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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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–66–AD; Amendment 39–11780; AD 2000–12–02]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Pratt & Whitney PW4000 Series Turbofan Engines, that currently requires revisions to the Time Limits Section of the manufacturer's Engine Manuals (EM's) to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This action adds additional critical life-limited parts for enhanced inspection. This amendment is prompted by additional focused inspection procedures for other critical life-limited rotating engine parts that have been developed by the manufacturer. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective September 13, 2000.

ADDRESSES: The rulemaking docket may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Peter White, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7128, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding (AD) 99–08–15, Amendment 39–11121 (64 FR 17947), that is applicable to certain Pratt & Whitney series turbofan engine was published in the **Federal Register** on October 7, 1999 (64 FR 54582). The original AD required enhanced inspection of selected critical life-limited rotating components in the fan rotor at each piece-part exposure. This amendment will require additional enhanced inspections of selected critical life-limited rotating components in the HPT rotor at each piece-part exposure.

New Procedures and Parts

Since the issuance of that AD, additional focused inspection procedures for other critical life-limited rotating engine parts have been developed. The new parts are the:

- High Pressure Turbine (HPT) 1st stage airseal—on certain models
- HPT 2nd stage airseal—on certain models
- HPT 1st stage (front) hub
- HPT 2nd stage (rear) hub

This AD will require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures, and will revise the Time Limits Section of the manufacturer's Engine Manual.

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

Length of Comment and Inspection Periods

Two comments express concerns regarding the length of the comment period, and the length of the initial compliance time allowed to incorporate the manufacturer's instructions into an applicant's maintenance plan. One comment asks that the final rule not be issued and the comment period extended until after the manufacturer publishes the new inspection procedures in the manufacturer's manuals. Another comment asks that the initial compliance time be extended from 30 to 90 days to better accommodate the manufacturer's planned manual change schedule.

The FAA does not agree. The FAA believes that the nature and scope of the added inspections will not be significantly different from existing inspections. In addition, the effective date of this AD has been extended to 90 days after publication to allow time for the specific procedures to be published. Operators may submit comments on the specific procedures once they are published and the FAA will consider extending the effective date further or additional rulemaking, as necessary. The extra time until the AD becomes effective should also allow the manufacturer to issue a manual revision. The FAA does not believe, however, that this final rule need be delayed pending the publication of the inspection procedures, or the initial compliance time extended to accommodate the manufacturer's manual revision cycle.

More Than One Engine Model Covered by AD

One comment notes that engine models covered by two different Type Certificates are affected by this AD, and feels that a separate AD should be issued to cover the engine models covered by each Type Certificate. Another comment notes that, to avoid confusion, the tables in proposed paragraph (a) should be divided by engine model. The comment points out that as presently constructed the AD requires information related to different engine models to be incorporated into all manuals. That could cause confusion as information unrelated to a particular engine model would appear in that model's manuals.

The FAA does not agree that products covered by different type certificates must be addressed with separate AD's. The FAA often includes products covered by different type designs in a single AD. When the same unsafe condition exists or is likely to develop on products covered by different type designs, a single AD covering all the affected products works more efficiently than duplicating the same corrective action into multiple AD's. The single AD should place no undue burden on operators, and may actually simplify administrative responsibilities by reducing the number of AD's required to be tracked. This AD applies to engines covered by three Type Certificates.

The FAA does agree, however, that the tables in paragraph (a) should be separated by engine model. Paragraph (a) will be changed to include a provision that only the table that applies to a particular engine model should be incorporated into that engine model's manual. This will eliminate the potential confusion in having information not applicable to that engine in its manual.

HPC Parts Included in the Proposed Rule

Two comments question the need for this AD noting that the lower risk associated with HPC disk failures make the inclusion of HPC parts in the enhanced inspection program unnecessary.

The FAA partially agrees. The failure of an HPC disk with a full webbed bore configuration such as the PW4000 poses a hazard to the aircraft due to the energy associated with these large, heavy, rapidly spinning components. While the risk factors for HPC failures are somewhat lower than those associated with HPT and fan failures, the FAA feels this could be due to several factors, which will need to be evaluated. Until further studies have been completed, the FAA will eliminate the HPC parts from the enhanced inspection program for these engine models. The FAA will continue to review and evaluate the data and will take appropriate action when this review is completed.

Part Numbers Used To Identify Parts To Be Inspected

One comment notes that the use of specific part numbers (P/N's) to identify the parts needing enhanced inspection raises concerns. The comment notes that the use of part numbers places additional undue burden on operators who must keep track of the manual changes to ensure consistency with P/N's, and creates a need for downstream revisions to the AD as additional part number disks are introduced into service.

The FAA concurs. During the process of preparing this rule, the FAA considered utilizing the term ''ALL'' rather than specific part numbers, but not all part numbers associated with a specific part need enhanced inspection. For example, HPT airseals from various engine models may or may not need enhanced inspection, depending on the configuration of the part. Only those parts that are likely to hazard the aircraft by their failure are included in the enhanced inspection program. Therefore, the ''ALL'' terminology could not be used consistently across engine models. However, in response to another comment the FAA is changing the structure of this AD to separate the tables by engine model. With that change each table may use the term ''ALL'' and eliminate the need for specific P/N's.

Discussion Section Changed From Original NPRM

One comment notes that the preamble published with this Notice of Proposed Rulemaking (NRPM) did not include the same guidelines concerning required enhanced inspections as the preamble for the NPRM published for the current AD. The comment asks that the FAA add those guidelines to the final rule.

The FAA does not agree. The inspection program established by the current AD has not been changed. The NPRM proposed to add additional parts to the list of parts that must be inspected, but does not change how air carriers must manage the inspection program. Future AD's may be issued to introduce additional intervention strategies in order to further reduce uncontained engine failures. These may include AD's to add new parts to the list of parts to be inspected. The inspection program established by the current AD will remain unchanged unless specifically changed in a future proposal.

Manual References Should Include Revision Level and Issue Date

Two comments note that the proposed rule does not reference a specific revision level or issue date of the Clean, Inspect and Repair (CIR) manual. The comments express concern that without a specific manual revision referenced operators will not know if the FAA expects compliance with future revisions to the manual, which may be issued without notice and public comment. For that reason, the comments suggest that the manual references in paragraph (a) include a revision level and issue date.

The FAA disagrees. Unlike the typical incorporation by reference, this AD does not require inspections to be accomplished ''in accordance with'' a specific service document or manual. This AD requires changes to the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA), and to air carrier operator's maintenance plans, in order to include mandatory inspections. Once included in the ALS, the enhanced inspections become operational limits that must be followed. The manufacturer will update the sections of their manuals to incorporate the inspections, and those changes, as well as any future changes, will be coordinated with the FAA. It is not the intent of this AD, however, to mandate the use of any specific manual revision, but only to require the accomplishment of an enhanced inspection. If the FAA should find it necessary to mandate compliance with a specific future revision of the manual, then the FAA will undertake a new rulemaking action and provide notice and an opportunity for comment.

Other Corrections

One comment notes that the table in proposed paragraph (a) lists CIR manual 51A357 as the manual to use when inspecting HPT first stage hub, P/N 50L761, while that part is only found in CIR manual 51A750. The FAA agrees, and will make that correction in the final rule.

One comment points out that detail HPT 1st stage disk P/N 51L901 is referenced in the manufacturer's parts catalog, but is not referenced in the corresponding CIR. The FAA agrees. However, the corresponding assembly P/N is called out in the CIR. The ''ALL'' reference now utilized in the AD eliminates any issues arising from the Detail versus Assembly P/N reference issue. In addition, the FAA has added the definition of ''piece-part opportunity'' to (a)(2) to clarify that the disks must be inspected when torn down to either the piece part or part assembly P/N level where the inspection can still be accomplished.

One comment notes that paragraph (e) of the proposed rule contains the phrase ''of this chapter'' following a reference to § 121.369 (c) of the Federal Aviation Regulations [14 CFR 121.369 (c)]. The comment asks that this phrase be deleted in the interest of clarity. The FAA agrees, and will make that correction the final rule.

Engines Affected by the Ruling

One commenter notes the PW4098, PW4090D and PW4090–3 models are not affected by the AD, and questions why they are excluded from the rule. The FAA partially agrees. The PW4098 and PW4090D fan hardware were included in the NPRM, and an explanation for this inclusion is provided in the NPRM. Coincident with the inclusion of this hardware, these two models were included in the Applicability statement. The PW4090–3 engine model was certified at a later date, and was not included in the NPRM. The final rule will be modified to include the PW4090–3 engine model in the Applicability section for completeness, as were the PW4098 and PW4090D.

Economic Analysis

No comments were received on the economic analysis contained in the proposed rules. The FAA has determined that the annual cost of complying with this AD does not create a significant economic impact on small entities.

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

Regulatory Impact

This final rule does not have federalism implications, as defined in Executive Order 13132, because it does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

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, 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 39–11121 (64 FR 17947, April 13, 1999), and by adding a new airworthiness directive, to read as follows:

2000–12–02 Pratt & Whitney: Amendment 39–11780. Docket No. 98–ANE–66–AD. Supersedes AD 99–08–15, Amendment 39–11121.

Applicability: Pratt & Whitney (PW) Model PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, PW4168, PW4168A, PW4164, PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, PW4090–3 and PW4098 turbofan engines, installed on but not limited to Airbus A300, A310, and A330 series, Boeing 747, 767, and 777 series, and McDonnell Douglas MD–11 series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

Inspections

(a) Within the next 30 days after the effective date of this AD, revise the Time Limits Section of the manufacturer's Engine Manual (EM), Part Numbers (P/Ns) 50A605, 50A443, 51A342, 50A822, 51A751, or 51A345, as applicable, for PW Model PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, PW4168, PW4168A, PW4164, PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, PW4090–3 and PW4098 turbofan engines, and for air carrier operations revise the approved mandatory inspections section of the continuous airworthiness maintenance program, to read as follows:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable PW4000 series Engine Cleaning, Inspection, and Repair (CIR) Manuals:

For Engine Manual 50A605 only, insert the following table:

Nomenclature	Part Number	CIR Manual Section	CIR Manual Inspection	CIR Manual
Hub, Front Compressor	ALL	72–31–07	Insp/Check–02	51A357
Hub, Turbine Front (Stage 1)	ALL	72–52–05	Insp/Check–02	51A357
Hub, Turbine Intermediate Rear (Stage 2)	ALL	72–52–06	Insp/Check–02	51A357

For Engine Manual 50A443 only, insert the following table:

Nomenclature	Part Number	CIR Manual Section	CIR Manual Inspection	CIR Manual
Hub, Front Compressor	ALL	72–31–07	Insp/Check–02	51A357
Hub, Turbine Front (Stage 1)	ALL	72–52–05	Insp/Check–02	51A357
Hub, Turbine Intermediate Rear (Stage 2)	ALL	72–52–06	Insp/Check–02	51A357

For Engine Manual 50A822 only, insert the following table:

Nomenclature	Part Number	CIR Manual Section	CIR Manual Inspection	CIR Manual
Hub, Front Compressor	ALL	72–31–07	Insp/Check–02	51A357
Hub, Turbine Front (Stage 1)	ALL	72–52–05	Insp/Check–02	51A357

Nomenclature	Part Number	CIR Manual Section	CIR Manual Inspection	CIR Manual
Hub, Turbine Intermediate Rear (Stage 2)	ALL	72–52–06	Insp/Check–02	51A357

For Engine Manual 51A342 only, insert the following table:

Nomenclature	Part Number	CIR Manual Section	CIR Manual Inspection	CIR Manual
Hub, LPC Assembly	ALL	72–31–07	Insp/Check–02	51A357
Hub, Turbine Front Assembly (1st Stage)	ALL	72–52–05	Insp/Check–02	51A357
Hub, Turbine Rear (Stage 2)	ALL	72–52–06	Insp/Check–02	51A357

For Engine Manual 51A345 only, insert the following table:

Nomenclature	Part Number	CIR Manual Section	CIR Manual Inspection	CIR Manual
Hub, LPC Assembly	ALL	72–31–07	Insp/Check–02	51A370
Seal—Air, HPT, 1st Stage	ALL	72–52–19	Insp/Check–02	51A750
Hub, Turbine Front Assembly (1st Stage)	ALL	72–52–05	Insp/Check–02	51A750
Seal—Air, HPT, 2nd Stage Assembly	ALL	72–52–22	Insp/Check–02	51A750
Hub, Turbine Rear Assembly (2nd Stage)	ALL	72–52–06	Insp/Check–02	51A750

For Engine Manual 51A751 only, insert the following table:

Nomenclature	Part Number	CIR Manual Section	CIR Manual Inspection	CIR Manual
Hub, LPC Assembly	ALL	72–31–07	Insp/Check–02	51A750
Seal—Air, HPT, 1st Stage	ALL	72–52–19	Insp/Check–02	51A750
Hub, Turbine Front Assembly (1st Stage)	ALL	72–52–05	Insp/Check–02	51A750
Seal—Air, HPT, 2nd Stage Assembly	ALL	72–52–22	Insp/Check–02	51A750
Hub, Turbine Rear Assembly (2nd Stage)	ALL	72–52–06	Insp/Check–02	51A750

(2) For the purpose of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when accomplished in accordance with the disassembly instructions in the manufacturer's engine manuals to either the part detail or part assembly level part numbers for the parts listed in the Tables above; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the Time Limits Section of the manufacturer's EM's.

Alternative Method 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 Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector (PMI), who may add comments and then send it to the ECO.

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

Ferry Flights

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

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record keeping requirement of § 121.369(c) of the Federal Aviation Regulations [14 CFR 121.369(c)] must maintain records of the mandatory inspections that result from revising the Time Limits Section of the EM's and the air carrier's continuous airworthiness program. Alternately, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations [14 CFR 121.369(c)]; however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations [14 CFR 121.380(a)(2)(vi)]. All other operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the EM's.

(f) This amendment becomes effective on September 13, 2000.

Issued in Burlington, Massachusetts, on June 5, 2000.

Diane S. Romanosky,

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

[FR Doc. 00–14789 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–64–AD; Amendment 39–11784; AD 2000–12–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A330 and A340 series airplanes, that requires repetitive inspections to check the play of the eye-end of the piston rod of the elevator servo-controls, and follow-on corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct excessive play of the eye-end of the piston rod of the elevator servo-controls, which could result in failure of the elevator servo-control.

DATES: Effective July 20, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 20, 2000.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A330 and A340 series airplanes was published in the **Federal Register** on April 11, 2000 (65 FR 19348). That action proposed to require repetitive inspections to check the play of the eye-end of the piston rod of the elevator servo-controls, and follow-on corrective actions, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

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

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 2 work hours to accomplish the required actions, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this AD would be $120 per airplane, per inspection cycle.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–12–06 Airbus Industrie: Amendment 39–11784. Docket 2000–NM–64–AD.

Applicability: A330 and A340 series airplanes, certificated in any category, equipped with any ''SAMM'' elevator servo-control having any part number SC4800–2 through SC4800–8 inclusive airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct excessive play of the eye-end of the piston rod of the elevator servo-controls, which could result in failure of the elevator servo-control, accomplish the following:

(a) Within 30 months since date of manufacture of the airplane, or within 500 flight hours after the effective date of this AD, whichever occurs later, perform an inspection to check the play of the piston rod eye-ends of the elevator servo-controls, in accordance with Airbus Service Bulletin A330–27–3062 (for Model A330 series airplanes) or A340–27–4072 (for Model A340 series airplanes), both Revision 01, both dated July 21, 1999. Thereafter, repeat the inspection at intervals not to exceed 15 months.

(1) If any play that is 0.0059 inch (0.15 mm) or greater and less than 0.0118 inch (0.30 mm) is detected: Prior to further flight, replace the rod eye-end with a new SARMA or NMB rod eye-end, in accordance with the applicable service bulletin.

(2) If any play that is 0.0118 inch (0.30 mm) or greater is detected: Prior to further flight, perform a dye penetrant inspection to detect cracking of the servo-control, in accordance with the applicable service bulletin.

(i) If no crack is detected: Prior to further flight, replace the rod eye-end with a new SARMA or NMB rod eye-end, in accordance with the applicable service bulletin.

(ii) If any crack is detected: Prior to further flight, replace the servo-control with a new

servo-control, in accordance with the applicable service bulletin.

Note 2: Accomplishment of an inspection in accordance with Airbus Service Bulletin A330–27–3062 (for Model A330 series airplanes) or A340–27–4072 (for Model A340 series airplanes), both dated February 5, 1999; is considered acceptable for compliance with the initial inspection requirements of paragraph (a) of this AD.

Note 3: The Airbus service bulletins reference SAMM Service Bulletin SC4800–27–34–06, dated January 2, 1999, as an additional source of service information for accomplishment of the dye penetrant inspection specified by paragraph (a)(2) of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Service Bulletin A330–27–3062, Revision 01, dated July 21, 1999; or Airbus Service Bulletin A340–27–4072, Revision 01, dated July 21, 1999; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in French airworthiness directives 2000–025–109(B) R1 and 2000–024–135(B) R1, both dated March 8, 2000.

(e) This amendment becomes effective on July 20, 2000.

Issued in Renton, Washington, on June 7, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14882 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–51–AD; Amendment 39–11785; AD 2000–12–07]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, that requires a one-time inspection to detect corrosion and scratches on the bearing housing surfaces of the support assembly on the main landing gear (MLG), and corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent corrosion in the inboard and outboard bearing housings of the MLG support assembly, which could result in fatigue cracks in the support assembly and lead to failure of the MLG.

DATES: Effective July 20, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 20, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes was published in the **Federal Register** on January 5, 2000 (65 FR 395). That action proposed to require a one-time inspection to detect corrosion and scratches on the bearing housing surfaces of the support assembly on the main landing gear, and corrective actions, if necessary.

Consideration of Comments Received

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

Request To Include Optional Repair Procedure to This AD

One commenter, an operator, requests that the optional repair procedure, included in a note in step 2.C.(1)(b)10 of the Accomplishment Instructions of Saab Service Bulletin 340–57–036, dated October 20, 1999, be added to the proposed AD. That procedure specifies certain options for follow-on repair based on the depth and extent of damage after rework. One option would require repair of the main landing gear (MLG) support assembly within 4,000 flight cycles after the inspection. Another option would require reinstalling the bearings for the MLG assembly and continuing to operate the airplane an additional 4,000 flight cycles before the final repair is accomplished. The commenter adds that [without having these options] ''we foresee a serious maintenance-scheduling issue'' due to the large number of Saab Model SAAB 340 series airplanes in its fleet (presently 115).

The FAA concurs with the commenter's request to include in this AD the two options specified in the service bulletin. Although those options were inadvertently omitted in the proposed AD, both options are included in this AD. The FAA has determined that, for damage within certain limits after rework, deferral of the final repair of the MLG support assembly for 4,000 flight cycles will adequately address the identified unsafe condition and is acceptable for the requirements of this AD.

