Court of Appeals' decision, and May 3, 2000, the effective date of this Social Security Acquiescence Ruling, you may request application of the Social Security Acquiescence Ruling to the prior determination or decision. You must demonstrate, pursuant to 20 CFR 404.985(b)(2) or 416.1485(b)(2), that application of the Ruling could change our prior determination or decision in your case.

Additionally, when we received this precedential Court of Appeals' decision and determined that a Social Security Acquiescence Ruling might be required, we began to identify those claims that were pending before us within the circuit and that might be subject to readjudication if an Acquiescence Ruling were subsequently issued. Because we determined that an Acquiescence Ruling is required and are publishing this Social Security Acquiescence Ruling, we will send a notice to those individuals whose claims we have identified which may be affected by this Social Security Acquiescence Ruling. The notice will provide information about the Acquiescence Ruling and the right to request readjudication under the Ruling. It is not necessary for an individual to receive a notice in order to request application of this Social Security Acquiescence Ruling to the prior determination or decision on his or her claim as provided in 20 CFR

404.985(b)(2) or 416.1485(b)(2), discussed above.

If this Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect as provided in 20 CFR 404.985(e) or 416.1485(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided by 20 CFR 404.985(c) or 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.005—Special Benefits for Disabled Coal Miners; 96.006—Supplemental Security Income.)

Dated: April 26, 2000

Kenneth S. Apfel,

Commissioner of Social Security.

Acquiescence Ruling 00–2 (7)

Hickman v. *Apfel*, 187 F.3d 683 (7th Cir. 1999)—Evidentiary Requirements for Determining Medical Equivalence to a Listed Impairment—Titles II and XVI of the Social Security Act.

Issue: Whether a determination of medical equivalence under regulations 20 CFR 404.1526 and 416.926 must be based solely on evidence from medical sources.[1]

Statute/Regulation/Ruling Citation: Sections 216(i), 223(d)(2)(A) and 1614(a)(3) of the Social Security Act (42 U.S.C. 416(i), 423(d)(2)(A) and 1382c(a)(3)); 20 CFR 404.1526(a), 416.926(a), 404.1526(b), and 416.926(b); 20 CFR Part 404, Subpart P, Appendix 1.

Circuit: Seventh (Illinois, Indiana, Wisconsin).

Hickman v. *Apfel*, 187 F.3d 683 (7th Cir. 1999).

Applicability of Ruling: This Ruling applies to determinations or decisions at all administrative levels (i.e., initial, reconsideration, Administrative Law Judge (ALJ) hearing and Appeals Council).

Description of Case: In 1985 and again in 1986, an application for Supplemental Security Income benefits was filed on behalf of Steven Hickman alleging that he had been disabled since birth. In 1985, Hickman was diagnosed with elephantiasis, which resulted in abnormal growth of his extremities. Various doctors reported that Hickman had difficulty with balance and gait. Otherwise, his extremities functioned normally and his condition was generally good. We denied each application and Hickman did not appeal on either occasion.

Subsequently, Hickman's right foot began to increase in size, until his entire right foot and calf were gigantesque. In April and May 1992, he was hospitalized with chronic swelling of both legs. Support stockings were prescribed for the gigantism, and compression garments were prescribed for the swelling. Hickman's condition then improved somewhat, but his ability to walk remained impaired.

In August 1992, Hickman reapplied for Supplemental Security Income and was informed that SSA reopened his 1985 application in order to reevaluate it under *Sullivan* v. *Zebley,* 493 U.S. 521 (1990). SSA denied the reopened application under *Zebley* both initially and on reconsideration, and Hickman requested a hearing before an ALJ. At the hearing in April 1994, Hickman argued that his condition met or medically equaled the impairment described in 20 CFR Part 404, Subpart P, Appendix 1, § 101.03A [2], and that he was therefore disabled. Hickman testified that it was hard for him to walk but that he played basketball and ran relay races. Hickman further testified that he walked short distances to the school bus and to classes in school.

Upon receipt of additional medical evidence, a supplemental hearing was held in October 1994. Hickman submitted a report of a comprehensive evaluation done by Dr. Richard Lindseth, a pediatric orthopedist. Dr. Lindseth concluded that Hickman's gait was ''very slow, energy inefficient and would limit his walking and standing ability to a considerable degree, length of his stride and step were reduced to two-thirds of normal,'' and ''maximum walking would be a block or two and that his standing on both legs would be limited to 15 to 20 minutes.'' Testimony was taken from Hickman's gym teacher, who testified that if he were tested ''in standardized testing, he would flunk.''

The ALJ issued his decision and concluded that ''the evidence of record did not show that [Hickman's] impairments meet or equal the requirements of any listed impairment.'' The ALJ observed that his ability to walk was not ''markedly reduced in speed and distance'' and denied Hickman's application for benefits. In July 1996, the Appeals Council denied Hickman's request for review. Hickman then initiated his action in district court. The district court issued a decision that the ALJ ''properly considered both medical and testimonial evidence in assessing the severity of [Hickman's] impairment'' and affirmed that ''the limitation from his impairment did not meet or equal the severity required by Listing 101.03A.'' Hickman appealed to the United States Court of Appeals for the Seventh Circuit. On appeal, Hickman argued that the ALJ improperly determined that his impairment did not medically equal Listing 101.03A. Hickman contended that the ALJ could not rely on lay testimony in deciding whether his impairment medically equaled a listing, because the regulations require that the determination of medical equivalence be based on medical evidence alone.

Holding: The Seventh Circuit noted that the ALJ relied on nonmedical testimonial evidence to determine that Hickman's impairment did not medically equal Listing 101.03A. The court held that reliance on nonmedical testimonial evidence was inappropriate. The court observed that 20 CFR 416.926(a) states that ''[w]hen we make a finding regarding medical equivalence, we will consider all relevant evidence in your case record.'' However, the court stated that the regulation is quite clear that ''medical case records'' are considered the primary ''relevant'' form of evidence. Moreover, the court cited 20 CFR 416.926(b), which states that ''[w]e will always base our decision about whether your impairment(s) is medically equal to a listed impairment on medical evidence only.'' Hickman argued ''that the ALJ improperly discounted Dr. Lindseth's report in favor of evidence gleaned from nonmedical witnesses during the hearing.'' The Seventh Circuit agreed, stating that SSA's regulations require that the findings regarding medical equivalence must be made based on medical evidence alone.[3]

[1] Although Hickman was a childhood disability case involving the interpretation of the title XVI regulation, the same standard for determining medical equivalency applies to adults and children under both title II and title XVI programs.

[2] 20 CFR Part 404, Subpart P, Appendix 1, Listing 101.03 states in pertinent part ''Deficit of musculoskeletal function due to deformity or musculoskeletal disease and one of the following: A. Walking is markedly reduced in speed or distance despite orthotic or prosthetic devices.''

[3] The court noted that when SSA amended the regulations in 1997 it added a rule that explicitly eliminates any recourse to nonmedical evidence. The new rule, 20 CFR 416.926(b), provides that medical equivalence must be based on medical findings only. The title II regulation was not amended nor does it include similar language. However, in the preamble to the amended regulations, we stated: ''[T]his is not a substantive change, but a clearer statement of our longstanding policy. Although some of the text of 20 CFR 416.926(a) will differ from the text of 20 CFR 404.1526(a), both sections will continue to provide

The Seventh Circuit concluded that Hickman had a medical condition that was medically equivalent to the impairment set forth in Listing 101.03. The Seventh Circuit reversed the judgment of the district court and remanded the case with instructions to enter judgment in Hickman's favor.

Statement as to How Hickman Differs From SSA's Interpretation of the Regulations

The Seventh Circuit based its findings on 20 CFR 416.926(b), which states, ''[w]e will always base our decision about whether your impairment(s) is medically equal to a listed impairment on medical evidence only.'' However, we intended the phrase ''medical evidence only'' in this context only to exclude consideration of the vocational factors of age, education, and work experience. Other than such vocational factors, however, in accordance with 20 CFR 416.926(a), SSA considers all relevant evidence in the case record when it makes a finding on medical equivalence.[4]

The Seventh Circuit decision differs from SSA's national rule by requiring it to consider only a narrow definition of medical evidence, that is, evidence from medical sources, in determining medical equivalence and not permitting the use of other relevant evidence. The agency, on the other hand, interprets ''medical evidence'' broadly so as to include not just objective test results or other findings reported by medical sources, but other information about a claimant's medical conditions and their effects, including the claimant's own description of his or her impairments. Thus, the court's decision that medical equivalence is decided based solely on evidence from medical sources interprets the ''medical evidence only'' language of the regulation more narrowly than we intend.

Explanation of How SSA Will Apply The Hickman Decision Within the Circuit

This Ruling applies only to cases in which the claimant resides in Illinois, Indiana or Wisconsin at the time of the determination or decision at any level of administrative review; i.e., initial, reconsideration, ALJ hearing or Appeals Council review.

In determining medical equivalence, we will use only information obtained from health care professionals. We will not use any evidence from a source other than a health care professional in determining medical equivalence.

We intend to clarify the language at issue in this case at 20 CFR 404.1526 and 416.926 through the issuance of a regulatory change, and we may rescind this Ruling once we have clarified the regulations.

[FR 00–10934 Filed 5–3–00; 8:45am]

Billing Code 4191–02–F

DEPARTMENT OF STATE

[Public Notice 3304]

Amendment to Bureau of Educational and Cultural Affairs Request for Proposals: Small Grants Competition; Grassroots Citizen Participation in Democracy

SUMMARY: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs of the U.S. Department of State announces the addition of Brazil to the Latin American geographic region for which proposals will be accepted.

The Small Grants Competition was announced on April 20, 2000 in the **Federal Register** (Volume 65, pg. 21061). The deadline for proposals is June 2, 2000.

ADDITIONAL INFORMATION: Interested organizations should contact Laverne Johnson, 202/619–5337; E-Mail *ljohnson@usia.gov.*

Dated: April 26, 2000.

Evelyn S. Lieberman,

Under Secretary for Public Diplomacy and Public Affairs, U.S. Department of State.

[FR Doc. 00–11023 Filed 5–2–00; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice 3306]

Bureau of Oceans and International Environmental and Scientific Affairs; Certifications Pursuant to Section 609 of Public Law 101–162

April 27, 2000.

SUMMARY: On April 25, 2000, the Department of State certified, pursuant to Section 609 of Public Law 101–162 (''Section 609''), that 16 nations have adopted programs to reduce the incidental capture of sea turtles in their shrimp fisheries comparable to the program in effect in the United States. The Department also certified that the fishing environments in 25 other countries do not pose a threat of the incidental taking of sea turtles protected under Section 609. Shrimp imports from any nation not certified were prohibited effective May 1, 2000 pursuant to Section 609.

EFFECTIVE DATE: May 3, 2000.

FOR FURTHER INFORMATION CONTACT: David Hogan, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–7818; telephone: (202) 647–2335.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101–162 prohibits imports of certain categories of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) that the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On April 25, 2000, the Department certified 16 nations on the basis that their sea turtle protection program is comparable to that of the United States: Belize, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Indonesia, Mexico, Nicaragua, Nigeria, Panama, Suriname, Thailand, Trinidad and Tobago, and Venezuela. Honduras, certified on these grounds in 1998, did not retain their certification. Honduras failed to demonstrate that its regulations requiring the use of sea turtle excluder devices (TEDs) were being adequately enforced. The Department expects that Honduras will take steps necessary to regain certification in 2000.

The Department also certified 25 shrimp harvesting nations as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible. They are: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Nine nations only harvest shrimp using small boats

the same substantive rules.'' 62 FR 6408, February 11, 1997, at 6413.

[4] In accordance with 20 CFR 416.926(a), SSA considers all relevant evidence in the case record when it makes a finding on medical equivalence. Although the companion regulation for title II, 20 CFR 404.1526(a), does not contain this language, SSA applies the same equivalency policy under both titles.

with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp in using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The nine nations are: the Bahamas, China, the Dominican Republic, Fiji, Haiti, Jamaica, Oman, Peru and Sri Lanka.

Any shipment of shrimp harvested in Honduras with a date of export prior to May 1, 2000 will be allowed entry into the United States regardless of date of importation into the United States. That is, shipments of shrimp harvested in this country in transit prior to the effective date of the ban are not barred from entry.

The Department of State communicated the certifications under section 609 to the Office of Trade Operations of the United States Customs Service in a letter transmitted on April 27, 2000.

Dated: April 27, 2000.

R. Tucker Scully,

Deputy Assistant Secretary for Oceans, Fisheries and Space, U.S. Department of State.

[FR Doc. 00–11025 Filed 5–2–00; 8:45 am]

BILLING CODE 4710–14–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD17–00–002]

Annual Certification of Prince William Sound Regional Citizen's Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of recertification.

SUMMARY: Under the Oil Terminal and Tanker Environmental Oversight Act of 1990, the Coast Guard may certify on an annual basis, an alternative voluntary advisory group in lieu of a regional citizens' advisory council for Prince William Sound, Alaska. This certification allows the advisory group to monitor the activities of terminal facilities and crude oil tankers under the Prince William Sound Program established by the statute. The purpose of this notice is to inform the public that the Coast Guard has recertified the alternative voluntary advisory group for Prince William Sound, Alaska.

DATES: This certification is effective from January 31, 2000 to January 31, 2001.

FOR FURTHER INFORMATION CONTACT: For general information regarding the PWS RCAC or viewing material submitted to the docket, contact LCDR Larry Musarra, Seventeenth Coast Guard District, Marine Safety Division, (907) 463–2211.

SUPPLEMENTARY INFORMATION: As part of the Oil Pollution Act of 1990 Congress passed the Oil Pollution Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990, (the Act), Section 5002, to foster the long-term partnership among industry, government, and local communities in overseeing compliance with the environmental concerns in the operation of terminal facilities and crude-oil tankers. Subsection 5002(o) permits an alternative voluntary advisory group to represent the communities and interests in the vicinity of the terminal facilities in Prince William Sound (PWS), in lieu of a council of the type specified in subsection 5002(d), if certain conditions are met.

The Act requires that the group enter into a contract to ensure annual funding, and that it receive annual certification by the President to the effect that it fosters the general goals and purposes of the Act, and is broadly representative of the communities and interests in the vicinity of the terminal facilities and Prince William Sound. Accordingly, in 1991, the President granted certification to the Prince William Sound Regional Citizen's Advisory Council (PWS RCAC). The authority to certify alternative advisory groups was subsequently delegated to the Commandant of the Coast Guard and redelegated to the Commander, Seventeenth Coast Guard District.

On January 6, 2000, the Coast Guard announced in the **Federal Register** the availability of the application for recertification that it received from the PWS RCAC and requested comments (65 FR 800). Twenty-seven comments were received.

Discussion of Comments

Of the 27 comments received, 24 were supportive of recertification and generally noted the positive efforts, good communication, and broad representation of PWS communities as PWS RCAC carries out its responsibilities as intended by the Act. Three commenters recommended the Coast Guard conditionally certify the PWS RCAC due to what they perceived were substantial non-conformities with the Council's By Laws and the intent of OPA–90. The following summarizes the Coast Guard's analysis of the issues raised during the review process.

Two commented that the PWS RCAC is confrontational or adversarial, engaging in ''polarizing/politicization'' behavior, noting that such relations were not consistent with fostering cooperation, as per the Act. However, the majority of the commenters did not share that view. While the Act promotes developing trust, cooperation, and consensus between the industry, government and local citizens, it also establishes that local citizens (through the PWS RCAC) should provide advice and recommendations regarding environmental concerns of crude oil terminal and tanker operations in PWS. Based on 24 positive comments received, the action taken by PWS RCAC is consistent with their advisory role in representing the interests of local citizens on environmental concerns.

One commenter criticized the resolution passed by PWS RCAC regarding the proposed BP acquisition of ARCO. The resolution urged that certain factors be taken into consideration, and that certain commitments be sought from BP if the acquisition was approved. The commenter suggested this was a tactic based on ''unsubstantiated and subjective judgments'' of various issues. Upon review, the Coast Guard concludes that the resolution offered advice to regulators to help ensure that environmental safety would be preserved during the proposed BP acquisition of ARCO, an action within the scope of the purposes of the Act.

Three commenters complained that the PWS RCAC's activities regarding the PWS tanker contingency plan were not consistent with their role under the Act, showing lack of clarity in their role and moving from the role of advisor to adversary. The complaints in this area center around changes suggested by the PWS RCAC to the 1998 tanker contingency plans and advice provided to the government regarding an appeal of the Conditions of Approval of the plans. The Coast Guard finds that the advice and suggestions provided by PWS RCAC was within the scope of the purposes of the PWS RCAC in their role to review and advise on the adequacy of oil spill prevention and contingency plans for the terminal facilities and crude oil tankers operating in Prince William Sound.

Three commenters believe that PWS RCAC has shown an increasing tendency to expand its scope beyond ''environmental monitoring for terminal facilities in Prince William Sound and the crude oil tankers operating in Prince William Sound.'' However, the PWS RCAC may be recertificated so long as it fosters the general goals and purposes of the Act and is broadly representative of the communities and interests in the vicinity of the terminal facilities and Prince William Sound.

One commenter suggested that last year's recertification provided for insufficient scrutiny and follow-up in assessing PWS RCAC's compliance with OPA–90 and called for an audit and the establishment of new performance criteria beyond that provided by law. The Coast Guard does not agree that last year's process was insufficient and does not agree that establishment of measurable performance criteria beyond that provided by law is necessary.

One commenter complained that there is a lack of accountability for the scope and application of funded studies by the PWS RCAC and called on the Coast Guard to provide oversight of the projects undertaken and funded by the PWS RCAC to ensure the studies are within the scope of the organization and have practical application. The Coast Guard reviewed the funded studies and found all met the intent of the Act. Procedures exist for the government and industry to provide input on such projects. The PWS RCAC provides the Coast Guard and industry written information on their projects and invites both the Coast Guard and industry to attend meetings of RCAC's technical advisory committees. The Coast Guard encourages interested parties to utilize these avenues of communication.