Request To Revise Cost Estimate

One commenter states that ''unless there is a policy to address inspections only and not include preparation, corrective action, and close up costs, the costs are underestimated in the NPRM.'' The service bulletin includes detailed costs for the actions specified, which include access, inspection, corrective actions, close up, and test. The commenter adds that, if operators

accomplish those actions when the MLG's are removed for overhaul or repair, no extra costs are necessary for the removal/reinstallation of shock struts and drag braces. However, if such actions are not accomplished during overhaul or repair of the MLG's, removal/installation will require an additional 8 hours. In addition, the costs will vary according to the damage found.

The FAA does not concur with the commenter's request to revise the cost impact information presented in the proposed AD, which describes only the ''direct'' costs of the specific actions required by this AD. The number of work hours necessary to accomplish the required actions, specified as 2 work hours in the cost impact information, below, was provided to the FAA by the manufacturer based on the best data available to date. That number represents the time necessary to perform only the actions actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. However, the cost analysis in AD rulemaking actions typically does not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. The FAA points out that because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. For these reasons, no change to the final rule is necessary in this regard.

Explanation of Changes Made to This Final Rule

The FAA has made the following changes:

- Revised paragraph (b) and added paragraphs (b)(1) and (b)(2) in the final rule.
- Added a reference to ''paragraph (b)'' in paragraph (c) of the final rule.

Conclusion

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

Cost Impact

The FAA estimates that 291 Model SAAB SF340A and SAAB 340B series airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $34,920, or $120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–12–07 SAAB Aircraft AB: Amendment 39–11785. Docket 99–NM–51–AD.

Applicability: Model SAAB SF340A, serial numbers –004 through –159 inclusive; and SAAB 340B series airplanes, serial numbers –160 through –444 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 corrosion in the inboard and outboard bearing housings of the support assembly of the main landing gear (MLG), which could result in fatigue cracks in the support assembly and lead to failure of the MLG, accomplish the following:

Initial Inspection

(a) At the applicable time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD: Perform a one-time general visual inspection of the eight bearing housing surfaces of the MLG to detect corrosion or scratches, in accordance with Saab Service Bulletin 340–57–036, dated October 20, 1999.

(1) For airplanes with 32,000 or more total flight cycles as of the effective date of this AD, the inspection is to be performed within 4,000 flight cycles after the effective date of this AD.

(2) For airplanes with 24,000 or more and fewer than 32,000 total flight cycles as of the effective date of this AD, the inspection is to be performed within 6,000 flight cycles after the effective date of this AD.

(3) For airplanes with 12,000 or more and fewer than 24,000 total flight cycles as of the effective date of this AD, the inspection is to be performed prior to the accumulation of 24,000 total flight cycles, or within 6,000 flight cycles after the effective date of this AD, whichever occurs later.

(4) For airplanes with fewer than 12,000 total flight cycles as of the effective date of this AD, the inspection is to be performed prior to the accumulation of 12,000 total flight cycles, or within 6,000 flight cycles after the effective date of this AD, whichever occurs later.

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

platforms may be required to gain proximity to the area being checked.''

Corrective Actions

(b) Except as provided by paragraph (c) of this AD: If, during the inspection required by paragraph (a) of this AD, any corrosion or scratch is detected that is within the limits specified in Saab Service Bulletin 340–57–036, dated October 20, 1999, prior to further flight, perform corrective actions (including rework, an eddy current inspection, and repair) in accordance with Steps 2.B. and 2.C. of the Accomplishment Instructions of the service bulletin.

(1) If, after rework, the depth of the damage is less than or equal to 0.15 mm (0.006 inches) AND the damage does not exceed 15 percent of the area, no further action is required by this AD.

(2) If, after rework, the depth of the damage exceeds 0.15 mm (0.006 inches) but is less than or equal to 1.1 mm (0.043 inches), AND the damage does not exceed 30 percent of the area: Within 4,000 flight cycles after accomplishment of the inspection required by paragraph (a), repair the MLG support assembly in accordance with the service bulletin. Following the repair, no further action is required by this AD.

(c) If, during any inspection required by this AD, a discrepancy is detected for which the service bulletin specifies to contact Saab for appropriate action [including any crack or any corrosion or scratch that exceeds 1.1 mm (0.043 in) after applicable rework has been performed as required by paragraph (b) of this AD]: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate; or the Luftfartsverket (LFV) (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM–116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(f) Except as specified by paragraph (c) of this AD, the inspections and corrective actions shall be done in accordance with Saab Service Bulletin 340–57–036, dated October 20, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Swedish airworthiness directive 1–146, dated October 20, 1999.

(g) This amendment becomes effective on July 20, 2000.

Issued in Renton, Washington, on June 7, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–14951 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–56–AD; Amendment 39–11793; AD 2000–12–15]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Falcon 2000, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, Mystere-Falcon 200, and Falcon 10 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Dassault Model Falcon 2000, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, Mystere-Falcon 200, and Falcon 10 series airplanes, that requires repetitive tests and inspections to detect discrepancies of the overwing emergency exit; and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the overwing emergency exits to open, and consequent injury to passengers or crew members during an emergency evacuation.

EFFECTIVE DATE: July 20, 2000.

ADDRESSES: Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Dassault Model Falcon 2000, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, Mystere-Falcon 200, and Falcon 10 series airplanes was published in the **Federal Register** on April 24, 2000 (65 FR 21679). That action proposed to require repetitive tests and inspections to detect discrepancies of the overwing emergency exit; and corrective action, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 767 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $46,020, or $60 per airplane, per inspection cycle.

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

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various

levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–12–15 Dassault Aviation: Amendment 39–11793. Docket 2000–NM–56–AD.

Applicability: All Model Falcon 2000, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, Mystere-Falcon 200, and Falcon 10 series airplanes; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the overwing emergency exits to open, and consequent injury to passengers or crew members during an emergency evacuation, accomplish the following:

Operational Test and Inspection

(a) Within 30 days after the effective date of this AD, perform an operational test and detailed visual inspection of the overwing emergency exit from inside the cabin to detect discrepancies (including separation, tearing, wearing, arcing, cracking) in the areas and components listed in Chapter 5 (ATA Code 52) of the applicable airplane maintenance manual (AMM). Accomplish the actions in accordance with the applicable AMM. If any discrepancy is detected during any test or inspection required by this paragraph, prior to further flight, repair in accordance with Chapter 5 (ATA Code 52) of the applicable AMM. Repeat the operational test and inspection thereafter at intervals not to exceed 13 months.

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.''

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 4: The subject of this AD is addressed in French airworthiness directives 1999–213–025(B), 1999–212–024(B), 1999–211–023(B), and 1999–210–009(B); all dated May 19, 1999.

(d) This amendment becomes effective on July 20, 2000.

Issued in Renton, Washington, on June 9, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–15188 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8883]

RIN 1545–AW53

Guidance Under Section 1032 Relating to the Treatment of a Disposition by an Acquiring Entity of the Stock of a Corporation in a Taxable Transaction; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to Treasury Decision 8883, which was published in the **Federal Register** on Tuesday, May 16, 2000 (65 FR 31073), which provides guidance under section 1032 of the Internal Revenue Code, relating to the treatment of a disposition by an acquiring entity of the stock of a corporation in a taxable transaction.

EFFECTIVE DATE: This correction is effective May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Filiz Serbes at (202) 622–7550 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject to correction are under section 1032 of the Internal Revenue Code.

Need for Correction

As published, Treasury Decision 8883 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8883), which was the subject of FR Doc. 00–11900, is corrected as follows:

§ 1.1032–3 [Corrected]

On page 31076, column 3, § 1.1032–3(c)(1), is corrected to read as follows:

§ 1.1032–3 Disposition of stock or stock options in certain transactions not qualifying under any other nonrecognition provision.

* * * * *

(c) * * *

(1) The acquiring entity acquires stock of the issuing corporation directly or indirectly from the issuing corporation in a transaction in which, but for this section, the basis of the stock of the issuing corporation in the hands of the acquiring entity would be determined, in whole or in part, with respect to the issuing corporation's basis in the issuing corporation's stock under section 362(a) or 723 (provided that, in the case of an indirect acquisition by the acquiring entity, the transfers of issuing corporation stock through intermediate entities occur immediately after one another);

* * * * *

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 00–15036 Filed 6–14–00; 8:45 am]

BILLING CODE 4830–01–U

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in July 2000. Interest assumptions are also published on the PBGC's web site (http://www.pbgc.gov).

EFFECTIVE DATE: July 1, 2000.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022). (See the PBGC's two final rules published March 17, 2000, in the **Federal Register** (at 65 FR 14752 and 14753). Effective May 1, 2000, these rules changed how the interest assumptions are used and where they are set forth in the PBGC's regulations.)

Accordingly, this amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during July 2000, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during July 2000, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during July 2000.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 7.40 percent for the first 25 years following the valuation date and 6.25 percent thereafter. These interest assumptions represent an increase (from those in effect for June 2000) of 0.30 percent for the first 25 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 5.50 percent for the period during which a benefit is in pay status, 4.75 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. These interest assumptions represent an increase (from those in effect for June 2000) of 0.25 percent for the period during which a benefit is in pay status and for the seven-year period directly preceding the benefit's placement in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during July 2000, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. In appendix B to part 4022, Rate Set 81, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
81	7–1–00	8–1–00	5.50	4.75	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 81, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
81	7–1–00	8–1–00	5.50	4.75	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * * * *

For valuation dates occurring in the month—	The values of $_i$ are:					
	i_t	for t=	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
July 2000	.0740	1–25	0625	>25	N/A	N/A

Issued in Washington, DC, on this 8th day of June 2000.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 00–15118 Filed 6–14–00; 8:45 am]

BILLING CODE 7708–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6711–8]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Partial Deletion of Moton Elementary School, including Mugrauer Playground (Operable Unit 4) and Groundwater (Operable Unit 5) of the Agriculture Street Landfill Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces the deletion of Moton Elementary School, including Mugrauer Playground (Operable Unit 4) and Groundwater (Operable Unit 5) of the Agriculture Street Landfill Superfund Site from the National Priorities List (NPL).

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This partial deletion is consistent with the EPA's Notice of Policy Change: Policy Regarding Partial Deletion of Sites

Listed on the National Priorities List, 60 FR 55466 (November 1, 1995). The EPA, in consultation with the State of Louisiana, through the Louisiana Department of Environmental Quality (LDEQ), has determined that the Operable Units pose no significant threat to public health, welfare, or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate. Consequently, pursuant to CERCLA Section 105, and 40 CFR 300.425(e), Moton Elementary School, including Mugrauer Playground (Operable Unit 4) and Groundwater (Operable Unit 5) of the Agriculture Street Landfill Superfund Site are hereby deleted from the NPL.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, CERCLA Section 121(c), 42 U.S.C. 9621(c) requires that a subsequent review of the site be conducted at least every five years after the initiation of the remedial action at the site to ensure that the action remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.

EFFECTIVE DATE: June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Ursula R. Lennox, Remedial Project Manager, EPA (6SF–LP), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6743 or 1–800–533–3508 (Toll Free), or Ms. Janetta Coats, Community Relations Coordinator, EPA (6SF–PO), 1445 Ross Ave., Dallas, Texas 75202–2733, (214) 665–7308 or 1–800–533–3508 (Toll Free).

The Responsiveness Summary responds to comments received during the public comment period on the Notice of Intent for Partial Deletion of Moton Elementary School, including Mugrauer Playground (Operable Unit 4) and Groundwater (Operable Unit 5) of the Agriculture Street Landfill Superfund Site from the National Priorities List. Comprehensive information on the site, including the Responsiveness Summary, is available at the Agriculture Street Landfill Superfund Site information repositories located at:

EPA Region 6, 7th Floor Reception Area, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733, (214) 665–6548, Mon.–Fri. 8 a.m. to 4 p.m.

Louisiana Department of Environmental Quality, Inactive and Abandoned Sites Division, 7290 Bluebonnet Road, Baton Rouge, Louisiana 70809, (504) 765–0487, Mon.–Fri. 8 a.m. to 4 p.m.

Agriculture Street Landfill Site, Community Outreach Office, 3221 Press Street, New Orleans, Louisiana 70126, (504) 944–6445, Mon. 12 noon to 6 p.m., Tues., Thurs., and Fri. 3 p.m. to 6 p.m., Wed. 10 a.m. to 3 p.m.

Requests for copies of documents should be directed in writing to EPA's Freedom of Information Officer, Ms. Jerva Durham, EPA (6MD–II), 1445 Ross Avenue, Dallas, Texas 75202–2733.

SUPPLEMENTARY INFORMATION: A Notice of Intent for Partial Deletion was published in the **Federal Register** on February 7, 2000 (65 FR 5844–5847).

The closing date for comment on the Notice of Intent for Partial Deletion was March 17, 2000. The EPA received one comment opposing the partial deletion and two comments in favor of the partial deletion.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Section 300.425(e)(3) of the NCP, 40 CFR 300.425(e)(3), states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: May 24, 2000.

Lynda F. Carroll,

Acting Regional Administrator, Environmental Protection Agency, Region 6.

For the reasons set out in this document, 40 CFR part 300, is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by revising the entry for ''Agriculture Street Landfill'', New Orleans, Louisiana to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes(a)
* * *	* * *	* * *	*
LA	Agriculture Street Landfill	New Orleans	P
* * *	* * *	* * *	*

(a) * * *
* * * * *
P = Sites with partial deletion(s).

[FR Doc. 00–14771 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1150

RIN 3135–AA01

Collection of Claims

AGENCY: National Endowment for the Arts.

ACTION: Interim rule with request for comments.

SUMMARY: The National Endowment for the Arts (Endowment) is issuing interim regulations governing the collection of debts owed to it and other Federal agencies. These regulations describe actions that the Endowment may take to collect such debts. These regulations also provide that the Endowment will enter into a cross-servicing agreement with the U.S. Department of the Treasury (Treasury) under which the Treasury will take authorized action to collect amounts owed to the Endowment. The Endowment requests comments on these regulations.

DATES: These regulations are effective on June 15, 2000. Written comments on these regulations must be received by July 17, 2000.

ADDRESSES: Interested persons should submit written comments concerning these regulations to Hope O'Keeffe; Acting General Counsel; National Endowment for the Arts; 1100 Pennsylvania Avenue, N.W.; Washington, DC 20506. Written comments may also be sent to Ms. O'Keeffe by telefax at (202) 682–5572 or by electronic mail at okeeffeh@arts.endow.gov.

FOR FURTHER INFORMATION CONTACT: Hope O'Keeffe, (202) 682–5418.

SUPPLEMENTARY INFORMATION: Under these regulations, the Endowment may collect debts owed to it through a number of actions, including the following: making offsets against amounts, including salary payments, owed to the debtor by the Endowment or other Federal agencies; making offsets against tax refunds owed to the debtor by the Internal Revenue Service (IRS); referring the debt to a private collection contractor; and referring the matter to the U.S. Department of Justice (DOJ) for initiation of a judicial proceeding against the debtor. In addition, these regulations describe the actions necessary for the Endowment to take collection actions on behalf of another Federal agency. These actions could include making offsets against the salary of an Endowment employee or any other amounts owed by the Endowment to the debtor. These regulations also provide that the Endowment will enter into a cross-servicing agreement with the Treasury to take all of the above-listed actions to collect debts for the Endowment.

These regulations implement the requirements of the Federal Claims Collection Act of 1966 (Public Law 89–508, 80 Stat. 308) as amended by the Debt Collection Act of 1982 (Public Law 97–365, 96 Stat. 1749) and the Debt Collection Improvement Act of 1996 (Public Law 104–134, 110 Stat. 1321). These regulations are issued in conformity with the Federal Claims Collection Standards (4 CFR Chapter II). Revised Federal Claims Collection Standards have been proposed jointly by the DOJ and the Treasury. The Endowment will amend these regulations, as necessary, after the revised Federal Claims Collection Standards have been issued as final regulations. The regulations in this part are also issued in conformity with the guidelines of the Office of Personnel Management (OPM) on offsets against Federal employee salaries (5 CFR part 550, subpart K).

Effective Date and Request for Comments

The Endowment has determined that these interim regulations pertain to agency practice and procedure and are interpretative in nature. The procedures contained in these regulations for salary offset, tax refund offset, and administrative offset are mandated by law and by regulations promulgated by OPM, the IRS, and jointly by the DOJ and the Treasury. Therefore, under 5 U.S.C. 553 (b)–(d), these regulations are not subject to the Administrative Procedure Act (APA) and the requirements of the APA for a notice and comment period and a delayed effective date. Nonetheless, the Endowment requests comments on these regulations from the public and will take all comments into consideration before promulgating the final regulations.

Regulatory Impact

Executive Order 12866, Regulatory Planning and Review

These interim regulations are not classified as a significant rule under Executive Order 12866 because they will not result in (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State, or local government agencies; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. Accordingly, no regulatory impact assessment is required, and these regulations have not been submitted to the Office of Management and Budget (OMB) for review.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency certifies, under 5 U.S.C. 605(b), that the regulation will not have a significant economic impact on a substantial number of small entities. The Endowment has considered the impact of these interim regulations under the Regulatory Flexibility Act and certifies that these interim regulations are not likely to have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Endowment certifies that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*).

Unfunded Mandates Reform Act of 1995

Assessment statements in accordance with the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) are not required for regulations that incorporate requirements specifically set forth in law. As explained in the preamble, these regulations implement specific statutory requirements. In addition, these regulations do not include a Federal mandate that may result in the expenditure by the private sector or by State, local, and tribal governments (in the aggregate) of $100 million or more in any one year. Therefore, a statement under 2 U.S.C. 1532 is not required.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), the Endowment submitted a report containing these interim regulations and other required information to the U.S. Senate, the U.S. House of

Representatives, and the Comptroller General of the United States before publication of these regulations in today's **Federal Register**. These regulations are not a ''major rule'' as defined at 5 U.S.C. 804(2).

List of Subjects in 45 CFR part 1150

Administrative practice and procedure, Claims, Debt collection, Government employees, Grants administration, Income taxes, Penalties, Wages.

For the reasons set out in this preamble, the Endowment amends Title 45, Code of Federal Regulations, chapter X by revising part 1150 to read as follows:

PART 1150—COLLECTION OF CLAIMS

Subpart A—General Provisions

Sec.
1150.1 What definitions apply to the regulations in this part?
1150.2 What is the Endowment's authority to issue these regulations?
1150.3 What other regulations also apply to the Endowment's debt collection efforts?
1150.4 What types of claims are excluded from these regulations?
1150.5 What notice will I be provided if I owe a debt to the Endowment?
1150.6 What opportunity do I have to obtain a review of my debt within the Endowment?
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Authority: 31 U.S.C. 3711, 3716–3718, 3720A; 5 U.S.C. 5514

Subpart A—General Provisions

§ 1150.1 What definitions apply to the regulations in this part?

As used in this part:

(a) *Administrative offset* means the withholding of funds payable by the United States (including funds payable by the United States on behalf of a State government) to any person, or the withholding of funds held by the United States for any person, in order to satisfy a debt owed to the United States.

(b) *Agency* means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of government, including a government corporation.

(c) *Chairperson* means the Chairperson of the Endowment, or his or her designee.

(d) *Creditor agency* means the agency to which the debt is owed.

(e) *Day* means calendar day. To count days, include the last day of the period unless it is a Saturday, a Sunday, or a Federal legal holiday.

(f) *Debt* and *claim* are deemed synonymous and interchangeable. These terms mean money owed by a person to the United States for any reason, including loans made or guaranteed by the United States, fees, leases, rents, royalties, services, sales of real or personal property, overpayments, damages, interests, penalties, fines, forfeitures, and all other similar sources. For the purpose of administrative offset under 31 U.S.C. 3716 and subpart D of these regulations, the terms debt and claim also include money or property owed by a person to a State, the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Marina Islands, or the Commonwealth of Puerto Rico.

(g) *Debtor* means a person who owes a debt. Uses of the terms ''I,'' ''you,'' ''me,'' and similar references to the reader of the regulations in this part are meant to apply to debtors as defined in this paragraph (g).

(h) *Delinquent debt* means a debt that has not been paid within the time limit prescribed by the Endowment.

(i) *Disposable pay* means the part of an employee's pay that remains after deductions that are required to be withheld by law have been made.

(j) *Employee* means a current employee of an agency, including a current member of the Armed Forces or Reserve of the Armed Forces of the United States.

(k) *Endowment* means the National Endowment for the Arts.

(l) *Federal Claims Collection Standards* means the standards currently published at 4 CFR Chapter II. The DOJ and the Treasury have proposed a revision that would move the Federal Claims Collection Standards to 31 CFR parts 900–904. The Endowment will amend these regulations, as necessary, after the revised Federal Claims Collection Standards have been issued as final regulations.

(m) *Paying agency* means the agency that employs the individual who owes a debt to the United States. In some cases, the Endowment may be both the creditor agency and the paying agency.

(n) *Payroll office* means the office in the paying agency that is primarily responsible for payroll records and the coordination of pay matters with the appropriate personnel office.

(o) *Person* includes a natural person or persons, profit or non-profit corporation, partnership, association, trust, estate, consortium, state or local government, or other entity that is capable of owing a debt to the United

States; however, agencies of the United States are excluded.

(p) *Private collection contractor* means a private debt collector under contract with an agency to collect a non-tax debt owed to the United States.

(q) *Salary offset* means a payroll procedure to collect a debt under 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee, without his or her consent.

(r) *Tax refund offset* means the reduction of a tax refund by the amount of a past-due legally enforceable debt owed to the Endowment or any other Federal agency.

§ 1150.2 What is the Endowment's authority to issue these regulations?

The Endowment is issuing the regulations in this part under 31 U.S.C. 3711, 3716–3718, and 3720A. These sections reflect the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996. The Endowment is also issuing the regulations in this part in conformity with the Federal Claims Collection Standards, which prescribe standards for the handling of the Federal government's claims for money or property. The Endowment is further issuing the regulations in this part in conformity with 5 U.S.C. 5514 and the salary offset regulations published by the OPM at 5 CFR part 550, subpart K.

§ 1150.3 What other regulations also apply to the Endowment's debt collection efforts?

All provisions of the Federal Claims Collection Standards also apply to the regulations in this part. This part supplements the Federal Claims Collection Standards by prescribing procedures and directives necessary and appropriate for operations of the Endowment.

§ 1150.4 What types of claims are excluded from these regulations?

(a) The regulations in this part do not apply to any claim as to which there is an indication of fraud or misrepresentation, as described in the Federal Claims Collection Standards, unless returned to the Endowment by the DOJ for handling.

(b) The regulations in this subpart, subpart B, and subpart D do not apply to debts arising under the Internal Revenue Code of 1986, as amended (26 U.S.C. 1 *et seq.*); the Social Security Act (42 U.S.C. 301 *et seq.*); and the tariff laws of the United States.

(c) Remedies and procedures described in this part may be authorized with respect to claims that are exempt from the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, to the extent that they are authorized under some other statute or the common law.

§ 1150.5 What notice will I be provided if I owe a debt to the Endowment?

(a) When the Chairperson determines that you owe a debt to the Endowment, he or she will send you a written notice (Notice). The Notice will be hand-delivered or sent to you by certified mail, return receipt requested at the most current address known to the Endowment. The Notice will inform you of the following:

(1) The amount, nature, and basis of the debt;

(2) That a designated Endowment official has reviewed the claim and determined that it is valid;

(3) That payment of the debt is due as of the date of the Notice, and that the debt will be considered delinquent if you do not pay it within 30 days of the date of the Notice;

(4) The Endowment's policy concerning interest, penalty charges, and administrative costs (see § 1150.7), including a statement that such assessments must be made against you unless excused in accordance with the Federal Claims Collection Standards and this part;

(5) That you have the right to inspect and copy Endowment records pertaining to your debt, or to receive copies of those records if personal inspection is impractical;

(6) That you have the opportunity to enter into an agreement, in writing and signed by both you and the Chairperson, for voluntary repayment of the debt (see § 1150.9); and

(7) The address, telephone number, and name of the Endowment official available to discuss the debt.

(b) Notice of possible collection actions. The Notice provided by the Chairperson under paragraph (a) of this section will also advise you that, if your debt (including any interest, penalty charges, and administrative costs) is not paid within 60 days of the date of the Notice, or you do not enter into a voluntary repayment agreement within 60 days of the date of the Notice, then the Endowment may enforce collection of the debt by any or all of the following methods:

(1) By referral to a credit reporting agency (see § 1150.12), a collection agency (see § 1150.13), or the DOJ (see § 1150.14);

(2) By transferring any debt delinquent for more than 180 days to the Treasury for collection under a cross-servicing agreement with the Treasury (see § 1150.15);

(3) If you are an Endowment employee, by deducting money from your disposable pay account (in the amount and with the frequency, approximate beginning date, and duration specified by the Endowment) until the debt (and all accumulated interest, penalty charges, and administrative costs) is paid in full (see subpart B). Such proceedings are governed by 5 U.S.C. 5514;

(4) If you are an employee of a Federal agency other than the Endowment, by initiating certification procedures to implement a salary offset by that Federal agency (see subpart B). Such proceedings are governed by 5 U.S.C. 5514;

(5) By referring the debt to the Treasury for offset against any refund of overpayment of tax (see subpart C);

(6) By administrative offset (see subpart D); or

(7) By liquidation of security or collateral. When the Endowment holds security or collateral that may be liquidated and the proceeds applied to your debt through the exercise of a power of sale in the security instrument or a nonjudicial foreclosure, such procedures may be followed unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure.

(c) Notice of opportunity for review. The Notice provided by the Chairperson under paragraph (a) of this section will also advise you of the opportunity to obtain a review within the Endowment concerning the existence or amount of the debt, the proposed schedule for offset of Federal employee salary payments, or whether the debt is past due or legally enforceable. The Notice shall also advise you of the following:

(1) The name, address, and telephone number of an officer or employee of the Endowment whom you may contact concerning procedures for requesting a review;

(2) The method and time period for requesting a review;

(3) That the filing of a request for a review on or before the 60th day following the date of the Notice will stay the commencement of collection proceedings;

(4) The name and address of the officer or employee of the Endowment to whom you should send the request for a review;

(5) That a final decision on the review (if one is requested) will be issued at the earliest practical date, but not later than 60 days after the receipt of the request for a review, unless you request, and the review official grants, a delay in the proceedings;

(6) That any knowingly false or frivolous statements, representations, or evidence may subject you to:

(i) Disciplinary procedures appropriate under 5 U.S.C. Chapter 75, 5 CFR part 752, or any other applicable statute or regulations;

(ii) Penalties under the False Claims Act (31 U.S.C. 3729–3733) or any other applicable statutory authority; and

(iii) Criminal penalties under 18 U.S.C. 286, 287, 1001, and 1002, or any other applicable statutory authority;

(7) Any other rights available to you to dispute the validity of the debt or to have recovery of the debt waived, or remedies available to you under statutes or regulations governing the program for which the collection is being made; and

(8) That unless there are applicable contractual or statutory provisions to the contrary, amounts paid on or deducted for the debt that are later waived or found not owed will be promptly refunded to you.

(d) The Endowment will respond promptly to communications from you.

§ 1150.6 What opportunity do I have to obtain a review of my debt within the Endowment?

(a) *Request for review.* If you desire a review within the Endowment concerning the existence or amount of your debt, the proposed schedule for offset of Federal employee salary payments, or whether the debt is past due or legally enforceable, you must send such a request to the officer or employee of the Endowment designated in the Notice (see § 1150.5(c)(4)).

(1) Your request for review must carry your signature and fully identify and explain with reasonable specificity all the facts and evidence that support your position. Your request for review should be accompanied by available evidence to support your contentions.

(2) Your request for review must be received by the designated officer or employee of the Endowment on or before the 60th day following the date of the Notice. Timely filing will stay the commencement of collection procedures. If you file a request for a review after the 60-day period provided for in this section, the Endowment will accept the request if you can show that the delay was the result of circumstances beyond your control or because you did not receive notice of the filing deadline (unless you had actual notice of the filing deadline).

(b) *Inspection of Endowment records related to the debt.* (1) In accordance with § 1150.5, if you want to inspect or copy Endowment records related to the debt, you must send a letter to the Endowment official designated in the Notice stating your intention. Your letter must be received within 30 days of the date of the Notice.

(2) In response to the timely request described in paragraph (b)(1) of this section, the designated Endowment official will notify you of the location and time when you may inspect and copy records related to the debt.

(3) If personal inspection of Endowment records related to the debt is impractical, reasonable arrangements will be made to send you copies of those records.

(c) *Review official.* The Chairperson shall designate an officer or employee of the Endowment (who was not involved in the determination of the debt) as the review official. When required by law or regulation, the Endowment may request an administrative law judge to conduct the review, or may obtain a review official who is an official, employee, or agent of the United States, but who is not under the supervision or control of the Chairperson. However, unless the review is conducted by an official or employee of the Endowment, any unresolved dispute you have regarding whether all or part of the debt is past due or legally enforceable (for purposes of collection by tax refund offset under § 1150.31) must be referred to the Chairperson for ultimate administrative disposition, and the Chairperson must notify you of his or her determination.

(d) *Review procedure.* After you request a review, the review official will notify you of the form of the review to be provided. The review official shall determine whether an oral hearing is required, or if a review of the written record is sufficient, in accordance with the Federal Claims Collection Standards. In either case, the review official shall conduct the review in accordance with the Federal Claims Collection Standards. If the review will include an oral hearing, the notice sent to you by the review official will set forth the date, time, and location of the hearing.

(e) *Date of decision.* The review official will issue a written decision, based upon either the written record or documentary evidence and information developed at an oral hearing, as soon as practical, but not later than 60 days after the date on which the Endowment received your request for a review, unless you request, and the review official grants, a delay in the proceedings.

(f) *Content of review decision.* The review official will prepare a written decision that includes:

(1) A statement of the facts presented to support the origin, nature, and amount of the debt;

(2) The review official's findings, analysis, and conclusions; and

(3) The terms of any repayment schedule, if applicable.

(g) *Interest, penalty charge, and administrative cost accrual during review period.* Interest, penalty charges, and administrative costs authorized by law will continue to accrue during the review period.

§ 1150.7 What interest, penalty charges, and administrative costs will I have to pay on a debt owed to the Endowment?

(a) *Interest.* (1) The Endowment will assess interest on all delinquent debts unless prohibited by statute, regulation, or contract.

(2) Interest begins to accrue on all debts from the date that the debt becomes delinquent. The Endowment will not recover interest if you pay the debt within 30 days of the date on which interest begins to accrue. The Endowment shall assess interest at the rate established annually by the Secretary of the Treasury under 31 U.S.C. 3717, unless a different rate is either necessary to protect the interests of the Endowment or established by a contract, repayment agreement, or statute. The Endowment will notify you of the basis for its finding when a different rate is necessary to protect the interests of the Endowment.

(3) The Chairperson may extend the 30-day period for payment without interest where he or she determines that such action is in the best interest of the Endowment. A decision to extend or not to extend the payment period is final and is not subject to further review.

(b) *Penalty.* The Endowment will assess a penalty charge, not to exceed 6 percent a year, on any portion of a debt that is delinquent for more than 90 days.

(c) *Administrative costs.* The Endowment will assess charges to cover administrative costs incurred as a result of your failure to pay a debt before it becomes delinquent. Administrative costs include the additional costs incurred in processing and handling the debt because it became delinquent, such as costs incurred in obtaining a credit report or in using a private collection contractor, or service fees charged by a Federal agency for collection activities undertaken on behalf of the Endowment.

(d) *Allocation of payments.* A partial or installment payment by a debtor will be applied first to outstanding penalty assessments, second to administrative costs, third to accrued interest, and fourth to the outstanding debt principal.

(e) *Additional authority.* The Endowment may assess interest, penalty charges, and administrative costs on

debts that are not subject to 31 U.S.C. 3717 to the extent authorized under common law or other applicable statutory authority.

(f) *Waiver.* (1) The Chairperson may (without regard to the amount of the debt) waive collection of all or part of accrued interest, penalty charges, or administrative costs, if he or she determines that collection of these charges would be against equity and good conscience or not in the best interest of the Endowment.

(2) A decision to waive interest, penalty charges, or administrative costs may be made at any time before a debt is paid. However, where these charges have been collected before the waiver decision, they will not be refunded. The Chairperson's decision to waive or not waive collection of these charges is final and is not subject to further review.

§ 1150.8 Will failure to pay my debt affect my eligibility for Endowment programs?

In the event that you fail to pay your debt to the Endowment within a reasonable period of time after the date of the Notice of debt, the General Counsel of the Endowment shall place your name on the Endowment's list of debarred, suspended, and ineligible contractors, grantees, and other participants in programs sponsored by the Endowment. You will be advised of this action.

§ 1150.9 How can I resolve the Endowment's claim through a voluntary repayment agreement?

In response to a Notice of debt, you may propose to the Endowment that you be allowed to repay the debt through a voluntary repayment agreement in lieu of the Endowment taking other collection actions under this part.

(a) Your request to enter into a voluntary repayment agreement must:

(1) Be in writing;

(2) Admit the existence of the debt; and

(3) Either propose payment of the debt (together with interest, penalty charges, and administrative costs) in a lump sum, or set forth a proposed repayment schedule.

(b) The Endowment will collect claims in full or one lump sum whenever feasible. However, if you are unable to pay your debt in one lump sum, the Endowment may accept payment in regular installments that bear a reasonable relationship to the size of the debt and your ability to pay.

(c) The Endowment will consider a request to enter into a voluntary repayment agreement in accordance with the Federal Claims Collection Standards. The Chairperson may request additional information from you, including financial statements if you request to make payments in installments, in order to make a determination of whether to accept a voluntary repayment agreement. It is within the Chairperson's discretion to accept a repayment agreement instead of proceeding with other collection actions under this part, and to set the necessary terms of any voluntary repayment agreement. No repayment agreement will be binding on the Endowment unless it is in writing and signed by both you and the Chairperson. At the Endowment's option, you may be required to enter into a confess-judgment note or bond of indemnity with surety as part of an agreement to make payments in installments. Notwithstanding the provisions of this section, any reduction or compromise of a claim will be governed by 31 U.S.C. 3711.

§ 1150.10 What is the extent of the Chairperson's authority to compromise debts owed to the Endowment, or to suspend or terminate collection action on such debts?

(a) The Chairperson may exercise his or her authority to compromise, or to suspend or terminate collection action on, those debts owed to the Endowment and not exceeding $100,000, excluding interest, in conformity with the Federal Claims Collection Act of 1966, as amended; the Federal Claims Collection Standards issued thereunder; and this part, except where standards are established by other statutes or authorized regulations issued pursuant to them.

(b) The portion of a debt owed to the Endowment that is unrecovered as the result of a compromise shall be reported to the Internal Revenue Service (IRS) as income to the debtor.

§ 1150.11 How does subdividing or joining debts owed to the Endowment affect the Chairperson's compromise, suspension, or termination authority?

A debtor's liability arising from a particular transaction or contract will be considered as a single claim in determining whether the claim is one of not more than $100,000, excluding interest, for the purpose of compromise or suspension or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Federal Claims Collection Act of 1966, as amended. Joining two or more claims in a demand upon a debtor for payment of more than $100,000 does not preclude compromise or suspension or termination of collection action with regard to any one claim not exceeding $100,000, excluding interest.

§ 1150.12 How will the Endowment use credit reporting agencies to collect its claims?

(a) The Endowment may report delinquent debts to appropriate credit reporting agencies by providing the following information:

(1) A statement that the debt is valid and overdue;

(2) The name, address, taxpayer identification number, and any other information necessary to establish the identity of the debtor;

(3) The amount, status, and history of the debt; and

(4) The program or pertinent activity under which the debt arose.

(b) Before disclosing debt information to a credit reporting agency, the Endowment will:

(1) Take reasonable action to locate the debtor if a current address is not available;

(2) Provide the notice required under § 1150.5 if a current address is available; and

(3) Obtain satisfactory assurances from the credit reporting agency that it complies with the Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*) and other Federal laws governing the provision of credit information.

(c) At the time debt information is submitted to a credit reporting agency, the Endowment will provide a written statement to the reporting agency that all required actions have been taken. In addition, the Endowment will, thereafter, ensure that the credit reporting agency is promptly informed of any substantive change in the conditions or amount of the debt, and promptly verify or correct information relevant to the debt.

(d) If a debtor disputes the validity of the debt, the credit reporting agency will refer the matter to the appropriate Endowment official. The credit reporting agency will exclude the debt from its reports until the Endowment certifies in writing that the debt is valid.

(e) The Endowment may disclose to a commercial credit bureau information concerning a commercial debt, including the following:

(1) Information necessary to establish the name, address, and employer identification number of the commercial debtor;

(2) The amount, status, and history of the debt; and

(3) The program or pertinent activity under which the debt arose.

§ 1150.13 How will the Endowment contract for collection services?

The Endowment will use the services of a private collection contractor where it determines that such use is in the best interest of the Endowment. When the Endowment determines that there is a need to contract for collection services, it will:

(a) Retain sole authority to:

(1) Resolve any dispute with the debtor regarding the validity of the debt;

(2) Compromise the debt;

(3) Suspend or terminate collection action;

(4) Refer the debt to the DOJ for litigation; and

(5) Take any other action under this part which does not result in full collection of the debt;

(b) Require the contractor to comply with the Privacy Act of 1974, as amended, to the extent specified in 5 U.S.C. 552a(m); with the Fair Debt Collection Practices Act (15 U.S.C. 1692–1692o) and other applicable Federal and State laws pertaining to debt collection practices; and with the applicable regulations of the Endowment in this chapter;

(c) Require the contractor to account accurately and fully for all amounts collected; and

(d) Require the contractor to provide to the Endowment, upon request, all data and reports contained in its files related to its collection actions on a debt.

§ 1150.14 When will the Endowment refer claims to the DOJ?

The Chairperson will refer to the DOJ for litigation claims on which aggressive collection actions have been taken but which could not be collected, compromised, suspended, or terminated. Referrals will be made as early as possible, consistent with aggressive Endowment collection action, and within the period for bringing a timely suit against the debtor.

§ 1150.15 Will the Endowment use a cross-servicing agreement with the Treasury to collect its claims?