One commenter believes that there is a need for ''improving representation of regional citizens and communities'' and calling for recertification to be conditioned on ''completion of assessments with public comment opportunities'' in this and other areas. Upon review, the 19-member board, with members from all areas of the PWS region as well as from various interest groups with stakes in the region represents citizens and communities in a way that satisfies the demands of OPA–90. Additionally, this year's recertification notice drew numerous letters of support from citizens and communities in the represented area in response to the ''public comment opportunities'' provided by the **Federal Register** and Alaska media notification of the recertification process. The requirements of the Act were met.

One commenter suggested that PWS RCAC should hold ''monthly meetings in various communities throughout the Sound'' to improve communications with the communities. The Coast Guard finds the PWS RCAC is presently doing this through having the board meet in member communities, as well as having staff members, board members and committee volunteers attending public hearings, oil spill drills and exercises in affected communities. Additionally, PWS RCAC technical advisory committee meetings are held in member communities and the RCAC's executive director, the community liaison and other staffers periodically travel to member communities to share with city councils, borough assemblies, and the public the state of oil spill prevention and response issues.

One commenter noted conflicts of interest of the PWS RCAC leadership. This comment was made as a result of an incident at an international conference on environmental protection. This problem was limited to a single individual, and was resolved to the Coast Guard's satisfaction.

Two commenters stated that PWS RCAC has engaged in litigation, which is barred under OPA–90. Upon review, the Coast Guard concludes the two examples cited are not engaging in litigation. PWS RCAC's actions in the 1995 contingency plan approvals were reviewed during last year's recertification process by the Coast Guard and were found to be appropriate. The PWS RCAC filed a friend-of-the-court brief with the U.S. Supreme Court in the Intertanko case. The friend-of-the-court brief was in the role of analyst and adviser to industry and government (not as a litigation party) in a case that could clearly affect the regulation of oil shipping in PWS.

Two commenters were concerned over the residency standards for membership on the PWS RCAC board. This issue was raised last year and addressed by the PWS RCAC board in adopting a new residency definition, which was included with this year's recertification application.

One commenter raised an issue that the PWS RCAC Code of Conduct does not specify consequences to an employee or volunteer for non-compliance. In exploring this issue the Coast Guard found the Executive Director of PWS RCAC is responsible for the management of employees. Violations of the Code of Conduct exposes an employee to the full range of sanctions traditionally at management's disposal, from counseling in minor cases up to dismissal in the most serious cases. For volunteers, the PWS RCAC's Board addresses dealing with Code of Conduct violations with actions ranging from advising the sponsoring entity of the problem to denial of the board or committee seat.

The PWS RCAC has asked the Coast Guard to consider whether a different recertification process would be more efficient. The Coast Guard is willing to consider alternatives and will request comments and suggestions from interested parties.

As a result of the above analysis the Coast Guard recommends PWS RCAC continue to seek ways to foster trust and cooperation, and lead from confrontation to partnership on the important issues of oil terminal and tanker operations in PWS. The Coast Guard encourages industry to raise issues with PWS RCAC at the working level to also foster cooperation and consensus.

PWS RCAC's Response to Coast Guard Comments

In its last recertification letter (dated Jan. 13, 1999) to the Prince William Sound Regional Citizens' Advisory Council, the Coast Guard made several recommendations. The following is a summary of each recommendation, and an explanation of the council's response:

The Coast Guard recommended that organizations receiving inaccurate information from council board or staff members about council positions should be provided with feedback from the council. Response: This issue has not arisen in the current certification period, but it is the council's intention to respond appropriately should it arise in the future.

The Coast Guard recommended that the council revisit the issue of who is an Alaska resident for purposes of membership on the council board. Response: The council considered this issue over the spring and summer of 1999, and unanimously adopted the following definition of residency at its September 1999 board meeting: A resident is a person who intends to make Alaska his or her home, does not claim residency in any other state, and meets two of the following criteria: (1) Is a registered voter in Alaska and is not registered to vote in any other state. (2) Has a current Alaska driver's license and does not maintain a driver's license from any other state. (3) Earns primary income in Alaska and is not employed full-time in another state.

The Coast Guard recommended that the council conduct an internal policy-controls audit. Response: In September 1998, the council board appointed a committee of board members to revise the policy manual. The final draft was presented to the board in December 1998 and approved after minor revisions.

The Coast Guard requested the PWS RCAC include a copy of their By Laws as part of their recertification application. Response: The By Laws were included with the request for recertification. The Coast Guard is satisfied with the PWS RCAC responses to these recommendations.

Upon review of the comments received regarding the PWS RCAC's

performance during the past year and the information provided by the RCAC in their annual report and recertification package the Coast Guard finds the PWS RCAC meets the criteria established under the Oil Pollution Act, and that recertification in accordance with the Act is appropriate.

Recertification

By letter dated April 4, 2000, the Commander, Seventeenth Coast Guard certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on January 31, 2001.

Dated: April 4, 2000.

T.J. Barrett,

Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District.

[FR Doc. 00–10941 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000–7288]

Guidelines for Assessing Merchant Mariners' Proficiency Through Demonstrations of Survival-Craft Skills

AGENCY: Coast Guard, DOT.

ACTION: Notice of Availability and Request for comments.

SUMMARY: The Coast Guard announces the availability of, and seeks public comments on, the national performance measures proposed here for use as guidelines when mariners demonstrate their proficiency in survival-craft skills. A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) developed and recommended national performance measures for this proficiency. The Coast Guard has adapted the measures recommended by MERPAC.

DATES: Comments and related material must reach the Docket Management Facility on or before July 3, 2000.

ADDRESSES: Please identify your comments and related material by the docket number of this rulemaking [USCG 2000–7288]. Then, to make sure they enter the docket just once, submit them by just one of the following means:

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

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

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

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

The Docket Management Facility maintains the public docket for this Notice. Comments and related material received from the public, as well as documents mentioned in this Notice, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

The measures proposed here are also available from Mr. Mark Gould, Maritime Personnel Qualifications Division, Office of Operating and Environmental Standards, Commandant (G–MSO–1), U.S. Coast Guard Headquarters, telephone 202–267–0229.

FOR FURTHER INFORMATION CONTACT: For questions on this Notice or on the national performance measures proposed here, write or call Mr. Mark Gould where indicated under **ADDRESSES**. For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

What Action Is the Coast Guard Taking?

Table A–VI/2–1 of the Code accompanying the treaty on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended in 1995, articulates qualifications for merchant mariners' attaining the minimum standard of competence in survival craft and in rescue boats other than fast rescue boats. The Coast Guard tasked MERPAC with referring to the Table, modifying and specifying it as it deemed necessary, and recommending national performance measures. The Coast Guard has adapted the measures recommended by MERPAC and is proposing them here for use as guidelines when assessing mariners' proficiency in survival-craft skills. Next we set forth the eight skills that a mariner must demonstrate respecting survival craft, and give an example of a Performance Condition, a Performance Behavior, and three Performance Standards for one of the skills.

Eight Skills: Give correct commands for launching and boarding a survival craft; Prepare and safely launch a survival craft; Safely recover a survival craft; Start and operate a survival-craft engine; Steer (command) a survival craft under oars; Row a survival craft; Use survival-craft equipment; and Rig devices to aid location.

The Performance Condition for the skill entitled, ''Give correct commands for launching and boarding a survival craft'' is: Using a lifeboat properly stowed on gravity davits.

The Performance Behavior for the same skill is: When hearing an abandon-ship signal or the order in English to lower the lifeboat, the mariner will command launching the boat.

The Performance Standards for the same skill are: Commands are issued in proper sequence; All tasks to launch the lifeboat are verified; and The boat is launched in ten minutes.

If the mariner properly meets all of the Performance Standards, he or she passes the practical demonstration. If he or she fails to properly carry out any of the Performance Standards, he or she fails it.

Why Is the Coast Guard Taking This Action?

The Coast Guard is taking this action to comply with STCW, as amended in 1995 and incorporated into domestic law at 46 CFR Parts 10, 12, and 15 in 1997. Guidance from the International Maritime Organization on shipboard assessments of proficiency suggests that Parties develop standards and measures of performance for practical tests as part of their programs for training and assessing seafarers.

How May I Participate in This Action?

You may participate in this action by submitting comments and related material on the national performance measures proposed here. (Although the Coast Guard does not seek public comment on the measures recommended by MERPAC, as distinct from the measures proposed here, those measures are available on the Internet at the Homepage of MERPAC, http://www.uscg.mil/hq/g-m/advisory/merpac/merpac.htm.) These measures are available on the Internet at http://dms.dot.gov. They are also available from Mr. Mark Gould where indicated under **ADDRESSES**. If you submit written comments please include—

- Your name and address;
- The docket number for this Notice [USCG 2000–7288];
- The specific section of the performance measures to which each comment applies; and

• The reason for each comment.

You may mail, deliver, fax, or electronically submit your comments and related material to the Docket Management Facility, using an address or fax number listed in **ADDRESSES**. Please do not submit the same comment or material more than once. If you mail or deliver your comments and material, they must be on 8½-by-11-inch paper, and the quality of the copy should be clear enough for copying and scanning. If you mail your comments and material and would like to know whether the Docket Management Facility received them, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments and material received during the 60-day comment period.

Once we have considered all comments and related material, we will publish a final version of the national performance measures for use as guidelines by the general public. Individuals and institutions assessing the competence of mariners may refine the final version of these measures and develop innovative alternatives. If you vary from the final version of these measures, however, you must submit your alternative to the National Maritime Center for approval by the Coast Guard under 46 CFR 10.303(e) before you use it as part of an approved course or training program.

Dated: April 26, 2000.

J.P. High,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–10946 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–15–U

Department of Transportation

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7163; Notice 1]

Evenflo Company, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Evenflo Company, Inc. of Vandalia, Ohio, has determined that 678,404 child restraint systems fail to comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child Restraint Systems,'' and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Evenflo has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application.

FMVSS No. 213, S5.5.2(j), requires each child restraint system equipped with an anchorage strap to include the following statement on a permanent label:

Secure the top anchorage strap provided with this child restraint as specified in the manufacturer's instructions.

Evenflo has determined that certain child restraints it manufactured have been shipped without the label required by S5.5.2(j). The child restraints containing the noncompliance are Ultara (model numbers 234, 235, 236, 237, 238, and 239), Champion (model numbers 247 and 249), Medallion (model numbers 254 and 259), Horizon (model numbers 420, 425, and 426), and Conquest (model numbers 428 and 429) child restraints equipped with tether straps that were manufactured between 1998 and 2000, and shipped before February 14, 2000. A total of 648,739 units are in noncompliance.

Evenflo supports its application for inconsequential noncompliance with the following:

On February 11, 2000, Evenflo personnel were reviewing the **Federal Register** and came upon Kolcraft Enterprises, Inc.''s Receipt of Application for Decision of Inconsequential Noncompliance, Docket No. NHTSA–2000–6729; Notice 1. Upon reading the request, we initiated a review of our tethered child restraint systems for the NHTSA requirement and discovered the noncompliance.

Similar to Kolcraft, Evenflo inadvertently overlooked this provision when redesigning our restraints to include tether anchorage straps. Evenflo relied on the changes in the March 5, 1999 final rule to identify the changed performance requirements. Because S5.5.2(j) was already in the standard, and not changed by the March 5, 1999 final rule, the labeling requirement was overlooked by Evenflo.

Evenflo initiated the necessary changes, and all units produced on and after February 15, 2000 are conforming to the standard. Existing stock is being reworked to include the label. As previously stated the restraints do comply with all performance requirements of FMVSS 213.

In the instruction book attached to each restraint system are clear instructions on how to properly install the top anchorage strap, tether, with warning about improper installation. There already is one warning label stating ''Warning! Failure to follow each of the instructions can result in your child striking the vehicle's interior during a sudden stop or crash...'' on the units that refer the consumer to the instruction booklet and instructions for proper use along with the tether instructions.

Under Section 30118(d) of the Safety Act, the Secretary may exempt manufacturers from the Act's notification and remedy requirements when the Secretary determines that the noncompliance is inconsequential as it relates to motor vehicle safety. Evenflo believes that the noncompliance here should be found to be inconsequential because the product meets and exceeds FMVSS 213 performance regulations, there is a label on the unit referring consumers to the instructions for proper use, and the instructions provide a clear process for proper installation of the tether and warnings about improper installation.

Evenflo does not question the value of notifying consumers to check the instruction manual. Given the circumstances: a label exists referring the consumer to the instruction where the substance of the notification has been achieved, the label is located on the product where a consumer is likely to see it, a complete set of installation instructions with appropriate warnings accompanies each child restraint, and the product meets or exceeds all performance requirements, the noncompliance does not present a consequential risk to motor vehicle safety. Evenflo respectfully requests that NHTSA grant its petition for exemption.

Evenflo subsequently filed a supplement to its original petition for inconsequential noncompliance, identifying an additional 29,665 convertible child restraints with tethers it manufactured this year which do not comply with the labeling requirement of FMVSS No. 213, S5.5.3. FMVSS No. 213, S5.5.3, requires that ''the information specified in S5.5.2(g) through (k) shall be located on the add-on child restraint system so that it is visible when the system is installed as specified in S5.6.1.'' Evenflo notes that the affected child restraint systems do contain the necessary labeling specified in S5.5.2(j), however, the labeling may not be in a location which is visible after installation of the child restraint systems into the vehicle. The child restraints containing the noncompliance are Ultara (model numbers 235, 236, and 238), Champion (model numbers 247 and 249), Horizon (model numbers

425 and 426) and Conquest (model numbers 428 and 429) manufactured between February 14 and March 2, 2000.

Interested persons are invited to submit written data, views, and arguments on the application of Evenflo described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested, but not required, that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 2, 2000. (49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: April 27, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00–11047 Filed 5–2–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Open Meeting of the Community Development Advisory Board

AGENCY: Community Development Financial Institutions Fund, Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: This notice announces the next meeting of the Community Development Advisory Board which provides advice to the Director of the Community Development Financial Institutions Fund.

DATES: The next meeting of the Community Development Advisory Board will be held on Thursday, May 18, 2000 at 10:00 a.m.

ADDRESSES: The Community Development Advisory Board meeting will be held at the Treasury Executive Institute, 1255 22nd Street, NW., Suite 500, Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Community Development Financial Institutions Fund (the Fund), U.S. Department of Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC, 20005, (202) 622–8662 (this is not a toll free number). Other information regarding the Fund and its programs may be obtained through the Fund's website at http://www.treas.gov/cdfi.

SUPPLEMENTARY INFORMATION: Section 104(d) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(d)) established the Community Development Advisory Board (the ''Advisory Board''). The charter for the Advisory Board has been filed in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and with the approval of the Secretary of the Treasury.

The function of the Advisory Board is to advise the Director of the Fund (who has been delegated the authority to administer the Fund) on the policies regarding the activities of the Fund. The Fund is a wholly owned corporation within the Department of the Treasury. The Advisory Board shall not advise the Fund on the granting or denial of any particular application for monetary or non-monetary awards. The Advisory Board shall meet at least annually.

It has been determined that this document is not a major rule as defined in Executive Order 12291 and therefore regulatory impact analysis is not required. In addition, this document does not constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

The next meeting of the Advisory Board, all of which will be open to the public, will be held at the Treasury Executive Institute, located at 1255 22nd Street, NW., Suite 500, Washington, DC, on Thursday, May 18, 2000 at 10:00 a.m. The room will accommodate 30 members of the public. Seats are available on a first-come, first-served basis. Participation in the discussions at the meeting will be limited to Advisory Board members and Department of the Treasury staff. Anyone who would like to have the Advisory Board consider a written statement must submit it to the Fund, at the address of the Fund specified above in the For Further Information Contact section, by 4:00 p.m., Monday, May 15, 2000.

The meeting will include a report from Director Lazar on the activities of the CDFI Fund since the last Advisory Board meeting, including programmatic, fiscal and legislative initiatives for the years 2000 and 2001.

Authority: 12 U.S.C. 4703; Chapter X, Pub. L. 104–19, 109 Stat. 237.

Dated: April 28, 2000.

Ellen Lazar,

Director, Community Development Financial Institutions Fund.

[FR Doc. 00–11065 Filed 5–2–00; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Declaration for Free Entry of Unaccompanied Articles

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration for Free Entry of Unaccompanied Articles. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before July 3, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide

information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Declaration for Free Entry of Unaccompanied Articles.

OMB Number: 1515–0053.

Form Number: N/A.

Abstract: The Declaration for Free Entry of Unaccompanied Articles, Customs Form 3299, is prepared by the individual or the broker acting as agent for the individual, or in some cases, the Customs officer. It serves as a declaration for duty-free entry of merchandise under one of the applicable provisions of the tariff schedule.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 25,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: April 26, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–10935 Filed 5–2–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Application To Establish Centralized Examination Station

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application to Establish Centralized Examination Station. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before July 3, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application to Establish Centralized Examination Station.

OMB Number: 1515–0183.

Form Number: N/A.

Abstract: A port director decides when their port needs one or more Centralized Examination Stations (CES). They announce this need and solicits applications to operate a CES. The information contained in the application will be used to determine the suitability of the applicant's facility, the fairness of his fee structure, his knowledge of cargo handling operations and his knowledge of Customs procedures.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 50.

Estimated Time Per Respondent: 2 hours (120 minutes).

Estimated Total Annual Burden Hours: 100.

Estimated Total Annualized Cost on the Public: N/A.

Dated: April 26, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–10936 Filed 5–2–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Application for Foreign Trade Zone Admission and/or Status Transaction, Application for Foreign Trade Zone Activity Report

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Foreign Trade Zone Admission and/or Status Transaction, Application for Foreign Trade Zone Activity Report. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before July 3, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Branch, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments

should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application for Foreign Trade Zone Admission and/or Status Transaction, Application for Foreign Trade Zone Activity Report.

OMB Number: 1515–0086.

Form Number: Customs Forms 214, 214A, 214B, 214C, and 216.