(a) The Endowment will enter into a cross-servicing agreement that authorizes the Treasury to take the collection actions described in this part on behalf of the Endowment. These debt collection services will be provided to the Endowment in accordance with 31 U.S.C. Chapter 37.

(b) The Endowment shall transfer to the Treasury any past due, legally enforceable, non-tax debt that has been delinquent for a period of 180 days or more so that the Secretary of the Treasury may take appropriate action in accordance with 31 U.S.C. 3716, 5 U.S.C. 5514, the Federal Claims Collection Standards, 5 CFR 550.1108, and 31 CFR part 285. The categories of debts described in 31 U.S.C. 3711(g)(2) are excluded from transfer under this paragraph (b).

§ 1150.16 May I use the Endowment's failure to comply with these regulations as a defense?

No. The failure of the Endowment to comply with any standard prescribed in the Federal Claims Collection Standards or these regulations shall not be available to any debtor as a defense.

Subpart B—Salary Offset

§ 1150.20 What debts are included or excluded from coverage of these regulations on salary offset?

(a) The regulations in this subpart provide Endowment procedures for the collection by salary offset of a Federal employee's pay to satisfy certain debts owed to the Endowment or to other Federal agencies.

(b) The regulations in this subpart do not apply to any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute.

(c) Nothing in the regulations in this subpart precludes the compromise, suspension, or termination of collection actions under the Federal Claims Collection Act of 1966, as amended, or the Federal Claims Collection Standards.

(d) A levy pursuant to the Internal Revenue Code takes precedence over a salary offset under this subpart, as provided in 5 U.S.C. 5514(d).

(e) This subpart does not apply to any adjustment to pay arising out of your election of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four or fewer pay periods.

§ 1150.21 May I ask the Endowment to waive an overpayment that otherwise would be collected by offsetting my salary as a Federal employee?

Yes. The regulations in this subpart do not preclude you from requesting waiver of an overpayment under 5 U.S.C. 5584 or 8346(b), 10 U.S.C. 2774, 32 U.S.C. 716, or other statutory provisions pertaining to the particular debts being collected.

§ 1150.22 What are the Endowment's procedures for salary offset?

(a) The Endowment will coordinate salary deductions under this subpart as appropriate.

(b) If you are an Endowment employee, the Endowment's payroll office will determine the amount of your disposable pay and will implement the salary offset.

(c) Deductions will begin within three official pay periods following receipt by the Endowment's payroll office of certification of debt from the creditor agency.

(d) Types of collection.

(1) *Lump-sum offset.* If the amount of the debt is equal to or less than 15 percent of disposable pay, the debt generally will be collected through one lump-sum offset.

(2) *Installment deductions.* Installment deductions will be made over a period not greater than the anticipated period of employment. The size and frequency of installment deductions will bear a reasonable relation to the size of the debt and your ability to pay. However, the amount deducted from any period will not exceed 15 percent of the disposable pay from which the deduction is made unless you have agreed in writing to the deduction of a greater amount. If possible, installment payments will be sufficient in size and frequency to liquidate the debt in three years or less.

(3) *Deductions from final check.* A deduction exceeding the 15 percent of disposable pay limitation may be made from any final salary payment under 31 U.S.C. 3716 and the Federal Claims Collection Standards, in order to liquidate the debt, whether the employee is being separated voluntarily or involuntarily.

(4) *Deductions from other sources.* If an employee subject to salary offset is separated from the Endowment, and the balance of the debt cannot be liquidated by offset of the final salary check, then the Endowment may offset later payments of any kind against the balance of the debt, as allowed by 31 U.S.C. 3716 and the Federal Claims Collection Standards.

(e) Multiple debts. In instances where two or more creditor agencies are seeking salary offsets, or where two or more debts are owed to a single creditor agency, the Endowment's payroll office may, at its discretion, determine whether one or more debts should be offset simultaneously within the 15 percent limitation.

§ 1150.23 How will the Endowment coordinate salary offsets with other agencies?

(a) *Responsibilities of the Endowment as the creditor agency.* Upon completion of the procedures established in this subpart and pursuant to 5 U.S.C. 5514,

the Endowment must submit a claim to a paying agency.

(1) In its claim, the Endowment must certify, in writing, the following:

(i) That the employee owes the debt;

(ii) The amount and basis of the debt;

(iii) The date the Endowment's right to collect the debt first accrued; and

(iv) That the Endowment's regulations in this subpart have been approved by OPM under 5 CFR part 550, subpart K.

(2) If the collection must be made in installments, the Endowment's claim will also advise the paying agency of the amount or percentage of disposable pay to be collected in each installment. The Endowment may also advise the paying agency of the number of installments to be collected and the date of the first installment, if that date is other than the next officially established pay period.

(3) The Endowment shall also include in its claim:

(i) The employee's written consent to the salary offset;

(ii) The employee's signed statement acknowledging receipt of the procedures required by 5 U.S.C. 5514; or

(iii) Information regarding the completion of procedures required by 5 U.S.C. 5514, including the actions taken and the dates of those actions.

(4) If the employee is in the process of separating and has not received a final salary check or other final payment(s) from the paying agency, the Endowment must submit its claim to the paying agency for collection under 31 U.S.C. 3716. The paying agency will (under its regulations adopted under 5 U.S.C. 5514 and 5 CFR part 550, subpart K), certify the total amount of its collection on the debt and notify the employee and the Endowment. If the paying agency's collection does not fully satisfy the debt, and the paying agency is aware that the debtor is entitled to payments from the Civil Service Retirement and Disability Fund or other similar payments that may be due the debtor employee from other Federal government sources, then (under its regulations adopted under 5 U.S.C. 5514 and 5 CFR part 550, subpart K), the paying agency will provide written notice of the outstanding debt to the agency responsible for making the other payments to the debtor employee. The written notice will state that the employee owes a debt, the amount of the debt, and that the provisions of this section have been fully complied with. However, the Endowment must submit a properly certified claim under this paragraph (a)(4) to the agency responsible for making the payments before the collection can be made.

(5) Separated employee. If the employee is already separated and all payments due from his or her former paying agency have been paid, the Endowment may request, unless otherwise prohibited, that money due and payable to the employee from the Civil Service Retirement and Disability Fund or other similar funds be administratively offset to collect the debt.

(6) Employee transfer. When an employee transfers from one paying agency to another paying agency, the Endowment will not repeat the due process procedures described in 5 U.S.C. 5514 and this subpart to resume the collection. The Endowment will submit a properly certified claim to the new paying agency and will subsequently review the debt to ensure that the collection is resumed by the new paying agency.

(b) *Responsibilities of the Endowment as the paying agency.* (1) Complete claim. When the Endowment receives a certified claim from a creditor agency (under the creditor agency's regulations adopted under 5 U.S.C. 5514 and 5 CFR part 550, subpart K), deductions should be scheduled to begin within three officially established pay intervals. Before deductions can begin, the employee will receive a written notice from the Endowment including:

(i) A statement that the Endowment has received a certified claim from the creditor agency;

(ii) The amount of the claim;

(iii) The date salary offset deductions will begin; and

(iv) The amount of such deductions.

(2) Incomplete claim. When the Endowment receives an incomplete certification of debt from a creditor agency, the Endowment will return the claim with a notice that the creditor agency must comply with the procedures required under 5 U.S.C. 5514 and 5 CFR part 550, subpart K, and must properly certify a claim to the Endowment before the Endowment will take action to collect from the employee's current pay account.

(3) The Endowment is not authorized to review the merits of the creditor agency's determination with respect to the amount or validity of the debt certified by the creditor agency.

(4) Employees who transfer from the Endowment to another paying agency. If, after the creditor agency has submitted the claim to the Endowment, the employee transfers from the Endowment to a different paying agency before the debt is collected in full, the Endowment will certify the total amount collected on the debt and notify the employee and the creditor agency in writing. The notification to the creditor agency will include information on the employee's transfer.

§ 1150.24 Under what conditions will the Endowment make a refund of amounts collected by salary offset?

(a) If the Endowment is the creditor agency, it will promptly refund any amount deducted under the authority of 5 U.S.C. 5514, when:

(1) The debt is waived or all or part of the funds deducted are otherwise found not to be owed (unless expressly prohibited by statute or regulation); or

(2) An administrative or judicial order directs the Endowment to make a refund.

(b) Unless required or permitted by law or contract, refunds under this section will not bear interest.

§ 1150.25 Will the collection of a claim by salary offset act as a waiver of my rights to dispute the claimed debt?

Your involuntary payment of all or any portion of a debt under this subpart will not be construed as a waiver of any rights that you may have under 5 U.S.C. 5514 or other provisions of a law or written contract, unless there are statutory or contractual provisions to the contrary.

Subpart C—Tax Refund Offset

§ 1150.30 Which debts can the Endowment refer to the Treasury for collection by offsetting tax refunds?

(a) The regulations in this subpart implement 31 U.S.C. 3720A, which authorizes the Treasury to reduce a tax refund by the amount of a past-due, legally enforceable debt owed to a Federal agency.

(b) For purposes of this section, a past-due, legally enforceable debt referable to the Treasury for tax refund offset is a debt that is owed to the Endowment and:

(1) Is at least $25.00;

(2) Except in the case of a judgment debt, has been delinquent for at least three months and will not have been delinquent more than 10 years at the time the offset is made;

(3) Cannot currently be collected under the salary offset provisions of 5 U.S.C. 5514;

(4) Is ineligible for administrative offset under 31 U.S.C. 3716(a) by reason of 31 U.S.C. 3716(c)(2) or cannot be collected by administrative offset under 31 U.S.C. 3716(a) by the Endowment against amounts payable to the debtor by the Endowment;

(5) With respect to which the Endowment has

(i) given the debtor at least 60 days to present evidence that all or part of the debt is not past due or legally enforceable,

(ii) considered evidence presented by the debtor, and

(iii) determined that an amount of the debt is past due and legally enforceable;

(6) Has been disclosed by the Endowment to a credit reporting agency as authorized by 31 U.S.C. 3711(e) and § 1150.12 of this part, unless the credit reporting agency would be prohibited from reporting information concerning the debt by reason of 15 U.S.C. 1681c;

(7) With respect to which the Endowment has notified or has made a reasonable attempt to notify the debtor that:

(i) The debt is past due, and

(ii) Unless repaid within 60 days of the date of the Notice, the debt may be referred to the Treasury for offset against any refund of overpayment of tax; and

(8) All other requirements of 31 U.S.C. 3720A and the Treasury regulations relating to the eligibility of a debt for tax return offset (31 CFR 285.2) have been satisfied.

§ 1150.31 What are the Endowment's procedures for collecting debts by tax refund offset?

(a) The Chairperson will be the point of contact with the Treasury for administrative matters regarding the offset program.

(b) The Endowment will ensure that the procedures prescribed by the Treasury are followed in developing information about past-due debts and submitting the debts to the Treasury.

(c) The Endowment will submit to the Treasury a notification of a taxpayer's liability for past-due legally enforceable debt. This notification will contain the following:

(1) The name and taxpayer identification number of the debtor;

(2) The amount of the past-due and legally enforceable debt;

(3) The date on which the original debt became past due; and

(4) A statement certifying that, with respect to each debt reported, all of the requirements of § 1150.30(b) have been satisfied.

(d) For purposes of this section, notice that collection of the debt is affected by a bankruptcy proceeding involving the debtor will bar referral of the debt to the Treasury.

(e) The Endowment shall promptly notify the Treasury to correct data when it:

(1) Determines that an error has been made with respect to a debt that has been referred;

(2) Receives or credits a payment on the debt; or

(3) Receives notice that the person owing the debt has filed for bankruptcy under Title 11 of the United States Code or has been adjudicated bankrupt and the debt has been discharged.

(f) When advising debtors of an intent to refer a debt to the Treasury for offset, the Endowment will also advise debtors of remedial actions available to defer the offset or prevent it from taking place.

Subpart D—Administrative Offset

§ 1150.40 Under what circumstances will the Endowment collect amounts that I owe to the Endowment (or some other Federal agency) by offsetting the debt against payments that the Endowment (or some other Federal agency) owes me?

(a) The regulations in this subpart apply to the collection of any debts you owe to the Endowment, or to any request from another Federal agency that the Endowment collect a debt you owe by offsetting your debt against a payment the Endowment owes you. Administrative offset is authorized under Section 5 of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3716). The Endowment shall carry out administrative offset in accordance with the provisions of the Federal Claims Collection Standards; the regulations in this subpart are intended only to supplement the provisions of the Federal Claims Collection Standards.

(b) The Chairperson, after attempting to collect a debt you owe to the Endowment under Section 3(a) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(a)), may collect the debt by administrative offset, subject to the following:

(1) The debt you owe is certain in amount; and

(2) It is in the best interest of the Endowment to collect your debt by administrative offset because of the decreased costs of collection and acceleration in the payment of the debt.

(c) No collection by administrative offset will be made on any debt that has been outstanding for more than 10 years unless facts material to the Endowment or a federal agency's right to collect the debt were not known, and reasonably could not have been known, by the official or officials responsible for discovering and collecting the debt.

(d) The regulations in this subpart do not apply to:

(1) A case in which administrative offset of the type of debt involved is explicitly prohibited by statute; or

(2) Debts owed to the Endowment by Federal agencies.

§ 1150.41 How will the Endowment request that my debt to the Endowment be collected by offset against some payment that another Federal agency owes me?

The Chairperson may request that funds due and payable to you by another Federal agency instead be paid to the Endowment to satisfy a debt you owe to the Endowment. In requesting administrative offset, the Endowment will certify in writing to the Federal agency that is holding funds for you:

(a) That you owe the debt;

(b) The amount and basis of the debt; and

(c) That the Endowment has complied with the requirements of 31 U.S.C. 3716, its own administrative offset regulations in this subpart, and the applicable provisions of the Federal Claims Collection Standards with respect to providing you with due process.

§ 1150.42 What procedures will the Endowment use to collect amounts I owe to a Federal agency by offsetting a payment that the Endowment would otherwise make to me?

(a) Any Federal agency may request that the Endowment administratively offset funds due and payable to you in order to collect a debt you owe to that agency. The Endowment will initiate the requested offset only upon:

(1) Receipt of written certification from the creditor agency stating:

(i) That you owe the debt;

(ii) The amount and basis of the debt;

(iii) That the agency has prescribed regulations for the exercise of administrative offset; and

(iv) That the agency has complied with its own administrative offset regulations and with the applicable provisions of the Federal Claims Collection Standards, including providing you with any required hearing or review; and

(2) A determination by the Chairperson that offsetting funds payable to you by the Endowment in order to collect a debt owed by you would be in the best interest of the United States as determined by the facts and circumstances of the particular case, and that such an offset would not otherwise be contrary to law.

(b) Multiple debts. In instances where two or more creditor agencies are seeking administrative offsets, or where two or more debts are owed to a single creditor agency, the Endowment may, in its discretion, allocate the amount it owes to you to the creditor agencies in accordance with the best interest of the United States as determined by the facts and circumstances of the particular case, paying special attention to applicable statutes of limitations.

§ 1150.43 When may the Endowment make an offset in an expedited manner?

The Endowment may effect an administrative offset against a payment to be made to you before completion of the procedures required by §§ 1150.41

and 1150.42 if failure to take the offset would substantially jeopardize the Endowment's ability to collect the debt and the time before the payment is to be made does not reasonably permit the completion of those procedures. An expedited offset will be followed promptly by the completion of those procedures. Amounts recovered by offset, but later found not to be owed to the Endowment, will be promptly refunded.

§ 1150.44 Can a judgment I have obtained against the United States be used to satisfy a debt that I owe to the Endowment?

Collection by offset against a judgment obtained by a debtor against the United States will be accomplished in accordance with 31 U.S.C. 3728.

Dated: June 12, 2000.

Hope O'Keeffe,

Acting General Counsel.

[FR Doc. 00–15173 Filed 6–14–00; 8:45 am]

BILLING CODE 7537–01–P

Proposed Rules

Federal Register
Vol. 65, No. 116
Thursday, June 15, 2000

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–350–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400, 747–400F, 757–200, 757–200CB, 757–200PF, 767–200, 767–300, and 767–300F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 747–400, 757–200, 767–200, and 767–300 series airplanes. That AD currently requires repetitive checks to detect certain failures in the warning electronic unit (WEU) or modular avionic warning electronic assembly (MAWEA); repetitive tests to detect any failure of tactile, visual, or aural alerts generated by the WEU or MAWEA; and corrective action, if necessary. This action would make these requirements applicable to other airplanes on which the defective power supplies may be installed, eliminate the repetitive tests for certain airplanes, and increase the interval for the repetitive tests for certain other airplanes. This action also would require replacement of the existing power supplies in the WEU or MAWEA with modified, new, or serviceable power supplies. The actions specified by the proposed AD are intended to prevent failure of the WEU or MAWEA power supplies, which could result in loss of visual, aural, and tactile alerts to the flightcrew. Absence of such alerts could result in the flightcrew being unaware that an immediate or appropriate action should be taken in the event of an unsafe condition.

DATES: Comments must be received by July 31, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–350–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: Sheila I. Mariano, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2675; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–350–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–350–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On August 24, 1999, the FAA issued AD 99–18–16, amendment 39–11282 (64 FR 47653, September 1, 1999), applicable to certain Boeing Model 747–400, 757–200, 767–200, and 767–300 series airplanes. That AD requires repetitive checks to detect certain failures in the warning electronic unit (WEU) or modular avionic warning electronic assembly (MAWEA); repetitive tests to detect any failure of tactile, visual, or aural alert generated by the WEU or MAWEA; and corrective action, if necessary. The AD also provides for optional terminating action for the repetitive checks and tests. That action was prompted by a report of a MAWEA power supply failure due to inadequate over-voltage protection. The requirements of that AD are intended to detect and correct such a failure, which could result in loss of visual, aural, and tactile alerts to the flightcrew. Absence of such alerts could result in the flightcrew being unaware that an immediate or appropriate action should be taken in the event of an unsafe condition.

Actions Since Issuance of Previous Rule

In the preamble to AD 99–18–16, the FAA indicated that the actions required by that AD were considered ''interim action'' and that further rulemaking action was being considered to require the accomplishment of the optional terminating action specified in that AD. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination. The optional terminating action described in AD 99–18–16 provides for replacement of the existing power supplies of the WEU or MAWEA with new power supplies having part number 285T0035–202 Mod A. However, since the issuance of that AD, the FAA has determined that several older power supplies are also acceptable replacements for the existing

power supplies. Therefore, the proposed AD would provide for installation of certain other new or serviceable power supplies, in addition to the new power supply referenced for optional terminating action in AD 99–18–16.

Additionally, the FAA has determined that the defective power supplies that were the subject of AD 99–18–16 may have been installed as spares on airplanes that did not originally have the defective power supplies installed. Accordingly, the FAA finds it is necessary to expand the applicability of the existing AD to include any Boeing Model 747–400, 747–400F, 757–200, 757–200CB, 757–200PF, 767–200, 767–300, or 767–300F series airplane equipped with a WEU or MAWEA power supply having the affected part number, in order to prevent the identified unsafe condition on these airplanes.