Abstract: Customs Forms 214, 214A, 214B, and 214C, Application for Foreign-Trade Zone Admission and/or Status Designation, are used by business firms which bring merchandise into a foreign trade zone, to register the admission of such merchandise to zones and to apply for the appropriate zone status.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, individuals, institutions.

Estimated Number of Respondents: 6,514.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 18,001.

Estimated Total Annualized Cost on the Public: $279,300.

Dated: April 26, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–10937 Filed 5–2–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Application/Permit/Special Licence, Unlading/Lading Overtime Service

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application/Permit/Special Licence, Unlading/Lading Overtime Service. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before July 3, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Branch, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application/Permit/Special Licence, Unlading/Lading Overtime Service.

OMB Number: 1515–0013.

Form Number: Customs Form 3171.

Abstract: Customs Form 3171, is used by commercial carriers and importers as a request for permission to unlade imported merchandise, baggage, or passengers and for overtime services of Customs officers in connection with lading or unlading of merchandise, or the entry or clearance of a vessel, including the boarding of a vessel for preliminary supplies, ship's stores, sea stores, or equipment not to be reladen, which is subject to free or duty-paid entry.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 1,500.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 39,900.

Estimated Total Annualized Cost on the Public: N/A.

Dated: April 26, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Group.

[FR Doc. 00–10938 Filed 5–2–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Application for Allowance in Duties

AGENCY: United States Customs Service.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Allowance in Duties. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before July 3, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Branch, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application for Allowance in Duties.

OMB Number: 1515–0022.

Form Number: Customs Form 4315.

Abstract: This collection is required by the Customs Service in instances of claims of damaged or defective merchandise on which an allowance in duty is made in the liquidation of the entry. The information is used to substantiate importers claims for such duty allowances.

Current Actions: There are no changes to the information collection. This submission is to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 12,000.

Estimated Time Per Respondent: 8 minutes.

Estimated Total Annual Burden Hours: 1,600.

Estimated Total Annualized Cost on the Public: N/A.

Dated: April 26, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–10939 Filed 5–2–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comments Request; Serially Numbered Substantial Holders or Containers

AGENCY: United States Customs Service.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Serially Numbered Substantial Holders or Containers. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before July 3, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Serially Numbered Substantial Holders or Containers.

OMB Number: 1515–0101.

Form Number: N/A.

Abstract: The marking is used to provide for duty free entry of holders or containers which were manufactured in the United States and exported and returned without having been advanced in value or improved in condition by ant process or manufacture. The regulations provide for duty free entry of holders or containers of foreign manufacture if duty has been paid before.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Institutions.

Estimated Number of Respondents: 20.

Estimated Time Per Respondent: 4.5 hours.

Estimated Total Annual Burden Hours: 90.

Estimated Total Annualized Cost on the Public: N/A.

Dated: April 26, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–10940 Filed 5–2–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, South Florida District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the South Florida Citizen Advocacy Panel will be held in Key Largo, Florida.

DATES: The meeting will be held Friday, May 19, 2000 and Saturday, May 20, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy Ferree at 1–888–912–1227 or 954–423–7973.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel will be held Friday, May 19, 2000 from 6 p.m. to 9 p.m. at the Key Largo Public Library, located in the Tradewinds Shopping Plaza, 101485 Overseas Highway, Rte 1, and Saturday, May 20, 2000 from 9 a.m. to noon in Westin Beach Key Largo Hotel, 97000 Overseas Highway, Key Largo, Florida.

The public is invited to make oral comments. Individual comments will be limited to 10 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 954–423–7973, or write Nancy Ferree, CAP Office, 7771 W. Oakland Park Blvd. Rm. 225, Sunrise, FL 33351. Due to limited conference space, notification of intent to attend the meeting must be made with Nancy Ferree. Ms. Ferree can be reached at 1–888–912–1227 or 954–423–7973.

The Agenda will include the following: various IRS issue updates and reports by the CAP sub-groups.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: April 21, 2000.

M. Cathy Vanhorn,

Director, CAP Communications & Liaison.

[FR Doc. 00–11048 Filed 5–2–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Brooklyn District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Brooklyn District Citizen Advocacy Panel will be held in Brooklyn, New York.

DATES: The meeting will be held Friday, May 19, 2000.

FOR FURTHER INFORMATION CONTACT: Eileen Cain at 1–888–912–1227 or 718–488–3555.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Friday, May 19, 2000, 6 p.m. to 9 p.m. at the Internal Revenue Service Brooklyn Building located at 625 Fulton Street, Brooklyn, NY 11201.

For more information or to confirm attendance, notification of intent to attend the meeting must be made with Eileen Cain. Mrs. Cain can be reached at 1–888–912–1227 or 718–488–3555.

The public is invited to make oral comments from 8:30 p.m. to 9 p.m. on Friday, May 19, 2000.

Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 718–488–3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY, 11201.

The Agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: April 21, 2000.

M. Cathy Vanhorn,

Director, CAP Communications & Liaison.

[FR Doc. 00–11049 Filed 5–2–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Midwest District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: A meeting of the Midwest Citizen Advocacy Panel will be held in Grand Island NE.

DATES: The meeting will be held Thursday, May 18, 2000 and Friday, May 19, 2000.

FOR FURTHER INFORMATION CONTACT: Sandra McQuin at 1–888–912–1227, or 414–297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel (CAP) will be held Thursday, May 18, 2000, from 9:00 a.m. to 4:00 p.m. and Friday, May 19, 2000, from 9:00 a.m. to 12:00 p.m. at Grand Island Holiday Inn Midtown, 2503 South Locust, Grand Island, NE. The Citizen Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. The public is invited to make oral comments at the CAP town hall main meeting on Thursday May 18, 7:00 p.m. to 8:30 p.m. at College Park, 3180 W HWY 34, Grand Island, NE, Room 305, which will include a guest panel discussion of Federal Estate tax return processing. The meeting may also be viewed via Video conferencing at other locations throughout the area. The public is invited to make oral comments after the panel discussion. If you would like to have the CAP consider a written statement, pre-register to make an oral comment, or are interested in additional Video conferencing locations, please call the CAP office at 1–888–912–1227 or 414–297–1604, FAX (414) 297–1623, or mail to Citizen Advocacy Panel, Mail Stop 1006-MIL, 310 West Wisconsin Ave, Milwaukee, Wisconsin 53203–2221. If you would like to pre-register for the meeting, the only information needed by the CAP office is number of attendees and zip code.

The Agenda will include the following: Reports by the CAP sub-groups, presentation of taxpayer issues by individual members, discussion of issues, and CAP office report.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: April 21, 2000.

M. Cathy VanHorn,

Director, CAP Communications & Liaison.

[FR Doc. 00–11050 Filed 5–2–00; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Wednesday,
May 3, 2000

Part II

Department of Health and Human Services

Centers for Disease Control and Prevention

Notice of Specific List for Categorization of Laboratory Test Systems, Assays, and Examinations by Complexity

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Specific List for Categorization of Laboratory Test Systems, Assays, and Examinations by Complexity

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: Regulations at 42 CFR 493.15 and 493.17, implementing the Clinical Laboratory Improvement Amendments of 1988 (CLIA), Public Law 100–578 (codified at 42 U.S.C. 263a), require that the Secretary provide for the categorization of specific laboratory test systems, assays, and examinations by level of complexity. The criteria for such categorizations also are set forth in those regulations.

This Notice announces the addition of: approximately 1,130 test systems, assays, and examinations categorized by CDC as moderate or high complexity with categorization notification to manufacturers between September 4, 1999 and January 31, 2000; and 46 test systems, assays, and examinations CDC determined as waived with notification to manufacturers between September 4, 1999 and February 28, 2000. HHS invites comments on the tests initially categorized in this Notice and reserves the right to reevaluate and recategorize tests based on the comments received in response to this Notice.

DATES: Effective date: All categorizations in this Notice were effective on the date of the test categorization notification letter sent to the manufacturer. Written comments on the tests initially categorized in this Notice will be considered if they are received at the address indicated below, by no later than 5 p.m. on June 2, 2000. HHS reserves the right to reevaluate and recategorize tests based on the comments received in response to this Notice.

ADDRESSES: Comments on the categorization of tests in this Notice should be addressed to CLIA **Federal Register** Notice, Centers for Disease Control and Prevention, Public Health Practice Program Office, Mail Stop F–11, 4770 Buford Highway, NE, Atlanta, Georgia 30341–3724.

FOR FURTHER INFORMATION CONTACT: Sharon Granade, (770) 488–8155.

SUPPLEMENTARY INFORMATION: CDC also maintains an electronic list of categorized tests which is available via the Internet (http://www.phppo.cdc.gov/dls/clia/testcat.asp).

Comments and Responses

On September 23, 1999, a test list of approximately 5,700 test systems, assays, and examinations categorized by level of complexity was published in the **Federal Register** (64 FR 51590) with a 30 day comment period. CDC received no comment letters in regard to this Notice.

Correction

Upon reevaluation, the complexity categorization for the analyte Heparin Dose Response (2539) was changed from Moderate to High when performed using the following test systems:

ITC Factor VI (28093);
ITC HEMOCHRON 400 (28094);
ITC HEMOCHRON 401 (28095);
ITC HEMOCHRON 800 (28096);
ITC HEMOCHRON 801 (28097).

These systems require manual calculations and a manually plotted graph to calculate the final recommended heparin dose results.

Dated: April 26, 2000.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

List of Previously Unpublished Categorizations

The test categorization scoring scheme was based on an assessment of the complexity of the operation of the test procedure and not on an evaluation of data documenting the procedure's performance over time. Therefore, the categorization of a test system, assay, or examination as moderate or high complexity should not be interpreted as an indication of the acceptability or unacceptability of the accuracy, precision, or overall performance of the procedure.

COMPLEXITY: MODERATE

SPECIALITY/SUBSPECIALITY: Bacteriology

ANALYTE: Clostridium difficile (1022)

TEST SYSTEM, ASSAY, EXAMINATION:

BioStar CdTOX A OIA (08228)
ANALYTE: Gardnerella vaginalis (2212)

TEST SYSTEM, ASSAY, EXAMINATION:

BioStar Acceava Gardnerella vaginalis PIP Activity Test Card (from vaginal swab) (08222)
ANALYTE: Streptococcus pneumoniae (5808)

TEST SYSTEM, ASSAY, EXAMINATION:

Binax NOW Streptococcus pneumoniae Urinary Antigen Test (08220)

SPECIALITY/SUBSPECIALITY: Endocrinology

ANALYTE: Collagen Type I Crosslink, N-telopeptides (NTx) (1125)

TEST SYSTEM, ASSAY, EXAMINATION:

Ostex International Osteomark NTx Point of Care (POC) (46321)
ANALYTE: Cortisol (1032)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
TOSOH AIA–600 II (61464)
ANALYTE: Erythropoietin (1611)

TEST SYSTEM, ASSAY, EXAMINATION:

Nichols Institute Advantage Chemiluminescence System (43122)
ANALYTE: Estradiol (1605)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
TOSOH AIA–600 II (61464)
ANALYTE: Follicle Stimulating Hormone (FSH) (1908)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
TOSOH AIA–600 II (61464)
ANALYTE: HCG, Beta, Serum, Quantitative (2502)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
TOSOH AIA–600 II (61464)
ANALYTE: HCG, Intact, Serum, Quantitative (2567)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)
ANALYTE: HCG, Serum, Qualitative (2501)

TEST SYSTEM, ASSAY, EXAMINATION:

Fisher HealthCare Sure-Vue Serum/Urine hCG (19041)
Fisher HealthCare Sure-Vue Serum/Urine hCG-STAT (19040)
ANALYTE: HCG, Urine (2503)

TEST SYSTEM, ASSAY, EXAMINATION:

Germaine Laboratories Aim Direct

Pregnancy (22272)
ANALYTE: Human Growth Hormone (GH) (2547)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)
ANALYTE: Insulin (2812)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)
ANALYTE: Luteinizing Hormone (LH) (3713)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
TOSOH AIA–600 II (61464)
ANALYTE: Parathyroid Hormone—Intact (4924)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Elecsys 1010 Analyzer (55361)
Roche Diagnostics Elecsys 2010 Analyzer (55362)
ANALYTE: Progesterone (4914)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
TOSOH AIA–600 II (61464)
ANALYTE: Prolactin (4915)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
TOSOH AIA–600 II (61464)
ANALYTE: T Uptake (TU) (6156)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
TOSOH AIA–600 II (61464)
ANALYTE: Thyroid Stimulating Hormone (TSH) (6106)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
TOSOH AIA–600 II (61464)
ANALYTE: Thyroid Stimulating Hormone (TSH) Third Generation (6155)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
TOSOH AIA–600 II (61464)
ANALYTE: Thyroxine (T4) (6109)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
TOSOH AIA–600 II (61464)
ANALYTE: Thyroxine, Free (FT4) (6111)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
TOSOH AIA–600 II (61464)
ANALYTE: Triiodothyronine (T3) (6119)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
TOSOH AIA–600 II (61464)
ANALYTE: Triiodothyronine Uptake (T3U) (TU) (6120)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Triiodothyronine, Free (FT3) (6121)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
TOSOH AIA–600 II (61464)

SPECIALITY/SUBSPECIALITY: General Chemistry

ANALYTE: Acid Phosphatase (0407)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
ANALYTE: Alanine Aminotransferase (ALT) (SGPT) (0404)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Cholestech L.D.X. (10170)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Albumin (0414)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Alkaline Phosphatase (ALP) (0416)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Ammonia, Plasma/Serum (0427)

TEST SYSTEM, ASSAY, EXAMINATION:

CARESIDE CareSide Analyzer (10445)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Amylase (0429)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Amylase, pancreatic isoenzymes (p-Amylase) (0500)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Apolipoprotein A1 (0462)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 5000 {Kamiya K-Assay} (46330)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Olympus Reply/AU 560 {Kamiya K-Assay} (46329)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA

700 (55643)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Technicon AXON {Kamiya K-Assay} (61460)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)

ANALYTE: Apolipoprotein B (0457)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 5000 {Kamiya K-Assay} (46330)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Olympus Reply/AU 560 {Kamiya K-Assay} (46329)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Technicon AXON {Kamiya K-Assay} (61460)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)

ANALYTE: Aspartate Aminotransferase (AST) (SGOT) (0405)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Bilirubin, Direct (0704)

TEST SYSTEM, ASSAY, EXAMINATION:

CARESIDE CareSide Analyzer (10445)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Bilirubin, Neonatal (0705)

TEST SYSTEM, ASSAY, EXAMINATION:

Arrows UB Analyzer UA–2 (04888)

ANALYTE: Bilirubin, Total (0706)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Bilirubin, Unbound (0748)

TEST SYSTEM, ASSAY, EXAMINATION:

Arrows UB Analyzer UA–2 (04888)

ANALYTE: Blood Gases (0708)

TEST SYSTEM, ASSAY, EXAMINATION:

Instrumentation Laboratory GEM Premier 3000 (28583)
Nova Stat Profile M7 (43129)
Radiometer ABL NPT7 Series Analyzers (55645)

ANALYTE: C-Peptide (1040)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)

ANALYTE: Calcium, Ionized (1004)

TEST SYSTEM, ASSAY, EXAMINATION:

Instrumentation Laboratory GEM Premier 3000 (28583)
Nova Stat Profile M7 (43129)

ANALYTE: Calcium, Total (1005)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Cancer Antigen 125 (CA 125) (1049)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)

ANALYTE: Carbon Dioxide, Total (CO2) (1003)

TEST SYSTEM, ASSAY, EXAMINATION:

Abaxis Piccolo Portable Blood Analyzer (04608)
CARESIDE CareSide Analyzer (10445)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Carcinoembryonic Antigen (CEA) (1013)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)

ANALYTE: Ceruloplasmin (1015)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Chloride (1018)

TEST SYSTEM, ASSAY, EXAMINATION:

Nova Stat Profile M7 (43129)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Cholesterol (1020)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Cholinesterase (1021)

TEST SYSTEM, ASSAY, EXAMINATION:

EQM Research Test-mate ChE Cholinesterase Test System {AChE/PChE Assay} (16194)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Creatine Kinase (CK) (1034)

TEST SYSTEM, ASSAY, EXAMINATION:

Abaxis Piccolo Portable Blood Analyzer (04608)
Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Creatine Kinase MB Fraction (CKMB) (1002)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
TOSOH AIA–600 II (61464)
ANALYTE: Creatinine (1035)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Nova Stat Profile M7 (43129)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Deoxyhemoglobin (Reduced Hemoglobin) (1318)

TEST SYSTEM, ASSAY, EXAMINATION:

Radiometer ABL NPT7 Series Analyzers (55645)
ANALYTE: Ferritin (1902)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Nichols Institute Advantage Chemiluminescence System (43122)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
TOSOH AIA–600 II (61464)
ANALYTE: Folate (Folic acid) (1907)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (auto pre-treatment) (61465)
TOSOH AIA–600 II (manual pre-treatment) (61466)
ANALYTE: Fructosamine (1914)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Gamma Glutamyl Transferase (GGT) (2201)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Glucose (2203)

TEST SYSTEM, ASSAY, EXAMINATION:

AVL OPTI Critical Care Analyzer (04778)
Bayer ADVIA IMS (08254)
Nova Stat Profile M7 (43129)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Glycosylated Hemoglobin (Hgb A1C) (2204)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: HDL Cholesterol (2550)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Spectrum {DCL Dextran Sulfate/Magnesium Uni-Paks} (04642)
Abbott VP {DCL Dextran Sulfate/Magnesium Uni-Paks} (04643)
Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Chiron Diagnostics 550 Express {DCL Dextran Sulfate/Magnesium Uni-Paks} (10377)
Chiron Diagnostics 550 Express {Kamiya K-Assay} (10493)
Ciba Corning 550 Express {DCL Dextran Sulfate/Magnesium Uni-Paks} (10327)
Dade Dimension {Randox Direct HDL} (13599)
Dade Dimension AR {Randox Direct HDL} (13601)
Dade Dimension ES {Randox Direct HDL} (13603)
Dade Dimension RxL {Randox Direct HDL} (13605)
Dade Dimension XL {Randox Direct HDL} (13607)
Electronucleonics Gemini {DCL Dextran Sulfate/Magnesium Uni-Paks} (16119)
Electronucleonics Gemstar {DCL Dextran Sulfate/Magnesium Uni-Paks} (16120)
Instrumentation Laboratory IL Monarch {DCL Dextran Sulfate/Magnesium Uni-Paks} (28435)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 5000 {DCL Dextran Sulfate/Magnesium Uni-Paks} (46213)
Olympus AU 800 {Kamiya K-Assay} (46327)
Roche Diagnostics Cobas Bio {DCL Dextran Sulfate/Magnesium Uni-Paks} (55189)
Roche Diagnostics Cobas FARA {DCL Dextran Sulfate/Magnesium Uni-Paks} (55191)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas INTEGRA 700 {COBAS INTEGRA HDL-Cholesterol Direct} (55644)
Roche Diagnostics Cobas Mira {DCL Dextran Sulfate/Magnesium Uni-Paks} (55193)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira S {DCL Dextran Sulfate/Magnesium Uni-Paks} (55195)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {DCL Dextran Sulfate/Magnesium Uni-Paks} (55378)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {DCL Dextran Sulfate/Magnesium Uni-Paks} (55424)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 737 {DCL Dextran Sulfate/Magnesium Uni-Paks} (55466)
Roche Diagnostics Hitachi 737 {Kamiya K-Assay} (55666)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 912 {Randox Direct HDL} (55684)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
StatChem StatTest Sysem (58269)
Technicon RA 100 {Kamiya K-Assay} (61456)
Technicon RA 1000 {DCL Dextran Sulfate/Magnesium Uni-Paks} (61223)
Technicon RA 1000 {Kamiya K-Assay} (61457)
Technicon RA 2000 {Kamiya K-Assay} (61458)
Technicon RA 500 {DCL Dextran Sulfate/Magnesium Uni-Paks} (61221)

Technicon RA 500 {Kamiya K-Assay} (61459)
Technicon RA XT {DCL Dextran Sulfate/Magnesium Uni-Paks} (61225)
Technicon RA XT {Kamiya K-Assay} (61455)
ANALYTE: Haptoglobin (2511)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Olympus Reply/AU 560 {Kamiya K-Assay} (46329)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)
ANALYTE: Hemoglobin A2 (2535)

TEST SYSTEM, ASSAY, EXAMINATION:

Bio-Rad VARIANT II Beta-Thalassemia Short Program (08229)
ANALYTE: Hemoglobin F (2516)

TEST SYSTEM, ASSAY, EXAMINATION:

Bio-Rad VARIANT II Beta-Thalassemia Short Program (08229)
ANALYTE: Hemoglobin Fractions (2544)

TEST SYSTEM, ASSAY, EXAMINATION:

Bio-Rad VARIANT II Beta-Thalassemia Short Program (08229)
ANALYTE: Hemoglobin S (2536)

TEST SYSTEM, ASSAY, EXAMINATION:

True Medix Sickle-Scan HbS (61138)
ANALYTE: Iron (2814)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Iron Binding Capacity, Unsat. (UIBC) no pretreat. (2823)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: LDL Cholesterol (3748)

TEST SYSTEM, ASSAY, EXAMINATION:

Beckman Synchron CX 4 {Randox Direct LDL} (08256)
Beckman Synchron CX 5 {Randox Direct LDL} (08257)
Beckman Synchron CX 7 {Randox Direct LDL} (08258)
Dade Dimension {Randox Direct LDL} (13598)
Dade Dimension AR {Randox Direct LDL} (13600)
Dade Dimension ES {Randox Direct LDL} (13602)
Dade Dimension RxL {Randox Direct LDL} (13604)
Dade Dimension XL {Randox Direct LDL} (13606)
Olympus AU 600 {Genzyme N-geneous LDL–ST} (46324)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Randox Direct LDL} (55674)
Roche Diagnostics Cobas Mira Plus {Randox Direct LDL} (55675)
Roche Diagnostics Cobas Mira S {Randox Direct LDL} (55676)
Roche Diagnostics Hitachi 704 {Randox Direct LDL} (55677)
Roche Diagnostics Hitachi 717 {Randox Direct LDL} (55678)
Roche Diagnostics Hitachi 737 {Randox Direct LDL} (55679)
Roche Diagnostics Hitachi 747 {Randox Direct LDL} (55680)
Roche Diagnostics Hitachi 911 {Randox Direct LDL} (55681)
Roche Diagnostics Hitachi 912 {Randox Direct LDL} (55682)
Roche Diagnostics Hitachi 917 {Randox Direct LDL} (55683)
ANALYTE: Lactate Dehydrogenase (LDH) (3701)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Lactate Dehydrogenase Heart Fraction (LDH–1) (3702)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Lactic Acid (Lactate) (3704)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Nova Stat Profile M7 (43129)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Lipase (3711)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Lipoprotein(a) (Lp(a)) (3755)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Hitachi 911 {DiaSorin SPQ Ab Rgt Set for Lp(a)} (55685)
ANALYTE: Magnesium (4002)

TEST SYSTEM, ASSAY, EXAMINATION:

CARESIDE CareSide Analyzer (10445)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Methemoglobin (4032)

TEST SYSTEM, ASSAY, EXAMINATION:

Radiometer ABL NPT7 Series Analyzers (55645)
ANALYTE: Microalbumin (4019)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)

ANALYTE: Myoglobin (4023)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Spectral Diagnostics Multiquant} (55653)
TOSOH AIA–600 II (61464)

ANALYTE: Oxyhemoglobin/Oxygen Saturation (4604)

TEST SYSTEM, ASSAY, EXAMINATION:

Nova Stat Profile M7 (43129)
Radiometer ABL NPT7 Series Analyzers (55645)

ANALYTE: PCO2 (4983)

TEST SYSTEM, ASSAY, EXAMINATION:

Instrumentation Laboratory GEM Premier 3000 (28583)
Nova Stat Profile M7 (43129)
Radiometer ABL NPT7 Series Analyzers (55645)

ANALYTE: PO2 (4984)

TEST SYSTEM, ASSAY, EXAMINATION:

Instrumentation Laboratory GEM Premier 3000 (28583)
Nova Stat Profile M7 (43129)
Radiometer ABL NPT7 Series Analyzers (55645)

ANALYTE: Phosphorus (4906)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Potassium (4910)

TEST SYSTEM, ASSAY, EXAMINATION:

Instrumentation Laboratory GEM Premier 3000 (28583)
Nova Stat Profile M7 (43129)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Prealbumin (4911)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Prostatic Acid Phosphatase (PAP) (4918)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
TOSOH AIA–600 II (61464)

ANALYTE: Prostatic Specific Antigen (PSA) (4919)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)

ANALYTE: Prostatic Specific Antigen (PSA), Free (4990)

TEST SYSTEM, ASSAY, EXAMINATION:

Beckman ACCESS Immunoassay System (07914)

ANALYTE: Protein, Glycated (4963)

TEST SYSTEM, ASSAY, EXAMINATION:

Beckman Synchron CX4 {Genzyme GlyPro} (08234)
Beckman Synchron CX4 CE {Genzyme GlyPro} (08235)
Beckman Synchron CX4 Delta {Genzyme GlyPro} (08236)
Beckman Synchron CX5 {Genzyme GlyPro} (08237)
Beckman Synchron CX5 CE {Genzyme GlyPro} (08238)
Beckman Synchron CX5 Delta {Genzyme GlyPro} (08239)
Beckman Synchron CX7 {Genzyme GlyPro} (08240)
Beckman Synchron CX7 Delta {Genzyme GlyPro} (08241)
Chiron Diagnostics 550 Express {Genzyme GlyPro} (10488)
Olympus AU 600 {Genzyme GlyPro} (46325)
Roche Diagnostics Hitachi 717 {Genzyme GlyPro} (55647)
Roche Diagnostics Hitachi 911 {Genzyme GlyPro} (55646)

ANALYTE: Protein, Total (4921)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Protein, Total (urine) (4972)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)

ANALYTE: Sodium (5805)

TEST SYSTEM, ASSAY, EXAMINATION:

Abaxis Piccolo Portable Blood Analyzer (04608)
Instrumentation Laboratory GEM Premier 3000 (28583)
Nova Stat Profile M7 (43129)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Transferrin (6114)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Abbott Aeroset {Wako Transferrin} (04880)
Bayer ADVIA IMS (08254)
Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Olympus Reply/AU 560 {Kamiya K-Assay} (46329)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira {Wako Transferrin} (55648)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 704 {Wako Transferrin} (55649)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 717 {Wako Transferrin} (55650)
Roche Diagnostics Hitachi 736 {Kamiya K-Assay} (55665)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 911 {Wako Transferrin} (55651)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)

Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Roche Diagnostics Hitachi 917 {Wako Transferrin} (55652)
Wako Diagnostics 30R (70002)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)
ANALYTE: Transferrin Receptor (TfR) (6158)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring Nephelometer {N Latex sTfR} (08225)
Behring Nephelometer 100 {N Latex sTfR} (08226)
Behring Nephelometer II {N Latex sTfR} (08227)
ANALYTE: Triglyceride (6118)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Troponin-I (Cardiac) (6153)

TEST SYSTEM, ASSAY, EXAMINATION:

Ortho-Clinical Diagnostics Vitros ECi (46279)
TOSOH AIA–600 II (61464)
ANALYTE: Urea (BUN) (6403)

TEST SYSTEM, ASSAY, EXAMINATION:

AVL OPTI Critical Care Analyzer (04778)
Bayer ADVIA IMS (08254)
Nova Stat Profile M7 (43129)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Uric Acid (6404)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Vitamin B12 (6707)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (auto pre-treatment) (61465)
TOSOH AIA–600 II (manual pre-treatment) (61466)
ANALYTE: pH (4982)

TEST SYSTEM, ASSAY, EXAMINATION:

Instrumentation Laboratory GEM Premier 3000 (28583)
Nova Stat Profile M7 (43129)
Radiometer ABL NPT7 Series Analyzers (55645)

SPECIALITY/SUBSPECIALITY: General Immunology

ANALYTE: Allergen specific IgE (0417)

TEST SYSTEM, ASSAY, EXAMINATION:

Hycor HY–TEC Automated EIA System {Specific IgE EIA} (25314)
ANALYTE: Alpha-1–Acid Glycoprotein (orosomucoid) (0420)

TEST SYSTEM, ASSAY, EXAMINATION:

Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)
ANALYTE: Alpha-1–Antitrypsin (0421)

TEST SYSTEM, ASSAY, EXAMINATION:

Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)
ANALYTE: Alpha-Fetoprotein—Tumor Marker (0424)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)
ANALYTE: Anti-Cardiolipin Antibodies (0434)

TEST SYSTEM, ASSAY, EXAMINATION:

Hycor HY–TEC Automated EIA System {Anti-Cardiolipin IgG} (25310)
Hycor HY–TEC Automated EIA System {Anti-Cardiolipin IgM} (25311)
ANALYTE: Anti-Gliadin Antibodies (0528)

TEST SYSTEM, ASSAY, EXAMINATION:

Hycor HY–TEC Automated EIA System {Anti-Gliadin IgA} (25305)
Hycor HY–TEC Automated EIA

System {Anti-Gliadin IgG} (25303)
Sigma Diagnostics APTUS {Gliadin IgG} (58594)
ANALYTE: Anti-Glomerular Basement Membrane (GBM) Antibodies (0524)

TEST SYSTEM, ASSAY, EXAMINATION:

Hycor HY–TEC Automated EIA System {Anti-GBM ELISA} (25301)
ANALYTE: Anti-Myeloperoxidase (MPO) Antibodies (0505)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)–MPO (P–ANCA) IgG} (13589)
ANALYTE: Anti-Parietal Cell Antibodies (0442)

TEST SYSTEM, ASSAY, EXAMINATION:

Hycor HY–TEC Automated EIA System {Anti-GPC ELISA} (25299)
ANALYTE: Anti-Proteinase-3 (PR–3) Antibodies (0525)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-anti-PR–3 (C–ANCA) IgG} (13586)
ANALYTE: Anti-Streptolysin O (ASO) (0452)

TEST SYSTEM, ASSAY, EXAMINATION:

CENOGENICS ACCULYSIN–O (10485)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Anti-Thyroglobulin Antibodies (0453)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-anti-TG IgG} (13590)
Nichols Institute Advantage Chemiluminescence System (43122)
TOSOH AIA–600 II (61464)
ANALYTE: Anti-Thyroid Peroxidase (TPO) Antibodies (0527)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)
ANALYTE: Beta-2 microglobulin (0703)

TEST SYSTEM, ASSAY, EXAMINATION:

TOSOH AIA–600 II (61464)
ANALYTE: C-Reactive Protein (CRP) (1001)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Olympus AU 800 (46110)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Cold Agglutinins (1072)

TEST SYSTEM, ASSAY, EXAMINATION:

All Manual Macroscopic agglutination screen/titer procedures (04890)
ANALYTE: Complement C3 (1029)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Bayer ADVIA IMS (08254)
Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Olympus Reply/AU 560 {Kamiya K-Assay} (46329)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Technicon AXON {Kamiya K-Assay} (61460)
The Binding Site MININEPH {MININEPH C3} (61364)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)
ANALYTE: Complement C4 (1030)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Bayer ADVIA IMS (08254)
Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Olympus Reply/AU 560 {Kamiya K-Assay} (46329)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 736 {Kamiya K-Assay} (55665)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Technicon AXON {Kamiya K-Assay} (61460)
The Binding Site MININEPH {MININEPH C4} (61365)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)
ANALYTE: Cytomegalovirus Antibodies (1039)

TEST SYSTEM ASSAY, EXAMINATION:

Behring OPUS (07793)

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Olympus PK7200 {Olympus PK CMV System} (blood donor screening only) (46335)
ANALYTE: Epstein-Barr virus Antibodies (1603)

TEST SYSTEM ASSAY, EXAMINATION:

Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-EBNA–1 IgM} (13575)
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-EBV–EA–D IgG} (13563)
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-EBV–EA–D IgM} (13577)
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-EBV–VCA IgM} (13579)
ANALYTE: Febrile Agglutinins (1901)

TEST SYSTEM ASSAY, EXAMINATION:

Germaine Laboratories Febrile Antigens (slide test) (22273)
Germaine Laboratories Febrile Antigens (tube test) (22274)
ANALYTE: Helicobacter pylori Antibodies (2513)

TEST SYSTEM ASSAY, EXAMINATION:

Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)–H. pylori IgG} (13582)
LifeSign Status H. pylori (serum/plasma) (37153)

ANALYTE: Herpes simplex I and/or II Antibodies (2530)

TEST SYSTEM, ASSAY, EXAMINATION:

Sigma Diagnostics APTUS {Herpes-1 IgG} (58556)
Sigma Diagnostics APTUS {Herpes-2 IgG} (58557)
ANALYTE: Immunoglobulins IgA (2803)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Bayer ADVIA IMS (08254)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
The Binding Site MININEPH {MININEPH IgA} (61362)
ANALYTE: Immunoglobulins IgE (2805)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring Nephelometer (07273)
Behring Nephelometer II (07563)
Hycor HY–TEC Automated EIA System {Total IgE EIA} (25313)
TOSOH AIA–600 II (61464)
ANALYTE: Immunoglobulins IgG (2806)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Bayer ADVIA IMS (08254)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
The Binding Site MININEPH {MININEPH IgG} (61471)
ANALYTE: Immunoglobulins IgG subclasses (2807)

TEST SYSTEM, ASSAY, EXAMINATION:

The Binding Site MININEPH {MININEPH IgG1} (61467)
The Binding Site MININEPH {MININEPH IgG2} (61468)
The Binding Site MININEPH {MININEPH IgG3} (61470)
The Binding Site MININEPH {MININEPH IgG4} (61469)
ANALYTE: Immunoglobulins IgM (2808)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Bayer ADVIA IMS (08254)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
The Binding Site MININEPH {MININEPH IgM} (61363)
ANALYTE: Infectious Mononucleosis Antibodies (Mono) (2809)

TEST SYSTEM, ASSAY, EXAMINATION:

Meridian Diagnostics ImmunoCard STAT! Mono (serum/plasma) (40334)
Oxoid DrySpot IM Test (46323)
ANALYTE: Lyme Disease Antibodies (Borrelia burgdorferi Abs) (3714)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-anti-Borrelia burgdorferi IgG/IgM} (13573)
Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-anti-Borrelia burgdorferi IgM} (13571)
ANALYTE: Mumps Antibodies (4007)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix MAGO Plus {Diamedix Immunosimplicity (Is)-Mumps IgG} (13581)
ANALYTE: Mycoplasma pneumoniae Antibodies (4016)

TEST SYSTEM, ASSAY, EXAMINATION:

Sigma Diagnostics APTUS {Mycoplasma IgG} (58570)
ANALYTE: Rheumatoid Factor (RF) (5508)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott Aeroset (04798)
Hycor HY–TEC Automated EIA System {IgG Rheumatoid Factor} (25309)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Rubella Antibodies (5510)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Sigma Diagnostics APTUS {Rubella IgG} (58563)
ANALYTE: Stem Cells, CD34 (5845)

TEST SYSTEM, ASSAY, EXAMINATION:

Biometric Imaging IMAGN 2000 {STELLer CD34 Assay} (08188)
ANALYTE: Toxoplasma gondii Antibodies (6113)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Eiken Toxotest-MT Eiken (16070)
ANALYTE: Treponema pallidum Antibodies (includes Reagin) (6115)

TEST SYSTEM, ASSAY, EXAMINATION:

DiaSorin Copalis One ImmunoAssay System {Treponemal Antigen Total Ab} (13567)
Olympus PK7200 {Olympus PK TP System} (blood donor screening only) (46334)

SPECIALITY/SUBSPECIALITY: Hematology

ANALYTE: Activated Clotting Time (ACT) (0461)

TEST SYSTEM, ASSAY, EXAMINATION:

ITC HEMOCHRON Response (28578)
ANALYTE: Activated Partial Thromboplastin Time (APTT) (0409)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)

Dade Behring BFT II (13594)
Dade Behring Coagulation System (BCS) (13608)
ITC HEMOCHRON Response (28578)
Pacific Hemostasis ThromboScreen 400C (49231)
Sysmex CA–1000 (58604)
Sysmex CA–5000 (58605)
Sysmex CA–6000 (58606)
ANALYTE: Activated Protein C (APC) Resistance (0526)

TEST SYSTEM, ASSAY, EXAMINATION:

Pacific Hemostasis ThromboScreen 400C (49231)
ANALYTE: Antithrombin III (ATIII) (0456)

TEST SYSTEM, ASSAY, EXAMINATION:

Dade Behring Coagulation System (BCS) (13608)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: D-dimer (1320)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer {STA-Liatest D-di} (04876)
ANALYTE: Erythrocyte Sedimentation Rate (non-waived proced) (1613)

TEST SYSTEM, ASSAY, EXAMINATION:

AI AnalysInstrument AB ESR–100 (04879)
Polymedco SEDIPLAST ESR {Sedimat Reader} (49220)
ANALYTE: Fibrinogen (1905)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Beckman Synchron CX4 {Kamiya K-Assay} (08245)
Beckman Synchron CX5 {Kamiya K-Assay} (08246)
Beckman Synchron CX7 {Kamiya K-Assay} (08247)
Dade Behring BFT II (13594)
Dade Behring Coagulation System (BCS) (13608)
ITC HEMOCHRON Response (28578)
Instrumentation Laboratory ILAB 1800 {Kamiya K-Assay} (28572)
Instrumentation Laboratory ILAB 600 {Kamiya K-Assay} (28571)
Instrumentation Laboratory ILAB 900 {Kamiya K-Assay} (28573)
Olympus AU 1000 {Kamiya K-Assay} (46328)
Olympus AU 600 {Kamiya K-Assay} (46326)
Olympus AU 800 {Kamiya K-Assay} (46327)
Olympus Reply/AU 560 {Kamiya K-Assay} (46329)
Pacific Hemostasis ThromboScreen 400C (49231)
Roche Diagnostics Cobas FARA {Kamiya K-Assay} (55663)
Roche Diagnostics Cobas FARA II {Kamiya K-Assay} (55664)
Roche Diagnostics Cobas Mira {Kamiya K-Assay} (55654)
Roche Diagnostics Cobas Mira Plus {Kamiya K-Assay} (55656)
Roche Diagnostics Cobas Mira S {Kamiya K-Assay} (55655)
Roche Diagnostics Hitachi 704 {Kamiya K-Assay} (55657)
Roche Diagnostics Hitachi 717 {Kamiya K-Assay} (55658)
Roche Diagnostics Hitachi 747 {Kamiya K-Assay} (55660)
Roche Diagnostics Hitachi 911 {Kamiya K-Assay} (55661)
Roche Diagnostics Hitachi 914 {Kamiya K-Assay} (55659)
Roche Diagnostics Hitachi 917 {Kamiya K-Assay} (55662)
Sysmex CA–1000 (58604)
Sysmex CA–5000 (58605)
Sysmex CA–6000 (58606)
Wako Diagnostics 30R {Kamiya K-Assay} (70236)
ANALYTE: Hematocrit (2514)

TEST SYSTEM, ASSAY, EXAMINATION:

ABX Diagnostics PENTRA 60 (04877)
Bayer ADVIA 60 (08224)
Becton Dickinson QBC STAR (08233)
Instrumentation Laboratory GEM Premier 3000 (28583)
Nova Stat Profile M7 (43129)
Sysmex XE–2100 (58589)
ANALYTE: Hemoglobin (2515)

TEST SYSTEM, ASSAY, EXAMINATION:

ABX Diagnostics PENTRA 60 (04877)
Bayer ADVIA 60 (08224)
Becton Dickinson QBC STAR (08233)
Nova Stat Profile M7 (43129)
Radiometer ABL NPT7 Series Analyzers (55645)
Sysmex XE–2100 (58589)
ANALYTE: Heparin Dose Response (HDR) (2539)

TEST SYSTEM, ASSAY, EXAMINATION:

ITC HEMOCHRON Response (automated dosage calculations) (28602)
ANALYTE: Heparin Management Panel (HMP) (2578)

TEST SYSTEM, ASSAY, EXAMINATION:

Cardiovascular Diagnostics Rapidpoint Accent System {Rapidpoint Analyzer/HMT/HTT/PRT} (10501)
ANALYTE: Platelet Count (4908)

TEST SYSTEM, ASSAY, EXAMINATION:

ABX Diagnostics PENTRA 60 (04877)
Abbott CELL–DYN 4000 {ImmunoPlt (CD61) Assay} (04873)
Bayer ADVIA 60 (08224)
Becton Dickinson QBC STAR (08233)
Sysmex R–3500 (58586)
Sysmex XE–2100 (58589)
ANALYTE: Platelet Glycoprotein IIb/IIIa Receptor Blockade (4989)

TEST SYSTEM, ASSAY, EXAMINATION:

Accumetrics Ultegra System {Rapid Platelet Function Assay} (04871)
ANALYTE: Prothrombin Time (PT) (4922)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Dade Behring BFT II (13594)
Dade Behring Coagulation System (BCS) (13608)
ITC HEMOCHRON Response (28578)
Pacific Hemostasis ThromboScreen 400C (49231)
Sysmex CA–1000 (58604)
Sysmex CA–5000 (58605)
Sysmex CA–6000 (58606)
ANALYTE: Red Blood Cell Count (Erythrocyte Count) (RBC) (5502)

TEST SYSTEM, ASSAY, EXAMINATION:

ABX Diagnostics PENTRA 60 (04877)
Bayer ADVIA 60 (08224)
Sysmex R–3500 (58586)
Sysmex XE–2100 (58589)
ANALYTE: Red Blood Cells, Nucleated (5526)

TEST SYSTEM, ASSAY, EXAMINATION:

Applied Imaging WINSCAN (04889)
Sysmex XE–2100 (58589)
ANALYTE: Reptilase Time (5521)

TEST SYSTEM, ASSAY, EXAMINATION:

Dade Behring Coagulation System (BCS) (13608)
Dade Behring Sysmex CA–500 Series (13548)
Pacific Hemostasis ThromboScreen 400C (49231)
Sysmex CA–6000 (58606)
TOA Medical Electronics CA–6000 (61283)
ANALYTE: Reticulocyte Count (5506)

TEST SYSTEM, ASSAY, EXAMINATION:

Coulter EPICS XL System {ReticONE

System} (10490)
Sysmex R–3500 (58586)
Sysmex XE–2100 (58589)
ANALYTE: Reticulocyte, Immature fraction (5525)

TEST SYSTEM, ASSAY, EXAMINATION:

Sysmex R–3500 (58586)
Sysmex XE–2100 (58589)
ANALYTE: Semen (5822)

TEST SYSTEM, ASSAY, EXAMINATION:

Embryotech Laboratories FertilMARQ (16195)
ANALYTE: Thrombin Time (6105)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Dade Behring Coagulation System (BCS) (13608)
ITC HEMOCHRON Response (28578)
ITC HEMOCHRON Response {HEMOCHRON HNTT} (28579)
ITC HEMOCHRON Response {HEMOCHRON HiTT} (28580)
Pacific Hemostasis ThromboScreen 400C (49231)
Sysmex CA–1000 (58604)
Sysmex CA–5000 (58605)
Sysmex CA–6000 (58606)
ANALYTE: White Blood Cell Count (Leukocyte Count) (WBC) (7002)

TEST SYSTEM, ASSAY, EXAMINATION:

ABX Diagnostics PENTRA 60 (04877)
Bayer ADVIA 60 (08224)
Becton Dickinson QBC STAR (08233)
Sysmex XE–2100 (58589)
ANALYTE: White Blood Cell Differential (WBC Diff) (7001)

TEST SYSTEM, ASSAY, EXAMINATION:

ABX Diagnostics PENTRA 60 (04877)
Bayer ADVIA 60 (08224)
Becton Dickinson QBC STAR (08233)
Sysmex XE–2100 (58589)
ANALYTE: von Willebrand Factor (6708)

TEST SYSTEM, ASSAY, EXAMINATION:

Instrumentation Laboratory IL ACL 6000 (28454)
Instrumentation Laboratory IL ACL 7000 (28487)
Instrumentation Laboratory IL ACL Futura System (28395)

SPECIALITY/SUBSPECIALITY: Immunohematology

ANALYTE: ABO group—RBC (0402)

TEST SYSTEM, ASSAY, EXAMINATION:

Dominion Biologicals NOVACLONE Anti-A, -B, -A+B (slide, tube) (13291)

SPECIALITY/SUBSPECIALITY: Mycology

ANALYTE: Yeast, Candida only (7603)

TEST SYSTEM, ASSAY, EXAMINATION:

Biomed Diagnostics InTray COLOREX YEAST (08230)

SPECIALITY/SUBSPECIALITY: Toxicology / TDM

ANALYTE: Acetaminophen (0406)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Amikacin (0425)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Amphetamines (0428)

TEST SYSTEM, ASSAY, EXAMINATION:

American BioMedica Rapid Drug Screen 9 Panel (04870)
LifeSign Status DS THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (37154)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9177) (49222)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9178) (49221)
Princeton BioMeditech AccuSign DOA 8 THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (49217)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics OnTrak TesTcup-er (55635)
Syntron Bioresearch QuikStrip DrugCheck X Multidrug Screening Device (58587)
ANALYTE: Barbiturates (0701)

TEST SYSTEM, ASSAY, EXAMINATION:

American BioMedica Rapid Drug Screen 9 Panel (04870)
LifeSign Status DS THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (37154)
Princeton BioMeditech AccuSign DOA 3 BAR/BZO/PCP (49216)
Princeton BioMeditech AccuSign DOA 8 THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (49217)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Hitachi 717 {STC Auto-Lyte} (55638)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics OnTrak TesTcup-er (55635)
Roche Diagnostics OnTrak TesTstik for Barbiturates (55636)
Syntron Bioresearch QuikStrip DrugCheck X Multidrug Screening Device (58587)
ANALYTE: Benzodiazepines (0702)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott AxSYM (04532)
American BioMedica Rapid Drug Screen 9 Panel (04870)
LifeSign Status DS THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (37154)
Princeton BioMeditech AccuSign DOA 3 BAR/BZO/PCP (49216)
Princeton BioMeditech AccuSign DOA 8 THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (49217)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Hitachi 717 {STC Auto-Lyte} (55638)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics OnTrak TesTcup-er (55635)
Roche Diagnostics OnTrak TesTstik for Benzodiazepines (55637)
Syntron Bioresearch QuikStrip DrugCheck X Multidrug Screening Device (58587)
ANALYTE: Cannabinoids (THC) (1009)

TEST SYSTEM, ASSAY, EXAMINATION:

Abbott AxSYM (04532)
American BioMedica Rapid Drug Screen 3-Panel Test for Coc/THC/Opiates (04885)
American BioMedica Rapid Drug Screen 9 Panel (04870)
Drug Detection Devices Ltd DrugScreen Dip Marijuana Test (13565)
Drug Detection Devices Ltd SCREENERS Marijuana Test (13566)
LifeSign Status DS THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (37154)
LifeSign Status Stik THC/OPI/COC/AMPor MET (37155)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9177) (49222)

Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9178) (49221)
Princeton BioMeditech AccuSign DOA 3 THC/OPI/COC (49215)
Princeton BioMeditech AccuSign DOA 8 THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (49217)
Redwood Biotech Redi-Screen (55633)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Hitachi 912 (55624)
Sun Biomedical Laboratories Visualine V Coc/Opiates/THC/Met/PCP (58590)
Syntron Bioresearch QuikStrip DrugCheck X Multidrug Screening Device (58587)
ANALYTE: Carbamazepine (1010)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Carboxyhemoglobin (1012)

TEST SYSTEM, ASSAY, EXAMINATION:

Radiometer ABL NPT7 Series Analyzers (55645)
ANALYTE: Cocaine Metabolites (1023)

TEST SYSTEM, ASSAY, EXAMINATION:

American BioMedica Rapid Drug Screen 3-Panel Test for Coc/THC/Opiates (04885)
American BioMedica Rapid Drug Screen 9 Panel (04870)
LifeSign Status DS THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (37154)
LifeSign Status Stik THC/OPI/COC/AMPor MET (37155)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9177) (49222)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9178) (49221)
Princeton BioMeditech AccuSign DOA 3 THC/OPI/COC (49215)
Princeton BioMeditech AccuSign DOA 8 THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (49217)
Redwood Biotech Redi-Screen (55633)
Redwood Biotech Redi-Test Cocaine (55630)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Hitachi 717 {STC Auto-Lyte} (55638)
Roche Diagnostics Hitachi 912 (55624)
Roche Diagnostics OnTrak TesTcup-er (55635)
Sun Biomedical Laboratories Visualine V Coc/Opiates/THC/Metamph/PCP (58590)
Syntron Bioresearch QuikStrip DrugCheck X Multidrug Screening Device (58587)
ANALYTE: Digitoxin (1303)

TEST SYSTEM, ASSAY, EXAMINATION:

Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Digoxin (1304)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Ethanol (Alcohol) (1608)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Gentamicin (2202)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Lidocaine (3710)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Lithium (3712)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Lysergic Acid Diethylamide (LSD) (3715)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Methadone (4003)

TEST SYSTEM, ASSAY, EXAMINATION:

Forefront Diagnostics InstaCheck Drug Screen Methadone (19042)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Hitachi 912 (55624)
ANALYTE: Methamphetamine/Amphetamine (4036)

TEST SYSTEM, ASSAY, EXAMINATION:

LifeSign Status Stik THC/OPI/COC/AMPor MET (37155)
ANALYTE: Methamphetamines (4004)

TEST SYSTEM, ASSAY, EXAMINATION:

American BioMedica Rapid Drug Screen 9 Panel (04870)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9178) (49221)
Redwood Biotech Redi-Screen (55633)
Sun Biomedical Laboratories Visualine V Coc/Opiates/THC/Met/PCP (58590)
Syntron Bioresearch QuikStrip DrugCheck X Multidrug Screening Device (58587)
ANALYTE: Methaqualone (4005)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Morphine (4020)

TEST SYSTEM, ASSAY, EXAMINATION:

Forefront Diagnostics InstaCheck Drug Screen Morphine 2000 (19043)
Roche Diagnostics OnTrak TesTcup-er (55635)
ANALYTE: N-Acetylprocainamide (NAPA) (4301)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
ANALYTE: Opiates (4601)

TEST SYSTEM, ASSAY, EXAMINATION:

American BioMedica Rapid Drug Screen 3-Panel Test for Coc/THC/

Opiates (04885)
American BioMedica Rapid Drug Screen 9 Panel (04870)
LifeSign Status DS THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (37154)
LifeSign Status Stik THC/OPI/COC/AMPor MET (37155)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9177) (49222)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9178) (49221)
Princeton BioMeditech AccuSign DOA 3 THC/OPI/COC (49215)
Princeton BioMeditech AccuSign DOA 8 THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (49217)
Redwood Biotech Redi-Screen (55633)
Redwood Biotech Redi-Test Opiates (55631)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Sun Biomedical Laboratories Visualine V Coc/Opiates/THC/Met/PCP (58590)
Syntron Bioresearch QuikStrip DrugCheck X Multidrug Screening Device (58587)

ANALYTE: Phencyclidine (PCP) (4901)

TEST SYSTEM, ASSAY, EXAMINATION:

American BioMedica Rapid Drug Screen 9 Panel (04870)
Bionike AQ Phencyclidine (PCP) Test (08244)
LifeSign Status DS THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (37154)
Phamatech QuickScreen Pro Multi Drug Screening Test (Model 9177) (49222)
Princeton BioMeditech AccuSign DOA 3 BAR/BZO/PCP (49216)
Princeton BioMeditech AccuSign DOA 8 THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (49217)
Redwood Biotech Redi-Screen (55633)
Redwood Biotech Redi-Test PCP (55632)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Hitachi 717 {STC Auto-Lyte} (55638)
Roche Diagnostics Hitachi 912 (55624)
Sun Biomedical Laboratories Visualine V Coc/Opiates/THC/Met/PCP (58590)
Syntron Bioresearch QuikStrip DrugCheck X Multidrug Screening Device (58587)
TCPI One Step Urine Drug of Abuse Phencyclidine (PCP) (61453)

ANALYTE: Phenobarbital (4902)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Phenytoin (4903)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Phenytoin, Free (4904)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Primidone (4912)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Procainamide (4913)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Propoxyphene (4917)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)
Roche Diagnostics Hitachi 912 (55624)

ANALYTE: Quinidine (5202)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Salicylates (5801)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Theophylline (6104)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Tobramycin (6112)

TEST SYSTEM, ASSAY, EXAMINATION:

Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Tricyclic Antidepressants (6117)

TEST SYSTEM, ASSAY, EXAMINATION:

American BioMedica Rapid Drug Screen 9 Panel (04870)
LifeSign Status DS THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (37154)
Princeton BioMeditech AccuSign DOA 8 THC/OPI/COC/AMP/BZO/BAR/TCA/PCP (49217)

ANALYTE: Valproic Acid (6701)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Behring OPUS Magnum (07794)
Behring OPUS Plus (07795)
Dade Behring Dimension AR (13517)
Dade Behring Dimension RxL (13519)
Dade Dimension ES (13420)
Dade Dimension XL (13422)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Valproic Acid, Free (6702)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

ANALYTE: Vancomycin (6703)

TEST SYSTEM, ASSAY, EXAMINATION:

Bayer ADVIA IMS (08254)
Roche Diagnostics Cobas INTEGRA 400 (55634)
Roche Diagnostics Cobas INTEGRA 700 (55643)

SPECIALITY/SUBSPECIALITY: Virology

ANALYTE: Adenovirus (0410)