Also, since the issuance of AD 99–18–16, the FAA has determined that it is not necessary for the system functional tests required by paragraph (a) of that AD to be accomplished on Boeing Model 747–400 and –400F series airplanes. The FAA finds that the internal MAWEA system ''byte check'' on Model 747–400 and –400F series airplanes is sufficient to detect failures of the MAWEA either in the air or on the ground. Therefore, the requirement for system functional tests on Boeing Model 747–400 and –400F series airplanes has not been included in this AD. This AD continues to require checks of the engine indication and crew alerting system (EICAS) status page before each flight to detect MAWEA or WEU failure, as applicable, for all airplanes subject to this AD.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 747–31–2288, Revision 2, dated November 18, 1999, which describes procedures for replacement of the power supplies in the MAWEA of certain Boeing Model 747–400 and 747–400F series airplanes with modified, new, or serviceable power supplies.

The FAA also has reviewed and approved Boeing Special Attention Service Bulletins 757–31–0066, Revision 2, and 767–31–0106, Revision 2, both dated November 18, 1999. These service bulletins describe procedures for replacing the power supplies in the WEU card file of Boeing Model 757–200, 757–200CB, 757–200PF, 767–200, 767–300, and 767–300F series airplanes with modified, new, or serviceable power supplies.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

The service bulletins described previously refer to Boeing Component Service Bulletin 285T0035–31–07, dated December 17, 1998, as the appropriate source of service information for modification of WEU or MAWEA power supplies having P/N 28T0035-201. The modification of the power supplies involves replacing a printed circuit card and mounting screw, and changing the part number to 285T0035–202 Mod A.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 99–18–16 to continue to require repetitive checks to detect certain failures in the WEU or MAWEA and, for certain airplanes, repetitive tests to detect any failure of tactile, visual, or aural alerts generated by the WEU. This proposed AD would also continue to require corrective action, if necessary. This proposed AD would expand the applicability of the existing AD to include other airplanes on which the defective power supplies may be installed, increase the interval for the repetitive tests, and add a requirement for replacement of the existing power supplies in the WEU or MAWEA with modified, new, or serviceable power supplies. The actions would be required to be accomplished in accordance with the applicable service bulletin described previously.

Cost Impact

There are approximately 1,592 airplanes of the affected design in the worldwide fleet. The FAA estimates that 802 airplanes of U.S. registry would be affected by this proposed AD.

The repetitive checks and tests required by AD 99–18–16 are currently applicable to approximately 33 U.S.-registered airplanes. The repetitive checks and tests 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 checks and tests on U.S. operators is estimated to be $1,980, or $60 per airplane, per check/test cycle. Because this proposed AD would eliminate the currently required repetitive tests for certain airplanes, and increase the repetitive interval for the tests for certain other airplanes, the proposed AD would result in a reduction in costs to operators currently subject to AD 99–18–16.

The repetitive checks and tests in this new proposed action would be applicable to approximately 769 additional airplanes. Based on the figures discussed above, the new costs to U.S. operators for the repetitive checks and tests that would be imposed by this proposed AD are estimated to be $46,140, or $60 per airplane, per check/test cycle.

For all airplanes subject to this proposed AD, the new replacement that is proposed in this AD action would take approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $6,424 per airplane. Based on these figures, the cost impact of the replacement proposed by this AD action on U.S. operators is estimated to be $5,296,408, or $6,604 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have 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 removing amendment 39–11282 (64 FR 47653, September 1, 1999), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 99–NM–350–AD. Supersedes AD 99–18–16, Amendment 39–11282.

Applicability: Model 747–400, 747–400F, 757–200, 757–200CB, 757–200PF, 767–200, 767–300, and 767–300F series airplanes; equipped with either a warning electronics unit (WEU) or a modular avionics warning electronic assembly (MAWEA) power supply having part number (P/N) 285T0035–201; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the WEU or MAWEA power supplies, which could result in loss of visual, aural, and tactile alerts to the flightcrew (the absence of which could result in the flightcrew being unaware that an immediate or appropriate action should be taken in the event of an unsafe condition), accomplish the following:

Partial Restatement of Requirements of AD 99–18–16

Model 747–400 Series Airplanes: EICAS Status Page Checks

(a) For Model 747–400 and 747–400F series airplanes having L/N 1121 through 1177 inclusive: Within 15 days after September 16, 1999 (the effective date of AD 99–18–16, amendment 39–11282), check the status page of the engine indication and crew alerting system (EICAS) for any MAWEA failure. Thereafter, repeat the EICAS status page check before each flight until the requirements of paragraph (c) or (f) of this AD have been accomplished.

Model 757–200, 767–200, and 767–300 Series Airplanes: Checks and Functional Tests

(b) For Model 757–200, –200CB, and –200PF series airplanes having L/N 761 through 828 inclusive; and Model 767–200, –300, and –300F series airplanes having L/N 668 through 723 inclusive: Within 15 days after September 16, 1999, check the status page of the EICAS for any WEU failure; and perform the Work Instructions in Section 3, Part 1, of Boeing Service Bulletin 757–31–0066, Revision 1, dated December 17, 1998, or Revision 2, dated November 18, 1999 (for Model 757–200, –200CB, and –200PF series airplanes); or Boeing Service Bulletin 767–31–0106, Revision 1, dated December 17, 1998, or Revision 2, dated November 18, 1999 (for Model 767–200, 767–300, and 767–300F series airplanes); as applicable; to detect loss of any visual, aural, or tactile alert. Thereafter, repeat the EICAS status page check before each flight, and the Work Instructions in Section 3, Part 1, of the applicable service bulletin at intervals not to exceed every ''A'' check or 45 days, whichever occurs first, until the requirements of paragraph (c) or (f) of this AD has been accomplished. After the effective date of this AD, only Revision 2 of the applicable service bulletin shall be used.

Corrective Action

(c) If any failure of the MAWEA or WEU, as applicable, or the loss of any visual, aural, or tactile alert is detected during any test required by either paragraph (a) or (b) of this AD, prior to further flight, accomplish paragraph (c)(1), (c)(2), or (c)(3) of this AD; as applicable.

(1) For Model 747–400 or –400F series airplanes: Replace the power supplies of the MAWEA with new or modified power supplies having P/N 285T0035–202 Mod A, in accordance with either Boeing Service Bulletin 747–31–2288, dated December 17, 1998, or Revision 1, dated January 28, 1999; or with new, modified, or serviceable power supplies having P/N 285T0035–202 Mod A, P/N 285T0035–10, or P/N 285T0035–11; in accordance with Boeing Service Bulletin 747–31–2288, Revision 2, dated November 18, 1999. Such replacement constitutes terminating action for the requirements of this AD. After the effective date of this AD, only Revision 2 of the applicable service bulletin shall be used.

(2) For Model 757–200, –200CB, and –200PF series airplanes: Replace the power supplies of the WEU with new or modified power supplies having P/N 285T0035–202 Mod A, in accordance with Boeing Service Bulletin 757–31–0066, Revision 1, dated December 17, 1998; or with new, modified, or serviceable power supplies having P/N 285T0035–202 Mod A, P/N 285T0035–9, P/N 285T0035–10, or P/N 285T0035–11, in accordance with Boeing Special Attention Service Bulletin 757–31–0066, Revision 2, dated November 18, 1999. Such replacement constitutes terminating action for the requirements of this AD. After the effective date of this AD, only Revision 2 of the service bulletin shall be used.

(3) For Model 767–200, –300, and –300F series airplanes: Replace the power supplies of the WEU with new or modified power supplies having P/N 285T0035–202 Mod A, in accordance with Boeing Service Bulletin 767–31–0106, Revision 1, dated December 17, 1998; or with new, modified, or serviceable power supplies having P/N 285T0035–202 Mod A, P/N 285T0035–9, P/N 285T0035–10, or P/N 285T0035–11; in accordance with Boeing Special Attention Service Bulletin 767–31–0106, Revision 2, dated November 18, 1999. Such replacement constitutes terminating action for the requirements of this AD. After the effective date of this AD, only Revision 2 of the applicable service bulletin shall be used.

Note 2: Page 59 of Boeing Service Bulletin 747–31–2288, Revision 1, dated January 28, 1999, incorrectly references the Boeing 767 AMM as the appropriate source of service information for accomplishment of the removal and installation of the power supply. However, the correct reference is the Boeing 747 AMM.

New Requirements of This AD

Note 3: Boeing Component Service Bulletin 285T0035–31–07, dated December 17, 1998, describes procedures for modifying WEU or MAWEA power supplies having P/N 28T0035–201 to 285T0035–202 Mod A.

Repetitive Checks: Model 747–400 and –400F

(d) For Model 747–400 and -400F series airplanes other than those identified in paragraph (a) of this AD: At the next ''A'' check or within 45 days, whichever occurs first, check the status page of the EICAS for any MAWEA failure.

(1) If no MAWEA failure is detected: Thereafter, repeat the EICAS status page check before each flight, until the requirements of paragraph (e) are accomplished.

(2) If any MAWEA failure is detected: Prior to further flight, replace MAWEA power supplies having P/N 285T0035–201 with new or modified power supplies having P/N 285T0035–202 Mod A, or new or serviceable power supplies having P/N 285T0035–10 or P/N 285T0035–11; in accordance with Boeing Service Bulletin 747–31–2288, Revision 2, dated November 18, 1999. Such replacement constitutes terminating action for the requirements of this AD.

Repetitive Checks and Functional Tests: Model 757 and 767

(e) For Model 757–200, 757–200CB, 757–200PF, 767–200, 767–300, and 767–300F series airplanes other than those identified in paragraph (b) of this AD: At the next ''A'' check or within 45 days, whichever occurs first, check the status page of the EICAS for any WEU failure; and perform the Work Instructions in Section 3, Part 1, of Boeing Special Attention Service Bulletin 757–31–0066, Revision 2, dated November 18, 1999; or Boeing Special Attention Service Bulletin 767–31–0106, Revision 2, dated November 18, 1999; as applicable; to detect loss of any visual, aural, or tactile alert.

(1) If no failure of the WEU or loss of any visual, aural, or tactile alert is detected: Thereafter, repeat the EICAS status page check before each flight, and accomplish the Work Instructions in Section 3, Part 1 of the applicable service bulletin at intervals not to exceed every ''A'' check or 45 days, whichever occurs first, until the requirements of paragraph (e) are accomplished.

(2) If any failure of the WEU or loss of any visual, aural, or tactile alert is detected: Prior to further flight, replace WEU power supplies having P/N 285T0035–201, with new or modified power supplies having P/N 285T0035–202 Mod A; or new or serviceable power supplies having P/N 285T0035–9, P/N 285T0035–10, or P/N 285T0035–11; in accordance with the applicable service bulletin. Such replacement constitutes terminating action for the requirements of this AD.

Replacement

(f) Within 1 year after the effective date of this AD, replace WEU or MAWEA power supplies having P/N 285T0035–201, with new or modified power supplies having P/N 285T0035–202 Mod A; or new or serviceable power supplies having P/N 285T0035–9, P/N 285T0035–10, or P/N 285T0035–11; in accordance with Boeing Service Bulletin 747–31–2288, dated December 17, 1998, Revision 1, dated January 28, 1999, or Revision 2, dated November 18, 1999 (for Model 747–400 and 747–400F series airplanes); Boeing Service Bulletin 757–31–0066, Revision 1, dated December 17, 1998, or Revision 2, dated November 18, 1999 (for Model 757–200, 757–200CB, and 757–200PF series airplanes); or Boeing Service Bulletin 767–31–0106, Revision 1, dated December 17, 1998, or Revision 2, dated November 18, 1999 (for Model 767–200, 767–300, and 767–300F series airplanes); as applicable. After the effective date of this AD, only Revision 2 of the applicable service bulletin shall be used. Such replacement constitutes terminating action for the repetitive inspection requirements of this AD.

Spares

(g) As of the date specified in paragraph (g)(1) or (g)(2), as applicable, no person shall install a WEU or MAWEA power supply having Boeing P/N 285T0035–201 on any airplane.

(1) For Model 747–400 series airplanes, line numbers 1121 through 1177 inclusive; Model 757–200, –200CB, and –200PF series airplanes, line numbers 761 through 828 inclusive; and Model 767–200, 767–300, and –300F series airplanes, line numbers 668 through 723 inclusive: As of September 16, 1999 (the effective date of AD 99–18–16, amendment 39–11282).

(2) For airplanes other than those identified in paragraph (g)(1) of this AD: As of the effective date of this AD.

Alternative Methods of Compliance

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

(2) Alternative methods of compliance, approved previously by the FAA in accordance with AD 99–18–16, amendment 39–11282, are approved as alternative methods of compliance with this AD.

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

Special Flight Permits

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

Issued in Renton, Washington, on June 9, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–15189 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–377–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require inspections to detect cracking of the frame web, doubler, and inner chord of the forward edge frame of main entry door number 1, and various follow-on actions. This proposal is prompted by reports of cracking in the frame web, doubler, inner chord, and strap of the forward edge frame of main entry door number 1. The actions specified by the proposed AD are intended to prevent cracks in the frame web and doubler of the forward edge frame of main entry door number 1, which could result in inability of the edge frame to react door stop loads, and consequent rapid depressurization of the airplane.

DATES: Comments must be received by July 31, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–377–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–377–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–377–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that cracking has been detected in the frame web, doubler,

inner chord, and strap of the forward edge frame of main entry door number 1 on several Boeing Model 747 series airplanes. One operator reported that the frame web, doubler, inner chord, and strap were severed at the lower sill. Cracks initiated in the frame web at the fastener holes where the sill attach clip attaches to the frame web. Other operators have reported small cracks in the frame web and doubler at the cable penetration just below the lower sill. On certain Boeing Model 747 series airplanes, the subject frame web, doubler, and inner chord are made from 7075 aluminum. Fatigue cracks in the frame web and doubler of the forward edge frame of main entry door number 1, if not detected, could extend to the inner chord of the frame and cause the inner chord to break, leading to failure of the outer chord and adjacent fuselage skin. This condition, if not corrected, could result in inability of the edge frame to react door stop loads, and consequent rapid depressurization of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 747–53A2417, Revision 1, dated July 23, 1998, which describes procedures for detailed visual and high frequency eddy current (HFEC) inspections to detect cracking of the frame web, doubler, and inner chord of the forward edge frame of main entry door number 1, and various follow-on actions. If no cracking is detected, follow-on actions include repetitive detailed visual and HFEC inspections, reinforcement of the forward edge frame and repetitive detailed visual inspections, and eventual repair of the door frame. If any cracking is detected, the repair is required prior to further flight. The repair includes replacement of the existing frame web and doubler with a new frame web, doubler, and splice doubler made of 2024-T3 aluminum, which is a more fatigue-resistant material than 7075 aluminum. Accomplishment of the repair eliminates the need for the repetitive inspections described by the service bulletin.

Explanation of Requirements of Proposed Rule

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

Difference Between This Proposed AD and Service Information

As described previously, the service bulletin describes procedures for detailed visual and HFEC inspections to detect cracking of the frame web, doubler, and inner chord of the forward edge frame of main entry door number 1. Operators should note that paragraph (c) of this proposed AD also would require certain repetitive detailed visual inspections not described in the service bulletin. These additional inspections are prompted by two reports that cracking was detected outside the area covered by the service bulletin. As a result of the reports, the FAA has determined that it is necessary to propose additional repetitive inspections. These additional inspections involve removal of the cover assembly for the body torque tube located between the door hinge attachments, and accomplishment of a detailed visual inspection to detect cracking of the aft side of the forward edge door frame web of main entry door number 1. The area to be inspected includes the exposed area from doorstop 12 [approximately water line (WL) 218] to doorstop 15 (approximately WL 245) at body station 434.

Cost Impact

There are approximately 685 airplanes of the affected design in the worldwide fleet. The FAA estimates that 211 airplanes of U.S. registry would be affected by this proposed AD.

For Group 1 airplanes (approximately 191 U.S.-registered airplanes), it would take approximately 3 work hours per airplane to accomplish the proposed inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspections on U.S. operators of Group 1 airplanes is estimated to be $34,380, or $180 per airplane, per inspection cycle.

For Group 2 airplanes (approximately 20 U.S.-registered airplanes), it would take approximately 2 work hours per airplane to accomplish the proposed inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators of Group 2 airplanes is estimated to be $2,400, or $120 per airplane, per inspection cycle.

For Group 1 airplanes (approximately 191 U.S.-registered airplanes), it would take approximately 128 work hours per airplane to accomplish the proposed repair, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed repair on U.S. operators of Group 1 airplanes is estimated to be $1,466,880, or $7,680 per airplane.

For Group 2 airplanes (approximately 20 U.S.-registered airplanes), it would take approximately 64 work hours per airplane to accomplish the proposed repair, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators of Group 2 airplanes is estimated to be $76,800, or $3,840 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.

Should an operator elect to accomplish the reinforcement of the door frame on a Group 1 airplane, it would take approximately 9 work hours per airplane to accomplish the reinforcement, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the reinforcement on a Group 1 airplane is estimated to be $540 per airplane.

Should an operator elect to accomplish the reinforcement of the door frame on a Group 2 airplane, it would take approximately 5 work hours per airplane to accomplish the reinforcement, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the reinforcement on a Group 2 airplane is estimated to be $300 per airplane.

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 99–NM–377–AD.

Applicability: Model 747 series airplanes, line numbers 1 through 685 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 fatigue cracking of the frame web and doubler of the forward edge frame of main entry door number 1, which could result in inability of the edge frame to react door stop loads, and consequent rapid depressurization of the airplane, accomplish the following:

Initial Inspection: Compliance Time

(a) At the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4); as applicable; accomplish the requirements of paragraphs (b) and (c) of this AD.

(1) For airplanes that have accumulated fewer than 13,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 13,000 total flight cycles, or within 1,500 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 13,000 or more total flight cycles but fewer than 20,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 21,000 total flight cycles, or within 1,500 flight cycles after the effective date of this AD, whichever occurs first.

(3) For airplanes that have accumulated 20,000 or more total flight cycles but fewer than 25,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 25,500 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs first.

(4) For airplanes that have accumulated 25,000 or more total flight cycles as of the effective date of this AD: Inspect within 500 flight cycles after the effective date of this AD.

Initial Detailed Visual and High Frequency Eddy Current Inspections

(b) Perform a detailed visual inspection and a high frequency eddy current inspection of the frame web, doubler, and inner chord of the forward edge door frame to detect cracking of main entry door number 1, in accordance with Boeing Service Bulletin 747–53A2417, Revision 1, dated July 23, 1998. For Group 1 airplanes (as identified in the service bulletin), accomplish the inspections on the left and right sides of the airplane. For Group 2 airplanes (as identified in the service bulletin), accomplish the inspections on the left side of the airplane only.

Note 2: For the purposes of this AD, it is not necessary to count flight cycles accumulated at 2.0 pounds per square inch or less differential pressure.

Note 3: Inspections, reinforcements, and repairs accomplished prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–53A2417, dated June 25, 1998, are considered acceptable for compliance with paragraph (b) of this AD.

Note 4: 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.''