TEST SYSTEM, ASSAY, EXAMINATION:

SA Scientific SAS Adeno Test (direct Ag/visual) (58585)
ANALYTE: Influenza A/B (2835)

TEST SYSTEM, ASSAY, EXAMINATION:

Quidel QuickVue Influenza Test (52119)
ANALYTE: Rotavirus (5509)

TEST SYSTEM, ASSAY, EXAMINATION:

SA Scientific SAS Rotavirus Test (direct Ag/visual) (58583)

COMPLEXITY: HIGH

SPECIALITY/SUBSPECIALITY: Bacteriology

ANALYTE: Chlamydia (1016)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels Chlamydia EIA (direct Ag/spectrophotometric) (28586)
INTRACEL Bartels Chlamydiae FA Monoclonal (including cell culture) (28587)
INTRACEL Bartels Chlamydiae Immunoperoxidase (including cell culture) (28588)
Roche Diagnostics AMPLICOR CT/NG Test for Chlamydia trachomatis (55669)
ANALYTE: Clostridium difficile (1022)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels C. difficile Toxin A EIA (28576)
INTRACEL Bartels C. difficile Toxin A EIA (direct Ag) (28584)
INTRACEL Bartels Cytotoxicity Assay for C. difficile (direct Ag) (28589)
Meridian Diagnostics Premier Toxins A & B (direct antigen/spectrophotometric) (40345)
Meridian Diagnostics Premier Toxins A & B (direct antigen/visual) (40344)
ANALYTE: Escherichia coli (1604)

TEST SYSTEM, ASSAY, EXAMINATION:

Denka Seiken VTEC-RPLA ''SEIKEN'' (including culture) (13595)
ANALYTE: Haemophilus (2577)

TEST SYSTEM, ASSAY, EXAMINATION:

Dade Behring MicroScan MICroSTREP plus (13597)
ANALYTE: Neisseria gonorrhoeae (4302)

TEST SYSTEM, ASSAY, EXAMINATION:

Roche Diagnostics COBAS AMPLICOR Analyzer (55253)
ANALYTE: Staphylococcus (5807)

TEST SYSTEM, ASSAY, EXAMINATION:

Oxoid DrySpot Staphytect Plus (including culture) (46322)
ANALYTE: Streptococcus, group A (5810)

TEST SYSTEM, ASSAY, EXAMINATION:

LifeSign Streptolex STAT (including culture) (37152)
ANALYTE: Streptococcus, group B (5811)

TEST SYSTEM, ASSAY, EXAMINATION:

LifeSign Streptolex STAT (including culture) (37152)
ANALYTE: Streptococcus, group C (5812)

TEST SYSTEM, ASSAY, EXAMINATION:

LifeSign Streptolex STAT (including culture) (37152)
ANALYTE: Streptococcus, group F (5814)

TEST SYSTEM, ASSAY, EXAMINATION:

LifeSign Streptolex STAT (including culture) (37152)
ANALYTE: Streptococcus, group G (5815)

TEST SYSTEM, ASSAY, EXAMINATION:

LifeSign Streptolex STAT (including culture) (37152)

SPECIALITY/SUBSPECIALITY: Endocrinology

ANALYTE: Calcitonin (1041)

TEST SYSTEM, ASSAY, EXAMINATION:

KMI Diagnostics Calcitonin ELISA (34115)
ANALYTE: Cortisol, Urine (extraction procedure) (1095)

TEST SYSTEM, ASSAY, EXAMINATION:

Nichols Institute Advantage Chemiluminescence System (43122)
ANALYTE: Thyroid Stimulating Hormone (TSH) (6106)

TEST SYSTEM, ASSAY, EXAMINATION:

BioCheck Thyroid Stimulating Hormone (TSH) EIA (08248)
ANALYTE: Thyroid Stimulating Hormone—high sens. (TSH–HS) (6108)

TEST SYSTEM, ASSAY, EXAMINATION:

BioCheck Sensitive Thyroid Stimulating Hormone (S–TSH) EIA (08251)
ANALYTE: Thyroxine (T4) (6109)

TEST SYSTEM, ASSAY, EXAMINATION:

BioCheck Total Thyroxine (T4) EIA (08249)
Biotecx Laboratories OptiCoat T4 EIA (08221)
ANALYTE: Triiodothyronine (T3) (6119)

TEST SYSTEM, ASSAY, EXAMINATION:

BioCheck Triiodothyronine (T3) EIA (08250)

SPECIALITY/SUBSPECIALITY: General Chemistry

ANALYTE: Alpha-Fetoprotein—Amniotic Fluid (0484)

TEST SYSTEM, ASSAY, EXAMINATION:

Beckman ACCESS Immunoassay System (07914)
ANALYTE: Alpha-Fetoprotein—Maternal Serum (0423)

TEST SYSTEM, ASSAY, EXAMINATION:

Beckman ACCESS Immunoassay System (07914)
ANALYTE: Carbon Dioxide, Isotope 13 (1150)

TEST SYSTEM, ASSAY, EXAMINATION:

Finnigan BreathMAT Plus Isotope Ratio Mass Spectrometer {Metabolic Solutions Ez-HBT Helicobacter Blood Test} (19054)
ANALYTE: Creatine Kinase Isoenzymes (CK Isoenzymes) (1052)

TEST SYSTEM, ASSAY, EXAMINATION:

Sebia HYDRASYS {Hydragel 7/15/30 ISO–CK} (58597)
ANALYTE: Creatine Kinase MB Fraction (CKMB) (1002)

TEST SYSTEM, ASSAY, EXAMINATION:

Randox Laboratories CK–MB NAC-activated Test Kit (55159)
ANALYTE: Ferritin (1902)

TEST SYSTEM, ASSAY, EXAMINATION:

BioCheck Ferritin ELISA (08232)
Johnson & Johnson CDL Amerlite Analyzer (31016)
ANALYTE: Fructosamine (1914)

TEST SYSTEM, ASSAY, EXAMINATION:

Pointe Scientific Fructosamine (49227)
ANALYTE: Galactose, Total (2223)

TEST SYSTEM, ASSAY, EXAMINATION:

Quantase Total Galactose (Newborn) Screening Assay (52120)
ANALYTE: Galactose–1–Phosphate Uridyl Transferase (2215)

TEST SYSTEM, ASSAY, EXAMINATION:

Bio-Rad CODA Neonatal GALT (08255)
ANALYTE: Homocysteine (2574)

TEST SYSTEM, ASSAY, EXAMINATION:

Bio-Rad CDM System {Bio-Rad HPLC} (07792)
Drew Scientific DS30 Analyzer {DS30 Hcy Homocysteine Assay} (13593)
ANALYTE: Leucine (3749)

TEST SYSTEM, ASSAY, EXAMINATION:

Wallac Neonatal Leucine Test Kit (70237)
ANALYTE: Lipoprotein Fractions (3720)

TEST SYSTEM, ASSAY, EXAMINATION:

Helena Laboratories REP/REP3 Cholesterol Profile Template-30 (25307)
Helena Laboratories REP/REP3 Vis Cholesterol (25306)
Sebia HYDRASYS {Hydragel 7/15/30 LIPO} (58603)
Sebia Hydragel -Mini LIPO/LIPO Kit (manual) (58602)
ANALYTE: Protein Fractions (4920)

TEST SYSTEM, ASSAY, EXAMINATION:

Sebia HYDRASYS {Hydragel 5 Proteinurie} (58595)
Sebia HYDRASYS {Hydragel 7/15 HR} (58598)
Sebia Hydragel -Mini HR/HR Kit (manual) (58600)
Sebia Hydragel -Mini HR/HR Urine Kit (manual) (58601)
Sebia Hydragel Proteinurie Kit (manual) (58599)
ANALYTE: Thyroglobulin (6124)

TEST SYSTEM, ASSAY, EXAMINATION:

Kronus OptiQuant Thyroglobulin Kit (34116)
ANALYTE: Transferrin, carbohydrate-deficient (6165)

TEST SYSTEM, ASSAY, EXAMINATION:

Axis CDT Turbidometric Immunoassay (04887)
SPECIALITY/SUBSPECIALITY: General Immunology
ANALYTE: Anti-B2 Glycoprotein I (apolipoprotein H) (B2 GPI) (0529)

TEST SYSTEM, ASSAY, EXAMINATION:

Hemagen VIRGO Beta 2 Glycoprotein I (B2GPI) IgA (25298)
Hemagen VIRGO Beta 2 Glycoprotein I (B2GPI) IgG (25296)
Hemagen VIRGO Beta 2 Glycoprotein I (B2GPI) IgM (25297)
Reaads Medical Products IgA Anti-Beta 2 Glycoprotein I Semi-quant Test Kit (55642)
Reaads Medical Products IgG Anti-Beta 2 Glycoprotein I Semi-quant Test Kit (55640)
Reaads Medical Products IgM Anti-Beta 2 Glycoprotein I Semi-quant Test Kit (55641)
ANALYTE: Anti-Cardiolipin Antibodies (0434)

TEST SYSTEM, ASSAY, EXAMINATION:

Cogent Diagnostics AUTOSTAT II Anti-Cardiolipin IgG (10497)
Cogent Diagnostics AUTOSTAT II Anti-Cardiolipin IgM (10496)
ANALYTE: Anti-Centromere Antibodies (0487)

TEST SYSTEM, ASSAY, EXAMINATION:

Pharmacia & Upjohn Varelisa ReCombi ANA Profile (dsDNA, RNP, Sm, SS–A/Ro, SS–B/La, Scl-70, Centromere, Jo-1) (49229)
ANALYTE: Anti-DNA Antibodies (0435)

TEST SYSTEM, ASSAY, EXAMINATION:

Pharmacia & Upjohn Varelisa ReCombi ANA Profile (dsDNA, RNP, Sm,SS–A/Ro, SS–B/La, Scl-70, Centromere, Jo-1) (49229)
Stellar Bio Systems Indirect Fluorescence Assay for Anti-native DNA IgG (58593)
The Binding Site BINDAZYME Anti-dsDNA EIA (61461)
ANALYTE: Anti-Endomysial Antibodies (EMA) (0497)

TEST SYSTEM, ASSAY, EXAMINATION:

MeDiCa AEmA Test Kit (40335)
ANALYTE: Anti-Gliadin Antibodies (0528)

TEST SYSTEM, ASSAY, EXAMINATION:

Cogent Diagnostics AUTOSTAT II Anti-Gliadin IgA (10492)
Cogent Diagnostics AUTOSTAT II Anti-Gliadin IgG (10489)
ANALYTE: Anti-Glomerular Basement Membrane (GBM) Antibodies (0524)

TEST SYSTEM, ASSAY, EXAMINATION:

Cogent Diagnostics AUTOSTAT II Anti-GBM (10486)
Hycor HY–TEC Anti-GBM ELISA (manual) (25302)
ANALYTE: Anti-Jo-1 (0438)

TEST SYSTEM, ASSAY, EXAMINATION:

Pharmacia & Upjohn Varelisa ReCombi ANA Profile (dsDNA, RNP, Sm, SS–A/Ro, SS–B/La, Scl-70, Centromere, Jo-1) (49229)
Trinity Biotech Captia ENA Profile ELISA (Sm, Sm/RNP, SSA/Ro, SSB/La, Scl-70, Jo-1) (61462)
ANALYTE: Anti-Myeloperoxidase (MPO) Antibodies (0505)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix Immunosimplicity (Is)–MPO (P–ANCA) IgG (manual/qualitative) (13587)
Diamedix Immunosimplicity (Is)–MPO (P–ANCA) IgG (manual/semi-quantitative) (13588)
ANALYTE: Anti-Nuclear Antibodies (ANA) (0441)

TEST SYSTEM, ASSAY, EXAMINATION:

Pharmacia & Upjohn Varelisa ReCombi ANA Screen (dsDNA, RNP, Sm, SS–A/Ro, SS–B/La, Scl-70, Centromere, Jo-1) (49228)
RhiGene ANA ELISA TEST SYSTEM (55670)
Stellar Bio Systems Indirect Fluorescence Assay for IgG ANA HEp2 (58592)
ANALYTE: Anti-Parietal Cell Antibodies (0442)

TEST SYSTEM, ASSAY, EXAMINATION:

Cogent Diagnostics AUTOSTAT II Anti-GPC (10487)
Hycor HY–TEC Anti-GPC ELISA (manual) (25300)
ANALYTE: Anti-Proteinase-3 (PR–3) Antibodies (0525)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix Immunosimplicity (Is)-anti-PR–3 (C–ANCA) IgG (manual/qualitative) (13584)
Diamedix Immunosimplicity (Is)-anti-PR–3 (C–ANCA) IgG (manual/semi-quantitative) (13585)
ANALYTE: Anti-RNP (Ribonucleoprotein) (0443)

TEST SYSTEM, ASSAY, EXAMINATION:

Pharmacia & Upjohn Varelisa RNP

Antibodies EIA (qualitative) (49223)
Pharmacia & Upjohn Varelisa RNP Antibodies EIA (semi-quantitative) (49224)
Pharmacia & Upjohn Varelisa ReCombi ANA Profile (dsDNA,RNP,Sm,SS-A/Ro,SS-B/La,Scl-70,Centromere,Jo-1) (49229)
ANALYTE: Anti-RNP-Sm Antibodies (0502)

TEST SYSTEM, ASSAY, EXAMINATION:

Micro Detect MDI Sm/RNP Test (40340)
Trinity Biotech Captia ENA Profile ELISA (Sm,Sm/RNP,SSA/Ro,SSB/La,Scl-70,Jo-1) (61462)
ANALYTE: Anti-SS-A/Ro (0446)

TEST SYSTEM, ASSAY, EXAMINATION:

Micro Detect MDI SS-A Test (40339)
Pharmacia & Upjohn Varelisa ReCombi ANA Profile (dsDNA, RNP, Sm, SS–A/Ro, SS–B/La, Scl-70,Centromere,Jo-1) (49229)
Trinity Biotech Captia ENA Profile ELISA (Sm, Sm/RNP, SSA/Ro, SSB/La, Scl-70, Jo-1) (61462)
ANALYTE: Anti-SS-B/La (0447)

TEST SYSTEM, ASSAY, EXAMINATION:

Micro Detect MDI SS-B Test (40343)
Pharmacia & Upjohn Varelisa ReCombi ANA Profile (dsDNA, RNP, Sm, SS–A/Ro, SS–B/La, Scl-70, Centromere, Jo-1) (49229)
Trinity Biotech Captia ENA Profile ELISA (Sm, Sm/RNP, SSA/Ro, SSB/La, Scl-70, Jo-1) (61462)
ANALYTE: Anti–Scl–70 (0448)

TEST SYSTEM, ASSAY, EXAMINATION:

Pharmacia & Upjohn Varelisa ReCombi ANA Profile (dsDNA, RNP, Sm, SS–A/Ro, SS–B/La, Scl-70, Centromere, Jo-1) (49229)
Trinity Biotech Captia ENA Profile ELISA (Sm, Sm/RNP, SSA/Ro, SSB/La, Scl-70, Jo-1) (61462)
ANALYTE: Anti-Sm (Smith) (0450)

TEST SYSTEM, ASSAY, EXAMINATION:

Micro Detect MDI Sm Test (40341)
Pharmacia & Upjohn Varelisa ReCombi ANA Profile (dsDNA, RNP, Sm, SS–A/Ro, SS–B/La, Scl-70, Centromere, Jo-1) (49229)
Trinity Biotech Captia ENA Profile ELISA (Sm, Sm/RNP, SSA/Ro, SSB/La, Scl-70, Jo-1) (61462)
ANALYTE: Anti-Thyroglobulin Antibodies (0453)

TEST SYSTEM, ASSAY, EXAMINATION:

BRAHMS Diagnostica DYNOtest Anti-Tg (08243)
Diamedix Immunosimplicity (Is)-anti-TG IgG (manual/qualitative) (13591)
Diamedix Immunosimplicity (Is)-anti-TG IgG (manual/quantitative) (13592)
ANALYTE: Anti-Thyroid Peroxidase (TPO) Antibodies (0527)

TEST SYSTEM, ASSAY, EXAMINATION:

BRAHMS Diagnostica DYNOtest Anti-TPO (08242)
Pharmacia & Upjohn Varelisa TPO Antibodies EIA (qualitative) (49225)
Pharmacia & Upjohn Varelisa TPO Antibodies EIA (quantitative) (49226)
ANALYTE: Anti-Tissue Transglutaminase (tTG) (0546)

TEST SYSTEM, ASSAY, EXAMINATION:

IMMCO Diagnostics ImmuLisa Anti-Tissue Transglutaminase (tTG) Ab ELISA (qualitative) (28569)
IMMCO Diagnostics ImmuLisa Anti-Tissue Transglutaminase (tTG) Ab ELISA (semi-quantitative) (28570)
The Binding Site BINDAZYME Anti-Transglutaminase IgA EIA (61463)
ANALYTE: Cerebrospinal Fluid Protein Fractions (1057)

TEST SYSTEM, ASSAY, EXAMINATION:

Sebia HYDRASYS {Hydragel 6 CSF} (58596)
Sebia HYDRASYS {Hydragel 7/15 HR} (58598)
Sebia Hydragel -Mini HR/HR Kit (manual) (58600)
ANALYTE: Complement, Total (1046)

TEST SYSTEM, ASSAY, EXAMINATION:

The Binding Site Total Haemolytic Complement Kit (61450)
ANALYTE: Epstein-Barr virus Antibodies (1603)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix Immunosimplicity (Is)–EBNA–1 IgM (manual) (13574)
Diamedix Immunosimplicity (Is)–EBV–EA–D IgG (manual) (13564)
Diamedix Immunosimplicity (Is)–EBV–EA–D IgM (manual) (13576)
Diamedix Immunosimplicity (Is)–EBV–VCA IgM (manual) (13578)
GenBio ImmunoWELL EBNA IgG Quantitative Test (22254)
GenBio ImmunoWELL EBV VCA IgG Quantitative Test (22255)
GenBio ImmunoWELL EBV VCA IgM Quantitative Test (22256)
Quest International SeraQuest EB NA IgG (qualitative) (52117)
Quest International SeraQuest EB NA IgG (semi-quantitative) (52118)
Quest International SeraQuest EB VCA IgG (qualitative) (52115)
Quest International SeraQuest EB VCA IgG (semi-quantitative) (52116)
Quest International SeraQuest EB VCA IgM (52114)
ANALYTE: HLA–DR (2576)

TEST SYSTEM, ASSAY, EXAMINATION:

bioMerieux Vitek HLA–DR oligo-detection Kit (08253)
ANALYTE: Helicobacter pylori Antibodies (2513)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix Immunosimplicity (Is)–H. pylori IgG (manual) (13583)
ANALYTE: Immunoglobulins IgE (2805)

TEST SYSTEM, ASSAY, EXAMINATION:

BioCheck Immunoglobulin E (IgE) ELISA (08231)
Hycor Total IgE RIA (25315)
ANALYTE: Legionella pneumophilia Serogroup 1 Antigen (3778)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels Legionella Urinary Antigen ELISA (direct Ag/spectrophotometric) (28575)
INTRACEL Bartels Legionella Urinary Antigen ELISA (direct Ag/visual) (28574)
ANALYTE: Lyme Disease Antibodies (Borrelia burgdorferi Abs) (3714)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix Immunosimplicity (Is)-anti-Borrelia burgdorferi IgG/IgM (manual) (13572)
Diamedix Immunosimplicity (Is)-anti-Borrelia burgdorferi IgM (manual) (13570)
ANALYTE: Lymphocytes, CD19 (3759)

TEST SYSTEM, ASSAY, EXAMINATION:

Coulter EPICS XL/tetraONE System {CD45–FITC/CD4–RD1/CD8–ECD/CD3–PC5&CD45–FITC/CD56–RD1/CD19–ECD/CD3–PC5} (CYTO–STAT tetraCHROME) (10495)
ANALYTE: Lymphocytes, CD3 (3760)

TEST SYSTEM, ASSAY, EXAMINATION:

Coulter EPICS XL/tetraONE System {CD45–FITC/CD4–RD1/CD8–ECD/CD3–PC5&CD45–FITC/CD56–RD1/CD19–ECD/CD3–PC5} (CYTO–STAT tetraCHROME) (10495)
ANALYTE: Lymphocytes, CD3–/CD56+ (3783)

TEST SYSTEM, ASSAY, EXAMINATION:

Coulter EPICS XL/tetraONE System {CD45–FITC/CD4–RD1/CD8–ECD/CD3–PC5&CD45–FITC/CD56–RD1/CD19–ECD/CD3–PC5} (CYTO–STAT tetraCHROME) (10495)
ANALYTE: Lymphocytes, CD3/CD4 (3766)

TEST SYSTEM, ASSAY, EXAMINATION:

Coulter EPICS XL/tetraONE System {CD45–FITC/CD4–RD1/CD8–ECD/CD3–PC5&CD45–FITC/CD56–RD1/CD19–ECD/CD3–PC5} (CYTO–STAT tetraCHROME) (10495)
ANALYTE: Lymphocytes, CD3/CD8 (3767)

TEST SYSTEM, ASSAY, EXAMINATION:

Coulter EPICS XL/tetraONE System {CD45–FITC/CD4–RD1/CD8–ECD/CD3–PC5&CD45–FITC/CD56–RD1/CD19–ECD/CD3–PC5} (CYTO–STAT tetraCHROME) (10495)
ANALYTE: Lymphocytes, CD4 (3761)

TEST SYSTEM, ASSAY, EXAMINATION:

Coulter EPICS XL/tetraONE System {CD45–FITC/CD4–RD1/CD8–ECD/CD3–PC5&CD45–FITC/CD56–RD1/CD19–ECD/CD3–PC5} (CYTO–STAT tetraCHROME) (10495)
ANALYTE: Lymphocytes, CD8 (3764)

TEST SYSTEM, ASSAY, EXAMINATION:

Coulter EPICS XL/tetraONE System {CD45–FITC/CD4–RD1/CD8–ECD/CD3–PC5&CD45–FITC/CD56–RD1/CD19–ECD/CD3–PC5} (CYTO–STAT tetraCHROME) (10495)
ANALYTE: Mumps Antibodies (4007)

TEST SYSTEM, ASSAY, EXAMINATION:

Diamedix Immunosimplicity (Is)-Mumps IgG (manual) (13580)
ANALYTE: Rheumatoid Factor (RF) (5508)

TEST SYSTEM, ASSAY, EXAMINATION:

Cogent Diagnostics AUTOSTAT II Rheumatoid Factor IgG (10498)
Micro Detect MDI RF Test (40342)
ANALYTE: Treponema pallidum Antibodies (includes Reagin) (6115)

TEST SYSTEM, ASSAY, EXAMINATION:

Avanti Polar Lipids VDRL Antigen Slide Test (04878)
ANALYTE: Varicella-Zoster Virus Antibodies (6704)

TEST SYSTEM, ASSAY, EXAMINATION:

Light Diagnostics SimulFluor HSV/VZV IFA (direct antigen) (37161)
Light Diagnostics SimulFluor HSV/VZV IFA (including culture) (37162)

SPECIALITY/SUBSPECIALITY: Hematology

ANALYTE: Activated Partial Thromboplastin Time (APTT) (0409)

TEST SYSTEM, ASSAY, EXAMINATION:

Diagnostica Stago PTT–LT Test Kit (manual) (13312)
ANALYTE: Alpha-2-Antiplasmin (0463)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Biopool Spectrolyse alpha-2-antiplasmin Kit (07602)
Dade Behring Coagulation System (BCS) (13608)
Sysmex CA–6000 (58606)
TOA Medical Electronics CA–6000 (61283)
ANALYTE: Antithrombin III (ATIII) (0456)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Chromogenix COACUTE Antithrombin R (manual) (10314)
Pacific Hemostasis ThromboScreen 400C (49231)
Sysmex CA–6000 (58606)
ANALYTE: Coagulation Factors (1044)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Dade Behring Coagulation System (BCS) (13608)
Dade Behring Sysmex CA–500 Series (13548)
Pacific Hemostasis ThromboScreen 400C (49231)
Sysmex CA–1000 (58604)
Sysmex CA–5000 (58605)
Sysmex CA–6000 (58606)
ANALYTE: Fibrinogen (1905)

TEST SYSTEM, ASSAY, EXAMINATION:

Pacific Hemostasis ThromboScreen 400C (von Clauss methodology) (49232)
ANALYTE: Heparin (2518)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Chromogenix COAMATIC Heparin (manual) (10500)
Dade Behring Coagulation System (BCS) (13608)
Dade Behring Sysmex CA–500 Series (13548)
Helena Laboratories Chrom Z-Heparin (manual) (25238)
Helena Laboratories PACKS–4 (25029)
Pacific Hemostasis ThromboScreen 400C (49231)
Sysmex CA–6000 (58606)
TOA Medical Electronics CA–6000 (61283)
ANALYTE: Heparin Dose Response (HDR) (2539)

TEST SYSTEM, ASSAY, EXAMINATION:

ITC HEMOCHRON Response (manual dosage calculations) (28603)
ANALYTE: Heparin, Low Molecular Weight (LMWH) (2558)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Helena Laboratories Chrom Z-Heparin (manual) (25238)
Helena Laboratories PACKS–4 (25029)
ANALYTE: Heparin/Protamine Titration (HPT) (2538)

TEST SYSTEM, ASSAY, EXAMINATION:

ITC HEMOCHRON Response (28578)
ANALYTE: Lupus Anticoagulants (3728)

TEST SYSTEM, ASSAY, EXAMINATION:

Dade Behring Coagulation System (BCS) (13608)
Instrumentation Laboratory IL ACL Futura System {LAC Screen/Confirm} (28601)
ANALYTE: Plasminogen (4907)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Dade Behring Coagulation System (BCS) (13608)
Sysmex CA–6000 (58606)
ANALYTE: Protamine Response Test (PRT) (4945)

TEST SYSTEM, ASSAY, EXAMINATION:

ITC HEMOCHRON Response (28578)
ANALYTE: Protein C (4929)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)

Dade Behring Coagulation System (BCS) (13608)
Dade Behring Sysmex CA–500 Series (13548)
Sysmex CA–6000 (58606)
TOA Medical Electronics CA–6000 (61283)
ANALYTE: Protein S (4930)

TEST SYSTEM, ASSAY, EXAMINATION:

American Bioproducts STA–R Analyzer (04875)
Reaads Medical Products Monoclonal Free Protein S Antigen Test Kit (55639)

SPECIALITY/SUBSPECIALITY: Mycobacteriology

ANALYTE: Mycobacteria (4024)

TEST SYSTEM, ASSAY, EXAMINATION:

Difco ESP Culture System II (13399)
ANALYTE: Mycobacterium tuberculosis complex (4015)

TEST SYSTEM, ASSAY, EXAMINATION:

Gen-Probe AMPLIFIED Mycobacterium Tuberculosis Direct (MTD) Test (22276)

SPECIALITY/SUBSPECIALITY: Parasitology

ANALYTE: Pneumocystis (4926)

TEST SYSTEM, ASSAY, EXAMINATION:

Light Diagnostics Pneumocystis carinii DFA (37158)

SPECIALITY/SUBSPECIALITY: Virology

ANALYTE: Adenovirus (0410)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels Viral Respiratory Kit (including cell culture) (28600)
SA Scientific SAS Adeno Test (including cell culture) (58584)
ANALYTE: Cytomegalovirus (1038)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels CINAKIT CMV Antigenemia (28568)
INTRACEL Bartels CMV Immed. Early Ag IFA (including cell culture) (28585)
INTRACEL Bartels Direct CMV DFA Kit (direct Ag) (28590)
INTRACEL Bartels Direct CMV DFA Kit (including cell culture) (28591)
Organon Teknika NucliSens CMV pp67 (46332)
ANALYTE: Herpes simplex (2529)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels HSV 1 & 2 FA Typing (including cell culture) (28592)
INTRACEL Bartels HSV FA Bivalent DFA (including cell culture) (28593)
INTRACEL Bartels HSV Immunoperoxidase Test (including cell culture) (28594)
Light Diagnostics SimulFluor HSV 1/2 IFA (direct antigen) (37159)
Light Diagnostics SimulFluor HSV 1/2 IFA (including culture) (37160)
Light Diagnostics SimulFluor HSV/VZV IFA (direct antigen) (37161)
Light Diagnostics SimulFluor HSV/VZV IFA (including culture) (37162)
ANALYTE: Influenza A (2828)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels PRIMA Influenza A EIA (direct Ag/spectrophotometric) (28595)
INTRACEL Bartels PRIMA Influenza A EIA (including cell culture) (28596)
INTRACEL Bartels Viral Respiratory Kit (direct Ag) (28599)
INTRACEL Bartels Viral Respiratory Kit (including cell culture) (28600)
ANALYTE: Influenza B (2829)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels Viral Respiratory Kit (direct Ag) (28599)
INTRACEL Bartels Viral Respiratory Kit (including cell culture) (28600)
ANALYTE: Parainfluenza 1 (4959)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels Viral Respiratory Kit (direct Ag) (28599)
INTRACEL Bartels Viral Respiratory Kit (including cell culture) (28600)
ANALYTE: Parainfluenza 2 (4960)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels Viral Respiratory Kit (including cell culture) (28600)
ANALYTE: Parainfluenza 3 (4961)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels Viral Respiratory Kit (direct Ag) (28599)
INTRACEL Bartels Viral Respiratory Kit (including cell culture) (28600)
ANALYTE: Respiratory syncytial virus (5503)

TEST SYSTEM, ASSAY, EXAMINATION:

INTRACEL Bartels RSV (FA) Test Kit (direct Ag) (28597)
INTRACEL Bartels RSV (FA) Test Kit (including cell culture) (28598)
INTRACEL Bartels Viral Respiratory Kit (direct Ag) (28599)
INTRACEL Bartels Viral Respiratory Kit (including cell culture) (28600)
ANALYTE: Rotavirus (5509)

TEST SYSTEM, ASSAY, EXAMINATION:

Eldan-Tech ROTA-dan Rapid Rotavirus EIA (direct Ag/spectrophotometric) (16131)
Eldan-Tech ROTA-dan Rapid Rotavirus EIA (direct Ag/visual) (16132)

COMPLEXITY: WAIVED

SPECIALITY/SUBSPECIALITY: Bacteriology

ANALYTE: Helicobacter pylori (2512)

TEST SYSTEM, ASSAY, EXAMINATION:

Ballard Medical Products CLOtest (08223)
ANALYTE: Streptococcus, group A (5810)

TEST SYSTEM, ASSAY, EXAMINATION:

Fisher HealthCare Sure-Vue Strep A (direct from throat swab) (19038)
Remel RIM A.R.C. Strep A Test (direct from throat swab) (55687)

SPECIALITY/SUBSPECIALITY: Endocrinology

ANALYTE: Ovulation Test (LH) by Visual Color Comparison (9461)

TEST SYSTEM, ASSAY, EXAMINATION:

Germaine Laboratories AimStep Ovulation (22271)
Unipath ClearPlan Easy Ovulation Test (64052)
ANALYTE: Urine HCG by Visual Color Comparison Tests (9642)

TEST SYSTEM, ASSAY, EXAMINATION:

ACON One Step Home Pregnancy Test (04881)
ACON hCG Urine One Step Pregnancy Test Device (04882)
CENOGENICS ACCUNATE-ONE STEP (10484)
Fisher HealthCare Sure-Vue Serum/Urine hCG (19041)
Fisher HealthCare Sure-Vue Serum/Urine hCG–STAT (19040)
Fisher HealthCare Sure-Vue Urine hCG (19039)
Germaine Laboratories AccuDip Home Pregnancy Test (22267)
Germaine Laboratories AccuHome Pregnancy Test (22268)

Germaine Laboratories AccuPlus Home Pregnancy Test (22269)
Germaine Laboratories AimStick Home Pregnancy Test (22266)
InBios InSure Pregnancy Test (28582)
Remel RIM A.R.C. hCG Pregnancy Test (55673)
Unipath ClearBlue Easy One Minute Pregnancy Test (64051)
Unipath ClearPlan Easy Home Pregnancy Test (64050)
Unipath ClearPlan Easy II Home Pregnancy Test (64053)
Wampole Clearview EASY HCG (70235)

SPECIALITY/SUBSPECIALITY: General Chemistry

ANALYTE: Cholesterol (1020)

TEST SYSTEM, ASSAY, EXAMINATION:

Polymer Technology Systems MTM BioScanner 1000 (for OTC use) (49196)

ANALYTE: Fecal Occult Blood (9191)

TEST SYSTEM, ASSAY, EXAMINATION:

CENOGENICS TRI–SLIDE and SINGLE-SLIDE Stool Blood Test (10483)
Immunostics Colon Alert (28567)
Laboratory Diagnostics QUIK–CULT (37156)

ANALYTE: Fructosamine (1914)

TEST SYSTEM, ASSAY, EXAMINATION:

LXN IN CHARGE Diabetes Control System (37150)

ANALYTE: Glucose Monitoring Devices (FDA Cleared/Home Use) (9221)

TEST SYSTEM, ASSAY, EXAMINATION:

Clinical Diagnostics PocketLab II Blood Glucose Monitoring System (10482)
Home Diagnostics Prestige LX Blood Glucose System (25295)
LXN GO System (37157)
LXN IN CHARGE Diabetes Control System (37150)
MediSense Precision PCx Point of Care Mgmt System for Blood Glucose Testing (40332)
TheraSense FreeStyle Blood Glucose Monitoring System (61451)

ANALYTE: HDL Cholesterol (2550)

TEST SYSTEM, ASSAY, EXAMINATION:

Polymer Technology Systems BioScanner (for OTC use) (49233)

ANALYTE: Ketone, Blood (3403)

TEST SYSTEM, ASSAY, EXAMINATION:

Polymer Technology Systems BioScanner (for OTC use) (49233)

SPECIALITY/SUBSPECIALITY: General Immunology

ANALYTE: Helicobacter pylori Antibodies (2513)

TEST SYSTEM, ASSAY, EXAMINATION:

Applied Biotech SureStep H. pylori WB Test (whole blood) (04874)
LifeSign Status H. pylori (for whole blood) (37151)

ANALYTE: Infectious Mononucleosis Antibodies (Mono) (2809)

TEST SYSTEM, ASSAY, EXAMINATION:

Meridian Diagnostics ImmunoCard STAT! Mono (whole blood) (40333)
Remel RIM A.R.C. Mono Test (whole blood) (55686)

SPECIALITY/SUBSPECIALITY: Hematology

ANALYTE: Erythrocyte Sedimentation Rate,nonautomated waived (9161)

TEST SYSTEM, ASSAY, EXAMINATION:

Polymedco SEDIPLAST WESTERGREN ESR (49219)
Polymedco SEDIPLAST WINTROBE ESR (49218)

SPECIALITY/SUBSPECIALITY: Urinalysis

ANALYTE: Urine Dipstick or Tablet Analytes, nonautomated (9641)

TEST SYSTEM, ASSAY, EXAMINATION:

Germaine Laboratories AimStick 10–SG (22264)
Germaine Laboratories AimStick US–2 (22263)
Germaine Laboratories AimStick US–3 (22262)
Germaine Laboratories AimStick US–9 (22265)
International Newtech Develop. Urinalysis Reagent Strip (10 Parameters) (28581)
TCPI URI–TEST Protein in Urine (61454)

[FR Doc. 00–10876 Filed 5–2–00; 8:45 am]
BILLING CODE 4163–18–P

Federal Register

Wednesday,
May 3, 2000

Part III

Department of Education

Office of Education Research and Improvement; Ready-To-Learn (RTL) Television Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000; Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.295A]

Office of Educational Research and Improvement; Ready-To-Learn (RTL) Television Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

Purpose of Program: The Ready-To-Learn Television program supports the development of: (1) Educational programming for preschool and early elementary school children and their families; (2) educational television programming and ancillary materials to increase school readiness for young children in limited-English proficient households and to increase family literacy; and (3) accompanying support materials and services that promote the effective use of educational programming.