Repetitive Detailed Visual Inspections (No Terminating Action)

(c) Remove the cover assembly for the body torque tube located between the door hinge attachments. Perform a detailed visual inspection to detect cracking of the aft side of the forward edge door frame web of main entry door number 1 in the exposed area from doorstop #2 [approximately water line (WL) 218] to doorstop #2 (approximately WL 245) at body station 434. Pay particular attention to the row of fasteners that attach the frame web to the frame outer chord. After completing inspections, replace the cover assembly. Repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles.

Note 5: The inspections required by paragraph (c) of this AD are not described in Boeing Service Bulletin 747–53A2417, Revision 1, dated July 23, 1998.

Note 6: There is no terminating action currently available for the inspections required by paragraph (c) of this AD.

Repetitive Inspections/Reinforcement/Repair (No Cracks Detected)

(d) If no crack is detected during the inspection required by paragraph (b) of this AD, prior to further flight, oversize fastener holes in accordance with Boeing Service Bulletin 747–53A2417, Revision 1, dated July 23, 1998, and accomplish the requirements of paragraph (d)(1), (d)(2), or (d)(3) of this AD.

(1) Repeat the inspections specified in paragraph (b) of this AD one time within 3,000 flight cycles. Within 3,000 flight cycles after accomplishment of the repeat inspection, accomplish paragraph (d)(2) or (d)(3) of this AD.

(2) Reinforce the door frame, in accordance with Figure 5 of the service bulletin. Thereafter, at intervals not to exceed 3,000 flight cycles, perform a detailed visual inspection to detect cracks of the forward and aft side of the frame, in accordance with Figure 6 of the service bulletin. Within 10,000 flight cycles after the reinforcement, accomplish the requirements of paragraph (d)(3) of this AD.

(3) Accomplish the web replacement repair (''Terminating Action'') in accordance with the service bulletin. Such repair constitutes terminating action for the repetitive inspection requirements of paragraphs (d)(1) and (d)(2) of this AD.

Repair (Cracks Detected)

(e) If any crack is detected during any inspection required by paragraph (b), (d)(1), or (d)(2) of this AD, prior to further flight, accomplish the repair (''Terminating Action'') in accordance with Boeing Service Bulletin 747–53A2417, Revision 1, dated July 23, 1998. Such repair constitutes terminating action for the repetitive inspection requirements of paragraphs (d)(1) and (d)(2) of this AD.

Repair

(f) If any cracking is detected during the inspection required by paragraph (c) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Alternative Methods of Compliance

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

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Issued in Renton, Washington, on June 9, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–15190 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–07–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dornier Model 328–300 series airplanes. This proposal would require replacement of the hydraulic line tube assemblies with improved tube assemblies and flexible hose assemblies. This action is necessary to prevent cracking of the hydraulic lines, which could result in loss of hydraulic pressure for certain braking systems on the airplane. This action is intended to address the identified unsafe condition.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–07–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. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via the Internet must contain ''Docket No. 2000–NM–07–AD'' in the subject line and need not be submitted in triplicate.

The service information referenced in the proposed rule may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.,* reasons or data) for each request.
- 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–07–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–07–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328–300 series airplanes. The LBA advises that pressure spikes and vibration during manual activation of the hydraulic changeover valve may cause cracking of the hydraulic lines that pressurize the braking systems of these airplanes. The pressure spikes create a high bending stress near the sleeve at the changeover valve. Such cracking of the hydraulic lines, if not corrected, could result in loss of hydraulic pressure for certain braking systems on the airplane.

Explanation of Relevant Service Information

Dornier has issued Alert Service Bulletin ASB–328J–32–003 (including Annex 1), dated December 17, 1999. The alert service bulletin describes procedures for replacement of the hydraulic line tube assemblies with improved tube assemblies and flexible hose assemblies. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 2000–050, dated February 24, 2000, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require

accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 9 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would be provided free of charge by the manufacturer. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,700, or $300 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dornier Luftfahrt GMBH: Docket 2000–NM–07–AD.

Applicability: Model 328–300 series airplanes, serial numbers 3108 through 3144 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of the hydraulic lines, which could result in loss of hydraulic pressure for certain braking systems on the airplane, accomplish the following:

Replacement

(a) Within 30 days after the effective date of this AD, replace the hydraulic line tube assemblies with new, improved tube assemblies and flexible hose assemblies; in accordance with Dornier Alert Service Bulletin ASB–328J–32–003 (including Annex 1), dated December 17, 1999.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

Special Flight Permits

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

Note 3: The subject of this AD is addressed in German airworthiness directive 2000–050, dated February 24, 2000.

Issued in Renton, Washington, on June 8, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–15191 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4 and 113

RIN 1515–AC58

Deferral of Duty on Large Yachts Imported for Sale

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to set forth procedures for the deferral of entry filing and duty collection on certain yachts imported for sale at boat shows in the United States. The proposed regulatory amendments reflect a change in the law effected by section 2406 of the Miscellaneous Trade and Technical Corrections Act of 1999.

DATES: Comments must be received on or before August 14, 2000.

ADDRESSES: Written comments may be addressed to, and inspected at, the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT:

Legal matters: Larry L. Burton, Office of Regulations and Rulings (202–927–1287).

Operational matters: Robert Watt, Office of Field Operations (202–927–3654).

SUPPLEMENTARY INFORMATION:

Background

Section 2406(a) of the Miscellaneous Trade and Technical Corrections Act of 1999 (the Act, Public Law 106–36, 113 Stat. 127) amended the Tariff Act of 1930 by the addition of a new section 484b (19 U.S.C. 1484b). Section 484b provides that an otherwise dutiable ''large yacht'' (defined in the section as ''a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer'') may be imported without the payment of duty if the yacht is

imported with the intention to offer for sale at a boat show in the United States. The statute provides generally for the deferral of payment of duty until the yacht is sold but specifies that the duty-deferral period may not exceed 6 months.

In order to qualify for deferral of duty payment at the time of importation of a large yacht, the statute provides that the importer of record must: (1) certify to Customs that the yacht is imported pursuant to section 484b for sale at a boat show in the United States; and (2) post a bond, having a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The statute further provides that if the yacht is sold within the 6-month period after importation, or if the yacht is neither sold nor exported within the 6-month period after importation, entry must be completed and duty must be deposited with Customs (with the duty calculated at the applicable HTSUS rate based on the value of the yacht at the time of importation) and the required bond will be returned to the importer. The statute further provides that no extensions of the 6-month bond period will be allowed, that any large yacht exported in compliance with the 6-month bond period may not be reentered for purposes of sale at a boat show in the United States (in order to receive duty-deferral benefits) for a period of 3 months after that exportation, and that the Secretary of the Treasury is authorized to make rules and regulations as may be necessary to carry out the provisions of the statute. Finally, under section 2406(b) of the Act, the amendment made by section 2406(a) of the Act applies with respect to any large yacht imported into the United States after July 10, 1999.

In order to reflect the terms of new section 484b, Customs proposes in this document to amend the Customs Regulations by the addition of a new § 4.94a (19 CFR 4.94a). In addition, Customs proposes to amend part 113 of the Customs Regulations (19 CFR part 113), which sets forth provisions regarding Customs bonds, by the addition of a new § 113.75 and a new appendix provision setting forth the text of the bond required to be posted by the importer of record under new section 484b.

In light of the above statutory amendment and its effective date, and pending adoption of appropriate amendments to the Customs Regulations, Customs formulated and implemented interim nonregulatory procedures for processing the arrival of qualifying yachts under the statutory provision in order to ensure that the public receives the benefits under the statute as intended by Congress. Those interim procedures, which included special bond requirements, will cease to apply upon the effective date of final action on the regulatory proposals set forth in this document.

Comments

Before adopting this proposal as a final rule, consideration will be given to any written comments timely submitted to Customs, including comments on the clarity of this proposed rule and how it may be made easier to understand. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC.

Regulatory Flexibility Act and Executive Order 12866

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendments directly reflect a statutory provision that accords procedural and financial benefits to members of the general public who import large yachts for purposes of sale. Accordingly, the proposed amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. Furthermore, this document does not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866.

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (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 the collection of information displays a valid control number.

The collection of information in this document is in § 4.94a. This information is required and will be used to effect the deferral of duty collection on certain pleasure vessels, in order to ensure enforcement of the Customs and related laws and the protection of the revenue. The likely respondents are owners of large pleasure vessels.

Estimated annual reporting and/or recordkeeping burden: 28 hours.

Estimated average annual burden per respondent/recordkeeper: 1 hour.

Estimated number of respondents and/or recordkeepers: 28.

Estimated annual frequency of responses: 1.

Comments on the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer of the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503. A copy should also be sent to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229. Comments should be submitted within the time frame that comments are due regarding the substance of the proposal.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or startup costs and costs of operations, maintenance, and purchase of services to provide information.

List of Subjects

19 CFR Part 4

Customs duties and inspection, Entry, Imports, Reporting and recordkeeping requirements, Vessels, Yachts.

19 CFR Part 113

Bonds, Customs duties and inspection, Imports, Reporting and recordkeeping requirements, Surety bonds, Vessels.

Proposed Amendments to the Regulations

For the reasons stated above, it is proposed to amend parts 4 and 113, Customs Regulations (19 CFR parts 4 and 113), as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority citation for part 4 continues to read, and a specific authority citation for § 4.94a is added to read, as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624; 46 U.S.C. App. 3, 91.

* * * * *

Section 4.94a also issued under 19 U.S.C. 1484b;

* * * * *

2. A new § 4.94a is added to read as follows:

§ 4.94a Large yachts imported for sale.

(a) *General.* An otherwise dutiable vessel used primarily for recreation or pleasure and exceeding 79 feet in length that has been previously sold by a manufacturer or dealer to a retail consumer and that is imported with the intention to offer for sale at a boat show in the United States may qualify at the time of importation for a deferral of entry completion and deposit of duty. The following requirements and conditions will apply in connection with a deferral of entry completion and duty deposit under this section:

(1) The importer of record must certify to Customs in writing that the vessel is being imported pursuant to 19 U.S.C. 1484b for sale at a boat show in the United States;

(2) The certification referred to in paragraph (a)(1) of this section must be accompanied by the posting of a single entry bond containing the terms and conditions set forth in appendix C of part 113 of this chapter. The bond will have a duration of 6 months after the date of importation of the vessel, and no extensions of the bond period will be allowed;

(3) The filing of the certification and the posting of the bond in accordance with this section will constitute a release of the merchandise by Customs;

(4) All subsequent transactions with Customs involving the vessel in question, including any transaction referred to in paragraphs (b) through (d) of this section, must be carried out in the same port of entry in which the certification was filed and the bond was posted under this section; and

(5) The vessel in question will not be eligible for issuance of a cruising license under § 4.94.

(b) *Exportation within 6-month period.* If a vessel for which entry completion and duty payment are deferred under paragraph (a) of this section is not sold but is exported within the 6-month bond period specified in paragraph (a)(2) of this section, the importer of record must inform Customs in writing of that fact within 30 calendar days after the date of exportation. The bond posted with Customs will be returned to the importer of record and no entry completion and duty payment will be required. The exported vessel will be precluded from reentry under the terms of paragraph (a) of this section for a period of 3 months after the date of exportation.

(c) *Sale within 6-month period.* If a vessel for which entry completion and duty payment are deferred under paragraph (a) of this section is sold within the 6-month bond period specified in paragraph (a)(2) of this section, the importer of record within 15 calendar days after the sale must complete the entry by filing an Entry Summary (Customs Form 7501) and must deposit the appropriate duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the vessel at the time of importation). Upon entry completion and deposit of duty under this paragraph, the bond posted with Customs will be returned to the importer of record.

(d) *Expiration of bond period.* If the 6-month bond period specified in paragraph (a)(2) of this section expires without either sale or exportation of a vessel for which entry completion and duty payment are deferred under paragraph (a) of this section, the importer of record within 15 calendar days after expiration of that 6-month period must complete the entry by filing an Entry Summary (Customs Form 7501) and must deposit the appropriate duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the vessel at the time of importation). Upon entry completion and deposit of duty under this paragraph, the bond posted with Customs will be returned to the importer of record, and a new bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, may be required by the appropriate port director.

PART 113—CUSTOMS BONDS

1. The general authority citation for part 113 continues to read, and a specific authority citation for § 113.75 and appendix C is added to read, as follows:

Authority: 19 U.S.C. 66, 1623, 1624.

* * * * *

Section 113.75 and Appendix C also issued under 19 U.S.C. 1484b.

2. Part 113 is amended by adding a new § 113.75 to read as follows:

§ 113.75 Bond conditions for deferral of duty on large yachts imported for sale at United States boat shows.

A bond for the deferral of entry completion and duty deposit pursuant to 19 U.S.C. 1484b for a dutiable large yacht imported for sale at a United States boat show must conform to the terms of appendix C to this part. The bond must be filed in accordance with the provisions set forth in § 4.94a of this chapter.

3. Part 113 is amended by adding at the end a new appendix C to read as follows:

Appendix C to Part 113—Bond for Deferral of Duty on Large Yachts Imported for Sale at United States Boat Shows

Bond for Deferral of Duty on Large Yachts Imported for Sale at United States Boat Shows

_____, as principal, and _____, as surety, are held and firmly bound to the UNITED STATES OF AMERICA in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these conditions.

Pursuant to the provisions of 19 U.S.C. 1484b, the principal has imported at the port of _____ a dutiable large yacht (exceeding 79 feet in length, used primarily for recreation or pleasure, and previously sold by a manufacturer or dealer to a consumer) identified as _____ for sale at a boat show in the United States with deferral of entry completion and duty deposit and has executed this obligation as a condition precedent to that deferral.

If the principal fails to comply with any condition of this obligation, which includes compliance with any requirement or condition set forth in 19 U.S.C. 1484b or 19 CFR 4.94a, the principal and surety jointly and severally agree to pay to Customs an amount of liquidated damages equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States. For purposes of this paragraph, the term ''duty'' includes any duties, taxes, fees and charges imposed by law.

The principal will exonerate and hold harmless the United States and its officers from or on account of any risk, loss, or expense of any kind or description connected with or arising from the failure to store and deliver the large yacht as required, as well as from any loss or damage resulting from fraud or negligence on the part of any officer, agent, or other person employed by the principal.

WITNESS our hands and seals this ____ day of _____ (month), _____ (Year).

_____
(Name) (Address)
_____[SEAL]
(Principal)

_____
(Name) (Address)
_____[SEAL]
(Surety)

Certificate as to Corporate Principal

I, _____, certify that I am the *_____ of the corporation named as principal in the attached bond; that _____, who signed the bond on behalf of the principal, was then _____ of that corporation; that I know his signature, and his signature to the bond is genuine; and that the bond was duly signed, sealed, and attested for and in behalf of the corporation by authority to its governing body.

_____
[CORPORATE SEAL]

(To be used when no power of attorney has been filed with the port director of customs.)

*May be executed by the secretary, assistant secretary, or other officer of the corporation.

Approved: April 14, 2000.

Raymond W. Kelly,

Commissioner of Customs.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–15202 Filed 6–14–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 206

RIN 1010–AC72

Amendments to Gas Valuation Regulations for Indian Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Minerals Management Service (MMS) is proposing to remove the special timing requirements for adjustments and audits of royalties on gas produced from Indian leases in Montana and North Dakota. These timing requirements may force tribal and MMS auditors to expend additional time and money or postpone ongoing audits to meet the restricted time periods. Removing these timing restrictions should increase royalties collected for Indian leases in these States.

DATES: Comments regarding this proposed rulemaking must be received on or before July 17, 2000.

ADDRESSES: If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to David S. Guzy, Chief, Rules and Publications Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3021, Denver, CO 80225–0165. Courier or overnight delivery address is Building 85, Room A–613, Denver Federal Center, Denver, CO 80225. You may also comment via the Internet to RMP.comments@mms.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: RIN 1010–ACT72'' 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 David S. Guzy directly at (303) 231–3432.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff, telephone (303) 231–3432, FAX (303) 231–3385, e-Mail David.Guzy@mms.gov.

SUPPLEMENTARY INFORMATION: The principal author of this proposed rulemaking is Mr. Richard Adamski, Royalty Valuation Division, Royalty Management Program (RMP), MMS.

I. General

On August 10, 1999, MMS published a final rule titled ''Amendments to Gas Valuation Regulations for Indian Leases,'' (64 FR 43506) with an effective date of January 1, 2000. These regulations apply to all gas production from Indian (tribal or allotted) oil and gas leases (except leases on the Osage Indian Reservation). The new regulations resulted from a negotiated rulemaking among Indian tribes and allottees, the oil and gas industry, and MMS.

MMS's stated purposes for those amendments to the valuation of gas production were:

(1) To ensure that Indian mineral lessors receive the maximum revenues from mineral resources on their land consistent with the Secretary of the Interior's (Secretary) trust responsibility and lease terms; and

(2) To improve the regulatory framework so that information is available which would permit lessees to comply with the regulatory requirements at the time that royalties are due.

Among the newly adopted regulations was a provision at 30 CFR 206.174(1) requiring that for Indian leases in Montana and North Dakota, lessees must make adjustments to reported royalty values sooner, and MMS must complete its audits sooner, than either has done historically. This provision does not apply to Indian leases in other States.

Under § 2096.174(1), the timing of adjustments and audits depends on whether allowances are arm's-length or non-arm's-length. If the lessee's royalty value has arm's-length transportation or processing allowances, or no allowances, then: (1) The lessee must make all adjustments to value within 13 months of the production month; and (2) MMS must conclude any audit and order any adjustments to royalty value within 12 months after the lessee's adjustment reporting date. If the lessee's royalty value has non-arm's-length transportation or processing allowances, then: (1) the lessee must make all adjustments to value within 9 months of the date the lessee submits the actual cost allowance report to MMS; and (2) MMS must conclude any audit and order any adjustments to royalty value within 12 months after the lessee's adjustment reporting date.

The final rule limited the adjustment and audit period to Indian leases in Montana and North Dakota because, unlike most other producing regions, there are no acceptable published indexes applicable to that area (64 FR 43510). In areas where this occurs, valuation must be based on other criteria which are most difficult to determine than index prices. Industry was concerned that if audits were not to occur until several years after the production month, any underpayments would include substantial late payment charges. The purpose of § 206.174(1) was to accelerate the audit schedule to provide more valuation certainly for both the lessee and the Indian lessor at an earlier date.

Representatives of Montana and North Dakota tribal and allotted lessors strongly oppose these time limits. They believe that the 1-year audit period is unreasonable and may compromise MMS's efforts to maximize revenues for gas produced from Indian leases consistent with its trust responsibility and lease terms. MMS shares the concern that in areas that do not have published indexes, auditors must be afforded adequate time to take the necessary steps to do quality audits. This may be difficult to accomplish under time limits that are absolute.

MMS and tribal auditors also must retain the discretion to allocate audit resources to obtain the best data when that data becomes available. Indian representatives from Montana and North Dakota believe that time restrictions will force the tribes (especially those tribes

with audit programs) and MMS auditors to expend additional time and funds to complete audits and take other necessary actions within the restricted time period. For the most part, the tribes in Montana and North Dakota are the least able to bear the costs of such burdens. In some cases, this will force the tribes to postpone or abandon on-going audits of earlier periods to meet the new deadlines.

Moreover, upon further consideration, MMS believes the reason for placing time limits only on Indian leases in Montana and North Dakota (because there are no acceptable published indexes applicable to that area) is not compelling. The final Indian gas rule (§ 206.172(f) and (g)) permits MMS to exclude Indian tribal leases (upon request of the tribe) or Indian allotted leases (after consultation with the Bureau of Indian Affairs) in any State from valuation under the index-based methodology. To Date, MMS has excluded two tribes and two allotted groups from valuation under this method. Under § 206.172(f)(1)(i) and (g)(1)(ii) of the new regulations, lessees of those tribes and allotted groups therefore must value gas produced from those excluded Indian leases under 30 CFR 206.174, the same section that governs the valuation of gas produced from Indian leases in Montana and North Dakota. Yet,the adjustment and audit time limits in § 206174(l) do not apply to those excluded leases—they apply only to those Indian leases in Montana and North Dakota (64 FR 43510). For this reason, representatives of Montana and North Dakota Indian lessors believe that to the extent time restrictions and additional burdens were placed on the Montana and North Dakota leases alone, they are unfair and represent unwarranted disparate treatment.

Therefore, MMS is proposing to remove § 206.174(1) from the regulation. MMS specifically seeks comment on whether there is a valid reason for differentiating between leases located in other States and leases in Montana and North Dakota when they both may be required to use the same valuation standards. MMS also seeks comments on whether the time limitations on adjustment and audit could have a negative revenue impact on royalties collected from gas produced from Indian lands in Montana and North Dakota.

II. Procedural Matters

1. Public Comment Policy

MMS is limiting the comment period for this proposed rule to 30 days after the date of publication in the **Federal Register** rather than the standard 60 days. MMS believes a 30-day comment period is adequate because the language we propose to remove was recently the subject of an extensive comment period. Because this provision did not receive extensive comments during that period, and the change we are proposing is limited, we believe a 30-day comment period is sufficient.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours and on our Internet site at www.rmp.mms.gov. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

2. Summary Cost and Benefit Data

The objective of this proposed rule is to remove the special timing requirements for adjustments and audits of royalties on gas produced from Indian leases in Montana and North Dakota. We have summarized below the estimated costs and benefits of this rule to the three affected groups: Indian lessors in Montana and North Dakota, industry, and the Federal Government. The cost and benefit information in this Item 2 of Procedural Matters is used as the basis for the Departmental certifications in Items 3–11.

A. Indian Lessors in Montana and North Dakota

In 1997, we estimate that auditors collected additional revenues amounting to 2 percent of the total royalties paid for gas production on certain Indian leases located in Montana.

In 1999, payors submitted about $420,000 in royalties from gas produced from Indian leases in Montana and $49,000 in royalties from gas produced from Indian leases in North Dakota. Using 2 percent to calculate the additional audit revenues that may be expected for the 1999 sales year, MMS should collect an additional $8,400 from leases in Montana and $980 from leases in North Dakota. We conclude that if audits cannot be completed within 1 year of the royalty line adjustments timeframes, Indian lessors could potentially lose these additional revenues, plus applicable late payment interest, annually.

B. Industry

This proposed rule will impose no new reporting burdens on industry. Industry will benefit from the proposed rule by being able to make adjustments to royalty lines beyond the current 1-year period. However, industry will pay an undetermined amount of additional interest on any underpayments discovered during audits that take longer than 1 year to complete.

Small Business Issues. Approximately 17 entities in Montana and 5 entities in North Dakota—most of which are small businesses because they employ 500 or less employees—pay royalties to MMS on gas produced from Indian leases. As discussed above, these 22 entities will pay less than $10,000 in additional royalties annually as a result of an extended adjustment and audit period. This proposed rule benefits small tribes that would otherwise have to hire additional audit staff to handle the burden of performing both past and present audits concurrently. From this information, we conclude that this rule will not have a significant economic impact on a substantial number of small entities.

C. Federal Government

Removing the time limits on audit will help to ensure that Indian mineral lessors receive the maximum revenues from mineral resources on their land consistent with the Secretary's trust responsibility and lease terms.

D. Summary of Costs and Benefits to Affected Groups

Description (see corresponding narrative above)	<Cost>/Benefit amount	
	First year	Subsequent years
Indian Lessors in Montana and North Dakota	$9,380 plus interest	$9,380 plus interest.

Description (see corresponding narrative above)	<Cost>/Benefit amount	
	First year	Subsequent years
Industry	<$9,380 plus interest>	<$9,380 plus interest>.
Federal Government	<0>	<0.>.
Net <Cost> or Benefit	<0>	<0.>.

3. Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This proposed rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) This proposed rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This proposed rule will not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This proposed rule does not raise novel legal or policy issues.

4. The Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). See Small Business Issues in Item #2.B. above.

Your comments are important. The Small Business and Agricultural Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions in this rule, call 1–888–734–3247.

5. Small Business Regulatory Enforcement Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Will not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

6. Unfunded Mandates Reform Act

This rule will not impose an unfunded mandate on State, local or tribal governments or the private sector of more than $100 million per year. The rule will not have a significant or unique effect on State, local, or tribal, governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

7. Takings (E.O. 12630)

In accordance with Executive Order 12630, this proposed rule does not have significant takings implications. This rule does not impose conditions or limitations on the use of any private property; consequently, a takings implication assessment is not required.

8. Federalism (E.O. 13132)

In accordance with Executive Order 13132, this proposed rule does not have Federalism implications. This rule does not substantially or directly affect the relationship between Federal and State governments or impose costs on States or localities.

9. Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this proposed rule will not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the Order.

10. Paperwork Reduction Act of 1995

This proposed rule does not contain an information collection, as defined by the Paperwork Reduction Act, and the submission of Office of Management and Budget Form 83–I is not required.

11. National Environmental Policy Act

This proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

12. Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A ''section'' appears in bold type and is preceded by the symbol ''§'' and a numbered heading; for example, § 206.174 How do I value gas production when an index-based method cannot be used?) (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand.

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW, Washington, DC 20240. You may also e-mail the comments to this address: Exsec@ios.doi.gov.

List of Subjects in 30 CFR Part 206

Coal, Continental shelf, Geothermal energy, Government contracts, Indians—lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: June 7, 2000.

Sylvia. V. Baca,

Assistant Secretary—Land and Minerals Management.

For reasons stated in the preamble, MMS proposes to amend 30 CFR part 206 as follows:

PART 206—PRODUCT VALUATION

1. The authority citation for part 206 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2102 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*,

1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, 1801 *et seq.*

§ 206.174 [Amended]

2. In § 206.174, remove paragraph (1).

[FR Doc. 00–15201 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–3432–N3]

RIN 0938–AJ31

Medicare Program; Criteria for Making Coverage Decisions; Extension of Comment Period

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

ACTION: Notice of extension of comment period for notice of intent to publish a proposed rule.

SUMMARY: This document extends the comment period for the notice of intent published in the **Federal Register** on May 16, 2000, (65 FR 31124). In that document we announced our intention to publish a proposed rule and solicited advance public comments on the criteria we would use to make certain national coverage decisions and the criteria our contractors would use to make local coverage decisions.

DATES: The comment period is extended to 5 p.m. on July 17, 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, Attention: HCFA–3432–NOI, P.O. Box 8016, Baltimore, MD 21244–8016.

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 received too late for us to consider them.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–3432–NOI. 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, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Phone: (202) 690–7890).

FOR FURTHER INFORMATION CONTACT: Susan Gleeson, (410) 786–0542.

SUPPLEMENTARY INFORMATION: On May 16, 2000, we issued a notice of intent to publish a proposed rule in the **Federal Register** (65 FR 31124). The comment period would close on June 15, 2000. Because of the scope of the notice of intent, several organizations that would be affected by the policies requested more time to analyze the potential consequences of the notice of intent. Therefore, we are extending the public comment period until July 17, 2000. We will also hold a Town Hall Meeting to facilitate public discussion. We will publish a **Federal Register** notice announcing the meeting specifics when available. This information will also be available on our web page @ *www.hcfa.gov/quality.*

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

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 2, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Approved: June 12, 2000.

Donna E. Shalala,

Secretary.

[FR Doc. 00–15198 Filed 6–14–00; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10, 12, and 15

[USCG 1999–5610]

RIN 2115–AF83

Training and Certification for Mariners Serving on Certain Ships Carrying More Than 12 Passengers on International Voyages

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish requirements of training and certification for mariners serving on ships—other than roll-on/roll-off (Ro-Ro) ships, covered by another rule—carrying more than 12 passengers on international voyages. (These requirements would not apply to any passenger ships on domestic voyages.) Regulation V/3 of the International Convention for Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended in 1997, mandated that its Parties ensure this training and certification. This rule would reduce human error, improve the ability of crewmembers to assist passengers during emergencies, and promote safety.

DATES: Comments and related material must reach the Facility of the Docket Management System, or DMS (see **ADDRESSES**), on or before September 13, 2000. Comments sent to the Office of Management and Budget (OMB) (see **ADDRESSES**), on collection of information must reach OMB on or before August 14, 2000.

ADDRESSES: You may submit your comments and related material by any one, but only one, of the following methods:

(1) By mail to the DMS [USCG 1999–5610], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) In person to the DMS 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. The telephone number is 202–366–9329.

(3) By fax to the DMS at 202–493–2251.

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

If you submit comments on collection of information to the docket, you must also submit them to the Office of Information and Regulatory Affairs, OMB, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The DMS maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 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.

You may inspect the material proposed for incorporation by reference at room 1210, U.S. Coast Guard

Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, between 9 a.m. and 2:30 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–267–0229. Copies of the material are available as indicated in the section of this preamble entitled Incorporation by Reference.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed rule, call Mark Gould, Project Manager, Commandant (G–MSO–1), Coast Guard, telephone 202–267–0229. For questions on viewing or submitting material to the docket, call Dorothy Beard, Chief of Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [USCG 1999–5610], indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, in person, by fax, or by electronic means to the DMS at the address under **ADDRESSES;** but please submit them by only one means. If you submit them by mail or in person, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the DMS, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

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

Background and Purpose

The International Maritime Organization (IMO), in Regulation V/3 of STCW, as amended, set qualifications for masters, other officers, ratings and other personnel on passenger ships other than Ro-Ro passenger ships. The following is a chronology of important events regarding STCW:

- The basic treaty was adopted in 1978 by a conference at the headquarters of IMO.
- It entered into force in 1984.
- The United States became a Party to it in 1991.
- The basic treaty was amended in 1995 and 1997.
- Its Regulation V/3 was adopted in 1997 and entered into force on January 1, 1999.

STCW encompasses three interdependent components: the Articles, the Annex (replaced with Regulations by the 1995 Amendments), and the Code (added by the 1995 Amendments). The Articles, which are the heart of STCW, state the legal arrangements that prevail among the Parties. The Annex outlined—and the Regulations outline—the technical requirements that a Party must meet to satisfy the obligations imposed by the Articles. The Code elaborates the requirements.

When adopted in 1978, STCW encompassed only two components: the Articles and the Annex. The 1995 Amendments, however, not only replaced the Annex with Regulations but added the Code (in full, the ''Seafarers'' Training and Certification Code''). Each chapter of the Annex (as replaced with Regulations by the Amendments) contains a number of Regulations. These refer to the Code for more detail: to understand what a particular Regulation requires, you must read the relevant section of the Code.

The Code contains two parts; each part in turn contains standards. Part A contains mandatory standards. Each section in part A amplifies the Regulation with the same number, and the standards bind as if included in the Regulation itself. Part B of the Code contains ''Recommended Guidance''. The guidance in part B clarifies a Regulation or promotes a uniform interpretation of one.

STCW as amended has been ratified by 133 Parties (at the time of this publication), who represent almost 98 percent of the world's merchant-shipping tonnage. Over 90 percent of merchant ships plying U.S. waters are foreign-flag. About 350 U.S.-flag merchant ships that routinely visit foreign ports, as well as thousands of ships that operate on ocean or near-coastal voyages, are subject to the STCW, as amended.

The purpose of this proposed rule is to incorporate, into domestic rules, the training and certification that the STCW, as amended, mandates internationally. This rule would amend requirements for the training and certification of certain crewmembers on ships, other than Ro-Ro's, carrying more than 12 passengers on international voyages. It would have no impact on the applicability or content of the final rule in 46 CFR part 10, subpart J, part 12, subpart 12.30, and part 15, subpart J [62 FR 34505 (26 June 1997)], which dealt with certain crewmembers on Ro-Ro ships carrying more than 12 passengers on such voyages. It would merely establish appropriate training and documentation for certain crewmembers on all other ships carrying more than 12 passengers on such voyages.

STCW Regulation V/3 applies to passenger ships (''vessels'' under most domestic law) on international voyages. It also expressly obligates Administrations to determine the applicability of its requirements to personnel serving on ships engaged on domestic voyages. The Coast Guard has determined that neither the operational requirements nor the casualty records suggest any need to impose those requirements either on small passenger ships on domestic voyages or on uninspected passenger ships on such voyages. Current domestic law and industry practices are adequate for these ships and voyages. Therefore, this Notice proposes no new requirements for either of these classes of ships when operating on domestic voyages, nor on personnel serving on these ships, nor on their owners or operators.

The Coast Guard seeks comments on whether these proposed requirements should apply to any U.S.-flag passenger ships inspected under 46 CFR Subchapter H and operating on domestic voyages. To comment on this issue or any other in this proposed rule, you should use one of the means noted under **ADDRESSES.**

In 1993, IMO started a comprehensive revision of the basic treaty to establish the highest practicable standards of competence for mariners and to reduce human error as a main cause of marine casualties. In 1995, its conference on the basic STCW treaty adopted amendments found in Regulation V/2. These established new, minimal standards for the training and qualification of certain crewmembers on Ro-Ro ships carrying more than 12 passengers on international voyages. These amendments entered into force on February 1, 1997. The same conference invited the IMO to—

(a) Develop detailed provisions on the training of certain crewmembers, on Ro-Ro passenger ships carrying more than 12 passengers on international voyages, in crisis management and human behavior; and

(b) Consider developing provisions similar to those in Regulation V/2—but,

rather than for certain crewmembers of Ro-Ro passenger ships, these would be for the training of certain crewmembers serving on ships, other than Ro-Ro's, carrying more than 12 passengers on international voyages.

In 1996, the Sub-committee of IMO on Standards of Training and Watchkeeping (STW) accepted this invitation. It proposed two provisions:

(a) Mandatory training in crisis management and human behavior for certain crewmembers on Ro-Ro passenger ships carrying more than 12 passengers on international voyages.

(b) Establishing new, minimal standards for the training and qualification of certain crewmembers on ships, other than Ro-Ro's, carrying more than 12 passengers on such voyages, with the Ro-Ro standards from Regulation V/2 as a guide.

On June 4, 1997, the IMO Maritime Safety Committee (MSC) adopted these two provisions as Regulation V/2–8 and Regulation V/3. Both entered into force on January 1, 1999.

To align domestic rules and practice with the new international standards, we published the final rule in 46 CFR part 10, subpart J, part 12, subpart 12.30, and part 15, subpart J [62 FR 34505 (26 June 1997)]. In 1998, to help mariners implement the new rules we published, in Navigation and Vessel Inspection Circular (NVIC) 6–98, guidelines on training and documentation for crewmembers of Ro-Ro ships carrying more than 12 passengers on international voyages.

Discussion of Proposed Rule

46 CFR Part 10—Licensing of Maritime Personnel

1. Section 10.102 would incorporate by reference STCW (including its Regulation V/3, adopted in 1997, and the corresponding Code) into the rules in Part 10 and adjust the list of rules that refer to STCW, as amended.

2. Section 10.103 would amend the definition of STCW to add the words ''and 1997''.

3. New §§ 10.1101, 10.1103, and 10.1105 would require certain licensed officers to complete training required by STCW Regulation V/3 (and elaborated by Section A–V/3 of the Code) when serving on ships other than Ro-Ro's carrying more than 12 passengers on international voyages.

46 CFR Part 12—Certification of Seamen

4. Section 12.01–3 would incorporate by reference STCW (including its Regulation V/3, adopted in 1997, and the corresponding Code) into the rules in Part 12 and adjust the list of rules that refer to STCW, as amended.

5. Section § 12.01–6 would amend the definition of STCW to add the words ''and 1997''.

6. New subpart 12.35 would require certain mariners to complete training required by Regulation V/3 (and elaborated by section A–V/3 of the Code) when serving on ships other than Ro-Ro's carrying more than 12 passengers on international voyages.

46 CFR Part 15—Manning

7. Paragraphs (e), (f), and (g) of § 15.1103 would become paragraphs (f), (g), and (h), respectively; paragraph (f) would undergo no change; and paragraphs (g) and (h) would undergo a slight editorial change.

8. New paragraph 15.1103(e) would govern ships other than Ro-Ro's carrying more than 12 passengers on international voyages.

Incorporation by Reference

Material that would be incorporated by reference is listed in 46 CFR 10.102 and 12.01–3. You may inspect all material at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC, 20408, and at the U.S. Coast Guard, Office of Operating and Environmental Standards (G–MSO), 2100 Second Street SW., Washington, DC 20593–0001. You may obtain copies from the IMO, 4 Albert Embankment, London, SE1 7SR, England. Before publishing a binding rule, we will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

Regulatory Evaluation

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

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

The Coast Guard proposes this rule to implement Regulation V/3 of STCW, as amended in 1997. The rule would specify the necessary training and certification for mariners serving on ships—other than roll-on/roll-off (Ro-Ro) ships—carrying more than 12 passengers on international voyages (Ro-Ro ships are covered by the Interim Rule on STCW [CGD 95–062, June 26, 1997]). The IMO mandated that its Parties ensure this training and certification. These requirements should reduce human error, improve the ability of crewmembers to assist passengers during emergencies, and promote safety.

Costs

The specialized training course(s) that mariners would have to complete are: Crisis Management and Human Behavior, Crowd Management, Special Safety Training (including communication), Training in Passengers' Safety, and Special Familiarization Training (including the operational limitations of the ship). The average cost for the course(s), held for 5 days at various training institutions, is $1,215 per person. We estimate that the cost to develop an in-house training course would not exceed the probable cost of a course at a training institution. Either operators of vessels or companies may develop a more cost-effective way to provide in-house training (for less than the cost we estimated). We calculate first-year training cost for 1,144 mariners to be $1,389,960. Union contracts may require some companies to pay for training new hires. We estimate the annual training cost paid by the companies for the new hires to be $20,655 beginning in 2001 and running through 2010. We estimate the annual training cost paid by the new hires themselves after the implementation year to be $117,855. A mariner would have to complete refresher training for Crisis Management and Human Behavior, Crowd Management, and Special Safety every five years. It is available as a two-day course at an estimated cost of $330. We estimate the first-year travel cost incurred by all mariners that receive training away from the vessel at $406,850. We estimate the annual travel cost for the new hires to be $45,030. We estimate that about one-half of the existing staff of mariners receiving training away from their vessel would continue to receive their wages while attending courses, as a result of their union membership. We calculate the one-time wage cost to be $370,310. We estimate the annual recurring wage cost associated with the refresher training to be $183,034. We estimate the one-time cost incurred by the remaining number (one-half) of existing staff of mariners that don't receive wages while attending initial training courses to be $370,310; this is the ''opportunity cost'' of the mariners' spare time.