For FY 2000 the competition for new awards focuses on projects designed to meet the priority we describe in the PRIORITY section of this application notice.

Eligible Applicants: Non-profit organizations, including public telecommunication entities, able to demonstrate a capacity (1) To develop and distribute educational and instructional television programming of high quality for preschool and elementary school children; and (2) to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

Deadline for the Transmittal of Applications: June 5, 2000.

Estimated Available Funds: $16 Million.

Estimated Range of Awards: Up to $16 Million.

Estimated Average Size of Awards: Up to $16 Million.

Estimated Number of Awards: One.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

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 60 pages, using the following standards:

- A page is 8.5″ × 11″, on one side only, with 1'' margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to 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, or the letters of support. However, you must include all of the application narrative in Part III.

If, to meet the page limit, you use more than one side of the page, you use a larger page, or you use a print size, spacing, or margins smaller than the standards in this notice, we will reject your application.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, 86, 97, 98, and 99.

Priority

Absolute Priority

The Secretary gives an absolute preference to applications that meet the criteria in the next paragraph. The Secretary funds under this competition only an application that meets this absolute priority (34 CFR 75.105(c)(3)).

The Secretary will only fund an application that documents how the proposed project will—

(1) Collaborate with Head Start Centers and family based child care organizations, public school pre-kindergarten programs, and Even Start Family Literacy Programs;

(2) Work with after-school programs funded under the 21st Century Community Learning Centers; and

(3) Work with early childhood literacy, language, and reading organizations.

An application for funding under this program also must propose to:

(1) Develop a minimum of two new children's television shows during the 5 year project, of which at least one will be designed to expand the language, literacy, and reading competencies of young children who do not use English as their primary language.

(2) Use state-of-the-art technology to create new programming and materials especially targeted to families who: (a) Have limited literacy; (b) do not use English as their primary language; (c) have young children with disabilities; and (d) live in rural areas.

(3) Establish a technical assistance center for the Ready-To-Learn coordinators and station representatives in order to provide on-going training, using state-of-the-art methods, including: on-line training, distance learning, and face-to-face education and professional development, with an emphasis on developing strategies and materials for reaching diverse populations of children and families.

(4) Establish performance indicators to determine Ready-To-Learn's impact on children and families.

(5) Establish performance indicators to measure the impact of training and education on Ready-To-Learn coordinators and station representatives, including improving their knowledge, skills, and competencies related to early childhood development and learning and parenting education.

(6) Develop a management information system for collecting data from all participating Ready-to-Learn Television stations and establish criteria for measuring the effectiveness of local workshops.

(7) Convene an annual conference for the Ready-to-Learn Television coordinators and station representatives, including community partners.

(8) Establish a National Advisory Board for Ready-To-Learn Television.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act, (5 U.S.C. 553), it is the practice of the Department to offer interested parties the opportunity to comment on proposed priorities that are not taken directly from the statute. Ordinarily, this practice would have applied to the priority in this notice. Section 437(d)(1) of the General Education Provisions Act (GEPA), however, exempts rules that apply to the first competition under a new program from this requirement. The Ready-to-Learn Television program was first authorized by Congress as part of the Improving America's Schools Act of 1994, Pub L. 103–382. This is the first competition to award a grant under this program. Consequently, the Secretary, in accordance with section 437(d)(1) of GEPA and to ensure a timely grant award, has decided to forego public comment with respect to the absolute priority. This priority will apply to the FY 2000 grant competition only.

For Applications and Further Information Contact: Joe Caliguro, U.S. Department of Education, 555 New Jersey Avenue, NW., room 604–I, Washington, DC 20202–5520. Telephone: (202) 219–1596. 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 to the program contact person listed in the previous paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

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Program Authority: 20 U.S.C. 6921–6928.

Dated: April 28, 2000.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 00–11014 Filed 5–2–00; 8:45 am]

BILLING CODE 4000–01–U

Federal Register

Wednesday,
May 3, 2000

Part IV

The President

Proclamation 7297—National Charter Schools Week, 2000

Proclamation 7298—Law Day, U.S.A., 2000

Proclamation 7299—Asian/Pacific American Heritage Month, 2000

Proclamation 7300—Loyalty Day, 2000

Federal Register
Vol. 65, No. 86
Wednesday, May 3, 2000

Presidential Documents

Title 3—

The President

Proclamation 7297 of April 28, 2000

National Charter Schools Week, 2000

By the President of the United States of America

A Proclamation

Providing our children the high-quality education they need to succeed is one of the greatest challenges we face as a Nation, and helping communities establish public charter schools is one of the best ways we can meet that challenge.

Charter schools—public schools that are started by parents, educators, and communities working in partnership—are open to students of every background and ability. They also afford greater autonomy and flexibility in staffing decisions, curriculum design, and other areas than traditional public schools do. In return for this flexibility, charter schools must set and meet the highest standards, and they can remain open only as long as they do so.

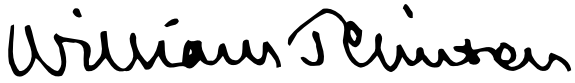
These schools are helping us to meet many of our Nation's most important education goals. They are driving change in public schools across America by showing the benefits of greater parent participation, longer school years, higher academic standards, and character education. Charter schools offer reform, innovation, and increased choice in public education, and, by doing so, they spur improvement throughout our public school system.

I am proud that my Administration has taken a leadership role in promoting and funding public charter schools. When I took office almost 8 years ago, there was only one charter school in our Nation. By September of last year, that number had grown to more than 1,600 in 30 States and the District of Columbia, with more than 250,000 students enrolled and many more on waiting lists. Since 1994, the Federal Government has invested almost $400 million in public charter schools. Last August, I announced the release of almost $100 million in Department of Education grants to develop, open, or expand charter schools across the country. And my proposed budget for fiscal year 2001 includes $175 million for the Department of Education's Public Charter Schools Program. These grants and funds will help cover the costs of opening new schools and help existing charter schools hire more well-trained teachers, buy more books, computers, and educational software, and ensure that classrooms are safe and accessible for all students. Finally, these funds will aid charter schools as they develop accountability systems to measure whether they are meeting or exceeding State standards.

During National Charter Schools Week, I commend the many dedicated parents, educators, students, and other concerned citizens who, working together, have started charter schools in their communities to meet the growing demand for excellence, creativity, and choice in education. Because of their vision and leadership, charter schools across our Nation are helping to raise standards, expectations, and accountability in all of America's public schools. By investing in charter schools, we are investing in our Nation's future.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 1 through May 5, 2000, as National Charter Schools Week. I encourage the American people to mark this observance with appropriate programs and activities that raise awareness of the many contributions that public charter schools make to the education of our children and the success of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.



[FR Doc. 00–11139
Filed 5–2–00; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7298 of April 28, 2000

Law Day, U.S.A., 2000

By the President of the United States of America

A Proclamation

The freedom of America's citizens is sustained by American law. In crafting the Constitution and the Bill of Rights, our Nation's founders wisely understood that liberty and law are equally important to ensuring human rights and preserving human dignity. Law without freedom becomes tyranny; freedom without law becomes chaos.

The theme of this year's Law Day observance, ''Speak up for Democracy and Diversity,'' reminds us of the vital role that the law and America's legal community have played in protecting our freedoms and extending them to an ever-widening circle of Americans. Many signal victories for civil rights have been won in the courts by men and women of conscience whose commitment to the Constitution and the rule of law compelled them to speak out against bigotry and discrimination. Many Americans have found champions among the legal profession to defend their rights and to uphold our Nation's promise of equality and justice for all. From the War for Independence to the War Between the States, from emancipation in the 19th century to women's suffrage and the civil rights movement in the 20th century, courageous Americans have risen to the challenge of improving upon our laws and extending their protections to all of our citizens.

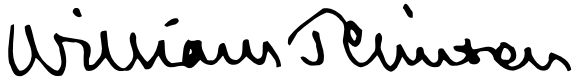
Today, thanks in large measure to the efforts of our Nation's legal community, people of all backgrounds, races, and religions are working, living, and learning side by side. The doors of opportunity are open wider than ever. But despite the advances we have made, we still see in our society stubborn obstacles to true freedom and justice—obstacles such as poverty, unemployment, and lingering discrimination. That is why I have called America's legal community to action once again to lead the fight for equal justice under law. Whether promoting racial diversity in our judicial system and the legal profession, using their knowledge of the law to help underserved communities increase homeownership and entrepreneurship, or providing skilled representation to low-income Americans to ensure the protection of their rights, our Nation's lawyers can make important and lasting differences in preserving justice and promoting freedom and equality.

I encourage all Americans to observe Law Day by reflecting on the impact that our Nation's laws have had upon the quality of our lives and the strength of our democracy. From the promise of a more perfect union prescribed in the Preamble to the Constitution to the daily rulings of our modern-day justice system, our Nation's system of laws has made real our founders' vision and sustained their fundamental values. As we continue to work for a more just society for all, let us celebrate our legal heritage and reaffirm our reverence for the rule of law, which has safeguarded our liberty and preserved our democracy for more than 200 years.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, in accordance with Public Law 87–20 of April 7, 1961, do hereby proclaim May 1, 2000, as Law Day, U.S.A. I urge the people of the United States to consider anew how our laws protect our freedoms and contribute to our national well-being. I call upon members of the legal profession, civic associations, educators, librarians, public officials, and the

media to promote the observance of this day with appropriate programs and activities. I also call upon public officials to display the flag of the United States on all government buildings throughout the day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.



[FR Doc. 00–11140
Filed 5–2–00; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7299 of April 29, 2000

Asian/Pacific American Heritage Month, 2000

By the President of the United States of America

A Proclamation

Over the last two centuries, Asian Americans and Pacific Islanders have contributed immeasurably to the richness of our dynamic, multicultural society. Whether recent immigrants or descendants of families who have been here for generations, Asian Americans and Pacific Islanders embody many of our Nation's core values, including devotion to family, commitment to hard work, and pride in their heritage.

The people of this diverse and rapidly growing community have contributed to every aspect of our national life—from engineering and computer science to government, the arts, and sports. For example, Vinod Dahm helped to revolutionize computer technology through the invention of the pentium chip. Governors Benjamin Cayetano of Hawaii and Gary Locke of Washington have devoted their lives to public service. The talents of novelist Amy Tan have delighted readers across our Nation, while architect and sculptor Maya Lin's stirring memorials to the Vietnam War and the Civil Rights Movement have uplifted and inspired all who have experienced them. And diver Greg Louganis and football star Junior Seau have thrilled sports fans everywhere with their skill and athleticism.

While many Asian Americans and Pacific Islanders today are thriving, others are still struggling to overcome obstacles. Because of oppression in their countries of origin, some new immigrants have arrived without having completed their education; once here, some have encountered language and cultural barriers and discrimination. Pacific Islanders, too, must overcome barriers to opportunity caused by their geographic isolation and the consequences of Western influences on their unique culture. For these and other reasons, too many Asian Americans and Pacific Islanders face low-paying jobs, inadequate health care, and lack of educational opportunity.

To assist this community in meeting these challenges, last June I signed an Executive order establishing the White House Initiative on Asian Americans and Pacific Islanders. The Initiative's goal is to improve the quality of life for Asian Americans and Pacific Islanders by increasing their participation in Federal programs—including health, human services, education, housing, labor, transportation, economic, and community development programs—which may not have served them in the past.

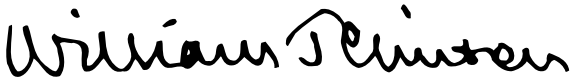
My Administration remains dedicated to building an America that celebrates and draws strength from its diversity. Let us use this month to reflect on the many gifts Asian Americans and Pacific Islanders have brought to our nation and embrace the contributions that Americans of all backgrounds make to our increasingly multicultural society.

To honor the accomplishments of Asian Americans and Pacific Islanders and to recognize their many contributions to our Nation, the Congress, by Public Law 102–450, has designated the month of May as ''Asian/Pacific American Heritage Month.''

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 2000 as Asian/Pacific American Heritage

Month. I call upon the people of the United States to observe this occasion with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.



[FR Doc. 00–11141
Filed 5–2–00; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7300 of April 29, 2000

Loyalty Day, 2000

By the President of the United States of America

A Proclamation

In the Declaration of Independence and in the Constitution, our Nation's founders first articulated the enduring ideals that have sustained our democracy—freedom, self-determination, justice, and equality. Each year we set aside this special day to reaffirm our allegiance to those ideals and to our beloved country.

The power and promise of our country's principles moved men and women throughout the American colonies to declare their allegiance to a new country and a new form of government that respected the rights of the individual. Throughout the decades, millions of immigrants drawn to America's freedom proved their loyalty to their adopted Nation in the words of the oath of citizenship and in their daily lives—working hard, striving to build a better future for their families and communities, serving in our Armed Forces, upholding our laws, and participating in our democracy.

Other Americans have showed their loyalty by courageously challenging our Nation to live up to its ideals. We owe a profound debt to the heroes and visionaries who opposed slavery, reformed labor practices, won the right to vote for women, marched for civil rights, and spoke out with conscience and conviction whenever we have failed to uphold the highest standards of freedom and justice.

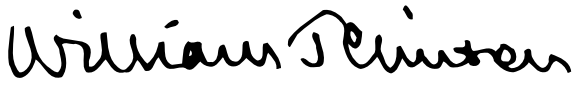
We find perhaps the strongest and most moving evidence of loyalty to America in the service and sacrifice of our men and women in uniform. From the War of Independence to today's peacekeeping missions around the world, generations of Americans have shown their allegiance by defending our Nation against tyrants and terrorists, protecting our national interests wherever they are threatened, and promoting our values across the globe.

On this first Loyalty Day of the 21st century, all Americans should give thanks that we live in a Nation that inspires such fidelity. And we should remember with pride the loyal patriots who have gone before us, whose character and efforts built America, preserved it in times of peril, and gave life to our founders' dreams.

Recognizing the importance of loyalty to the continued strength of our country and success of our democracy, the Congress, by Public Law 85–529, has designated May 1 of each year as ''Loyalty Day.''

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 1, 2000, as Loyalty Day. I urge all Americans to recall the valor and selflessness of all those who made this Nation worthy of our love and loyalty and to express our own loyalty through appropriate patriotic programs, ceremonies, and activities. I also call upon Government officials to display the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.



[FR Doc. 00–11142
Filed 5–2–00; 8:45 am]
Billing code 3195–01–P

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Federal Register

Vol. 65, No. 86

Wednesday, May 3, 2000

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ENVIRONMENTAL PROTECTION AGENCY

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Fludioxonil; published 5-3-00
- Harpin protein; published 5-3-00
- Pridate; published 5-3-00
- Prohexadione calcium; published 5-3-00

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:
- Texas; published 5-2-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:
- Sponsor name and address changes—
  - Global Pharmaceutical Corp.; published 5-3-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare:
- Supplemental practice expense survey data; submission criteria; published 5-3-00

MERIT SYSTEMS PROTECTION BOARD

Practices and Procedures:
- Agency appealable action notice; published 5-3-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Honeywell; published 4-18-00

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Federal Seed Act:
- Regulations review; comments due by 5-9-00; published 3-10-00

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:
- Ports of entry—
  - Honolulu, HI; limited port of entry designation; Hawaii Animal Import Center closed; comments due by 5-8-00; published 3-9-00

Interstate transportation of animals and animal products (quarantine):
- Tuberculosis in cattle, bison, goats, and captive cervids—
  - State and area classifications; comments due by 5-8-00; published 5-1-00

Viruses, serums, toxins, etc.:
- Autogenous biologics; test summaries, etc.; comments due by 5-8-00; published 3-8-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:
- Findings on petitions, etc.—
  - Smalltooth and largetooth sawfish; comments due by 5-9-00; published 3-10-00

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone—
  - Bering Sea and Aleutian Islands and Gulf of Alaska groundfish; comments due by 5-8-00; published 4-6-00
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  - Scallop; comments due by 5-8-00; published 3-9-00
- Atlantic highly migratory species—
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- West Coast States and Western Pacific fisheries—
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ENERGY DEPARTMENT

Acquisition regulations:
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ENVIRONMENTAL PROTECTION AGENCY

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- Pharmaceuticals production; comments due by 5-10-00; published 4-10-00

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- Alabama; comments due by 5-10-00; published 4-10-00
- Mississippi; comments due by 5-8-00; published 4-7-00
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Air quality implementation plans; approval and promulgation; various States:
- California; comments due by 5-10-00; published 4-10-00
- Georgia; comments due by 5-8-00; published 4-7-00
- Indiana; comments due by 5-11-00; published 4-11-00
- Massachusetts; comments due by 5-11-00; published 4-11-00
- Texas; comments due by 5-8-00; published 4-6-00

Freedom of Information Act; implementation; comments due by 5-12-00; published 4-12-00

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  - National priorities list update; comments due by 5-10-00; published 4-10-00
  - National priorities list update; comments due by 5-10-00; published 4-10-00

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- Financial subsidiaries; comments due by 5-12-00; published 3-20-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

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HOUSING AND URBAN DEVELOPMENT DEPARTMENT

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- New housing goals for 2000—2003 calendar years; comments due by 5-8-00; published 3-9-00

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- Tall Ships Delaware activities, DE; comments due by 5-8-00; published 4-7-00

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TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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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. 1231/P.L. 106–187
To direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery. (Apr. 28, 2000; 114 Stat. 227)

H.R. 2368/P.L. 106–188
Bikini Resettlement and Relocation Act of 2000 (Apr. 28, 2000; 114 Stat. 228)

H.R. 2862/P.L. 106–189

To direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange. (Apr. 28, 2000; 114 Stat. 229)

H.R. 2863/P.L. 106–190

To clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah. (Apr. 28, 2000; 114 Stat. 230)

H.R. 3063/P.L. 106–191

To amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes. (Apr. 28, 2000; 114 Stat. 231)

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