In summary, the 10-year present value (in 2000 dollars) of the total cost of this rulemaking is $4,345,794. To learn further details concerning the costs associated with this rule, as well as the

potential benefits, see the analysis provided in the docket for this rule on the Internet at http://dms.dot.gov.

Benefits

Implementing this proposed rule would ensure that U.S. ships carrying more than 12 passengers on international routes are in compliance with the Amendments to the International Convention on STCW, 1978. IMO adopted the Amendments to STCW in response to a series of casualties involving passenger ships, such as the Scandinavian Star, Estonia, and Achille Lauro. During these casualties, the crews did not perform emergency duties in an efficient, coordinated, and effective manner. We reviewed the casualty records for the U.S. ships this rule would affect and found no cases that would have directly benefited from this rule. However, the following narratives briefly describe two of those foreign-flag ships' casualties, to show the types of risks this rule would address.

On March 15, 1988, a fire occurred in the engine room of the Scandinavian Star. Two crewmembers were injured, and two passengers were transported to a medical facility by helicopter, treated, and released. Costs of damage and repair came to about $3.5M. According to an excerpt from the marine-accident report of the National Transportation Safety Board, one of the passengers stated that one of the crewmembers did not know how to pull the fire alarm; the passengers waited from 45 minutes to 2 hours to receive lifejackets, and then were given childsize lifejackets.

On November 30, 1994, a fire onboard the Achille Lauro proved more costly; it left two persons dead, and 8 injured. Afterward, many of the survivors complained of confusion and a lack of leadership by the crew when the fire broke out. They accused some crewmembers of abandoning elderly passengers to save themselves.

While the requirement for all crewmembers to have familiarization or basic safety training or instruction figured in the 1995 amendments to STCW, the amendments did not adequately address the need for special training of personnel on passenger ships. Further work was necessary at the IMO to reach agreement on the mandatory minimum training and qualifications for these personnel.

Implementing this proposed rule should reduce the risk that passengers will be injured in a fire or other emergency on a passenger ship, because crewmembers would be trained to coordinate a rapid response and to keep passengers from panicking. Recent accidents involving passenger ships—such as the fire on the Universe Explorer (July '96) near Juneau, Alaska; the fire on the Vistafjord (April '97) near Grand Bahama Island; the grounding of the Monarch of the Seas (December '98) off St. Maarten; and the grounding of the Wilderness Adventurer (June '99) in Alaskan waters—highlight the continued need for this rule.

Small Entities

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

This proposed rule would affect certain crewmembers on ships carrying more than 12 passengers on international voyages. These individual mariners are not considered small entities.

This rule would not require companies to bear the cost of the training. However, we estimate that the companies would choose to bear the majority of the costs.

During the analysis for the interim rule implementing 1995 Amendments to STCW, we considered the impact on businesses, organizations, and jurisdictions defined as small entities and potentially affected by STCW. Small entities here include owners and operators of some STCW–affected ships, training institutions, and businesses offering marine training courses or supplying assessors or examiners. As that interim rule does not, this rule would not require any single business to offer or assess all courses required under STCW. Training institutions or businesses that offered training-course assessors would not have to provide new services. This rule would allow for small entities to remain in and actively compete in maritime training with options to teach and assess as many courses or functions as they choose.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Mr. Mark Gould, project manager, at (202) 267–6890. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal rules, to the Small Business and Agriculture Regulatory Enforcement Ombudsman and to 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 proposed rule provides for a collection of information under the Paperwork Reduction Act of 1995 [44 U.S.C. 3501–3520]. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collections, a description of the respondents, and an estimate of the total annual burden follow. The estimate covers the time for the following requirements of the proposed rule: documentation of curriculum for training courses that need to receive Coast Guard approval or acceptance; documentary evidence showing that mariners meet the appropriate training standards; and maintenance of mariners' records by ship owners or operators. Each estimated burden in this analysis pertains only to the requirements proposed by this rule; we do not incorporate the estimates or burdens noted in previous rulemakings to support the existing collection under control number ''OMB 2115–0624.''

Title: Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1997 Amendments (OMB 2115–0624)

Summary of the Collection of Information

STCW Regulation V/3 requires seafarers serving on ships (other than Ro–Ro's) carrying more than 12 passengers on international voyages to complete specialized training as adopted by IMO in 1997. These changes revise the previously approved OMB Collection 2115–0624. This collection of information would be affected by changes in the following sections: 46 CFR 10.1105, 12.35–5, and 15.1103.

Table 1 notes the particular subjects and affected populations for these sections of the proposed rule and the related Navigation and Vessel Inspection Circular (NVIC).

TABLE 1.—STCW AMENDMENTS, 1997: 46 CFR OR NVIC CITED, AND SUBJECT AND AFFECTED POPULATION

46 CFR or NVIC	Subject and affected population
NVIC 4–99 (4)(c).	Documentation of training courses —Providers of Training and Assessment
10.1105 and 12.35–5.	Documentary evidence showing that the personnel serving on passenger ships (other than Ro–Ro's) on international voyages meet appropriate training —All personnel serving on passenger ships (other than Ro–Ro's)
15.1103	Maintenance of records, by owner or operator, for the personnel serving on passenger ships (other than Ro–Ro's) on international voyages —All owners and operators of passenger ships (other than Ro–Ro's) operating on international voyages

Need for Information

This proposed rule contains burdens for the mariners serving on passenger ships (other than Ro–Ro's), the ships' owners and operators, and the maritime institutions that offer the new training courses.

1. *Documentation of curriculum for training courses.* All training would be part of a program certified as approved or accepted by the Coast Guard.

2. *Documentary evidence showing that mariners meet the appropriate training standards.* STCW Regulation V3.9 requires that: Each mariner who completes the required training receives a certificate. Every five years, each mariner would document completion of a refresher course in his or her record, and it would show that the mariner has received such training, or has otherwise maintained competence in the required areas of knowledge and proficiency. He or she needs to give the copy of the training certificate to the Coast Guard for filing it in an accessible place, so the Coast Guard can verify the mariner's records for the duration of his or her employment. The burden imposed by documenting the refresher training does not figure in this estimate, because mariners would account for it starting in the year 2005, when these courses would need to start convening.

3. Maintenance of mariners' records by vessel owners or operators. A ship company would have to maintain a record for each mariner in its service for the duration of the mariner's employment.

Proposed Use of Information

This information is necessary to ensure compliance with the requirements of Regulation V/3 of STCW as amended in 1997. It is also necessary to maintain a certain level of quality in activities associated with training and assessment of mariners serving on ships, other than Ro–Ro's, carrying more than 12 passengers on international voyages.

Description of Respondents

1. Training institutions that offer the courses required for mariners serving on ships, other than Ro–Ro's, carrying more than 12 passengers on international voyages.

2. Mariners who complete the required training and receive certificates.

3. Owners and operators of ships who have to add the new training certificates to the mariners' records.

Number of Respondents

1. 77 training institutions.

2. 1,144 mariners, who would each obtain a training certificate in the first year. In every subsequent year, from 2001 to 2010, about 10 percent (114 mariners) would be replaced with new hires, who would need training.

3. 89 owners and operators of vessels.

Frequency of Response

1. Once during the first year, the Coast Guard would approve or accept an initial submission of the updated paperwork of training.

2. Once during the first year, each mariner would file the training certificate in an easily accessible location. Annually, from 2001 to 2010, the new hires, who would have received training, would file the certificate in such a location, so the Coast Guard could verify the mariner's records for the duration of the his or her employment. Also, at first, the owners and operators of vessels would have to initially add the new training certificates of the existing staff of mariners that received training to the mariners' previous records. Annually, from 2001 to 2010, the owners and operators would have to add the certificates of the new hires to these mariners' previous records.

Burden of Response

a. Initial burden (in hours):

1. Documentation of training courses. We estimate that each training institution would take one hour to provide the Coast Guard with updated paperwork of training approved or accepted by the Coast Guard and offered to the mariners. Consequently, the associated burden for all of the affected training institutions is: 1 hour (management time) × 77 = 77 hours.

2. Documentary evidence that shows that mariners meet the appropriate training standards. We estimate that it takes 5 minutes for the mariner to file this certificate in an easily accessible location. The initial burden placed on mariners is: 0.083 hours × 1,144 = 95 hours.

3. Maintenance of mariners' records by owners or operators of vessels. We estimate that it takes 10 minutes to file each mariner's record in a place accessible to the Coast Guard.

The initial burden placed on the owners and operators is:

0.166 hours × 1,144 mariners = 190 hours

The total initial burden therefore is:

77 hours + 95 hours + 190 hours = 362 hours

b. Annual burden (in hours):

We assume that every year, from 2001 to 2010, about 10 percent (114 mariners) would be replaced with new hires, who would need training. The burden placed on—

- The mariner = 0.083 hours × 114 mariners = 10 hours
- The owners and operators = 0.166 hours × 114 mariners = 19 hours

The annual burden beginning in 2001 is: 10 hours + 19 hours = 29 hours

Estimate of Total Annual Burden

a. The Initial Burden (in dollars)

1. Documentation of training courses. The Coast Guard estimates the wage for a qualified professional at $30 per hour. The initial burden in dollars to the industry is: 77 hours (management time) × $30 = $2,310.

2. Documentary evidence that shows that mariners meet the appropriate training standards. The Coast Guard estimates the wage of the mariners receiving training at $130 (determined as an average based on daily wage rates for licensed and unlicensed mariners in 1999, $200 and $117, respectively). The initial burden to industry is: 95 hours × $130 = $12,350.

3. Maintenance of mariners' records by owners and operators. The Coast Guard estimates the wage for a qualified assessor at $75 per hour. The initial burden to industry is:

190 hours × $75 = $14,250

Total initial burden in dollars is:

$2,310 + $12,350 + $14,250 = $28,910

b. The annual burden (in dollars):

The annual burden on the mariners, beginning in 2001 and continuing through 2010, is: 10 hours × $130 = $1,300.

The Coast Guard estimates the wage for a qualified assessor at $75 per hour. Beginning in year 2001, the annual burden placed on the owners and operators is: 19 hours × $75 = $1425.

The total annual burden beginning in 2001 and continuing through 2004 is: $1,300 + $1,425 = $2,725.

Federalism

We have analyzed this proposed rule under Executive Order 13132, Federalism.

It is well settled that States are precluded from regulating in categories that are reserved for regulation by the Coast Guard. It is also well settled, now, that all of the categories covered in 46 U.S.C. 3306 and 3703(a), 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels) are within the field foreclosed from State regulation. See the decision of the Supreme Court in the consolidated cases of *United States* v. *Locke* and *Intertanko* v. *Locke,* 120 S. Ct. 1135 (1999) 2000 U.S. LEXIS 1895 (March 6, 2000). Thus, this rule falls into the above-mentioned categories, thereby precluding States from regulating. Because States may not promulgate rules within these categories, preemption is not an issue under E.O. 13132.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their regulatory actions not specifically required by law. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. While two States operate passenger vessels, entities in the private sector own and operate most of the vessels with mariners that would be affected by this rule. More important, the total burden of Federal mandates that would be imposed by this rule would not exceed $5 million (during the first 10 years after the effective date of the rule). Therefore, this rule would not impose an unfunded mandate. Though this proposed rule would not result in a $100,000,000 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

We have considered the environmental impact of this proposed rule and concluded that under figure 2–1, paragraph (34)(c), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This rule would not result in any significant cumulative impact on the human environment; any substantial controversy or substantial change to existing environmental conditions; any impact, which is more than minimal, on properties protected under 4(f) of the DOT Act, as superseded by Public Law 97–449 and Section 106 of the National Historic Preservation Act; or any inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. A Determination of Categorical Exclusion is available in the docket where indicated under **ADDRESSES.**

List of Subjects

46 CFR Part 10

Incorporation by reference, Marine safety, Seamen, Vessels.

46 CFR Part 12

Incorporation by reference, Marine safety, Seamen, Vessels.

46 CFR Part 15

Incorporation by reference, Marine safety, Navigation (water), Seamen, Vessel manning, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR parts 10, 12, and 15 as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

1. The authority citation for part 10 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. Chapter 71; 46 U.S.C. 7502, 7505, 7701; 49 CFR 1.45, 1.46; Sec. 10.107 also issued under the authority of 44 U.S.C. 3507.

2. Revise paragraph (b) of § 10.102 to read as follows:

§ 10.102 Incorporation by reference.

* * * * *

(b) The material incorporated by reference in this part and the sections affected are as follows: International Maritime Organization (IMO)–4 Albert Embankment, London, SE1 7SR, England.

STCW—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 and 1997 (STCW Convention, or STCW)—and Seafarers' Training, Certification and Watchkeeping Code (STCW Code): 10.103; 10.205; 10.304; 10.603; 10.901; 10.903; 10.1005; 10.1103.

§ 10.103 [Amended]

3. In § 10.103, to the definition of ''STCW,'' immediately following the words ''as amended in 1995'', add the words ''and 1997''.

4. Add Subpart K, consisting of §§ 10.1101 through 10.1105, to read as follows:

Subpart K—Officers on Passenger Ships other than Ro-Ro's

§ 10.1101 Purpose of rules.

The rules in this subpart establish requirements for officers serving on passenger ships as defined in § 10.1103.

§ 10.1103 Definitions.

Passenger ship in this subpart means a ship, other than a Ro-Ro, which carries more than 12 passengers on an international voyage.

§ 10.1105 General requirements for license-holders.

If you are licensed as a master, mate, chief mate, engineer, or chief engineer, then, before you can serve on a passenger ship, you must—

(a) Meet the appropriate requirements of STCW Regulation V/3 and of section A–V/3 of the STCW Code; and

(b) Hold documentary evidence to show that you meet these requirements.

PART 12—CERTIFICATION OF SEAMEN

5. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701; 49 CFR 1.46.

§ 12.01–3 [Amended]

6. Revise § 12.01–3 to read as follows:

§ 12.01–3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the **Federal Register** and must ensure that the material is available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U. S. Coast Guard, Office of Operating and Environmental Standards, room 1210, 2100 Second Street SW., Washington, DC, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part, and the sections affected, are as follows:

International Maritime Organization (IMO)

4 Albert Embankment, London, SE1 7SR, England. STCW—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 and 1997 (STCW Convention, or STCW)—and Seafarers' Training, Certification and Watchkeeping Code (STCW Code): 12.01–1; 12.01–6; 12.02–7; 12.02–11; 12.05–3; 12.05–7; 12.05–11; 12.10–3; 12.10–5; 12.10–7; 12.10–9; 12.10–11; 12.15–3; 12.15–7; 12.25–45; 12.30–5; 12.35–5.

§ 12.01–6 [Amended]

7. In § 12.01–6, to the definition of ''STCW,'' immediately following the words ''as amended in 1995'', add the words ''and 1997''.

8. Add new subpart 12.35, consisting of §§ 12.35–1 through 12.35–5, to read as follows:

Subpart 12.35—Crewmembers of Ships, Other Than Ro-Ro's, Carrying More Than 12 Passengers on International Voyages

Sec.
12.35–1 Purpose of rules.
12.35–3 Definition.
12.35–5 General requirements.

§ 12.35–1 Purpose of rules.

The rules in this subpart establish requirements for certification of seamen serving on passenger ships as defined in § 12.35–3.

§ 12.35–3 Definition.

Passenger ship in this subpart means a ship, other than a Ro-Ro, which carries more than 12 passengers on an international voyage.

§ 12.35–5 General requirements.

To serve on a passenger ship and perform duties that involve safety or care for passengers, a person holding a merchant mariner's document must—

(a) Meet the appropriate requirements of STCW Regulation V/3 and of section A–V/3 of the STCW Code; and

(b) Hold documentary evidence to show that he or she does meet them.

PART 15—MANNING REQUIREMENTS

9. The authority citation for part 15 continues to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 9102; 49 CFR 1.45 and 1.46.

10. Redesignate paragraphs (e), (f), and (g) of § 15.1103 as paragraphs (f), (g), and (h), respectively; add a new paragraph (e) to read as follows; and revise newly redesignated paragraphs (g) and (h) to read as follows:

§ 15.1103 Employment and service within restrictions of license, document, and STCW endorsement.

* * * * *

(e) If you are a crewmember on board a vessel (that is not a Ro-Ro) carrying more than 12 passengers on international voyages, you must hold documentary evidence to show you meet the requirements of § 10.1105 (if licensed) or

§ 12.35–5 (if unlicensed) of this chapter.

* * * * *

(g) On board a seagoing vessel required to comply with provisions of the GMDSS in Chapter IV of SOLAS, no person may employ or engage any person to serve, and no person may serve, as the person designated to maintain GMDSS equipment at sea, when the service of a person so designated is used to meet the maintenance requirements of SOLAS Regulation IV/15, which allows for capability of at-sea electronic maintenance to ensure that radio equipment is available for radio communication, unless the person so serving holds documentary evidence that he or she is competent to maintain GMDSS equipment at sea.

(h) After January 31, 2002, on board a seagoing vessel fitted with an Automatic Radar Plotting Aid (ARPA), no person may employ or engage any person to serve, and no person may serve, as the master, chief mate, or officer of the navigational watch, unless the person so serving has been trained in the use of ARPA in accordance with § 10.205 or § 10.209 of this chapter, whichever is appropriate.

Dated: June 8, 2000.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–15056 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 053100A]

Gulf of Mexico Fishery Management Council; Public Hearings

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

ACTION: Notice of public hearings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public hearings to receive comments on a draft Generic Amendment Addressing the Establishment of Tortugas Marine Reserves (draft Generic Tortugas Marine Reserves Amendment).

DATES: Written comments will be accepted until 5 p.m. on June 30, 2000. The public hearings will be held on June 21 and 22, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the public hearings.

ADDRESSES: Written comments should be sent to, and copies of the draft Generic Tortugas Marine Reserves Amendment are available from, the Council. The Council's address is: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, Florida 33619. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the public hearings.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Swingle, Executive Director, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION: The Council will convene public hearings to take comments on a draft Generic Tortugas Marine Reserves Amendment, which proposes to establish the Tortugas South marine reserve that will encompass the Riley's Hump mutton snapper spawning aggregation site established by the Council in 1994. The total area of the proposed Tortugas South marine reserve is 60 square nautical miles (nm). The draft Generic Tortugas Marine Reserves Amendment also proposes to create the Tortugas North marine reserve cooperatively with the Florida Keys National Marine Sanctuary (FKNMS), the State of Florida, and the National Park Service, which will encompass an area of 120 square nm. The portion proposed to be established by the Council is 13 nm. The Council proposes that marine reserves be established for a period of at least 10 years, during which the ecological benefits of the reserve will be evaluated. The Council also proposes that fishing, for all species managed under the Council's fishery management plans and for Atlantic highly migratory species, and anchoring by fishing vessels be prohibited within the marine reserves.

The draft Generic Tortugas Marine Reserves Amendment would amend all of the Council's fishery management plans and contains a draft supplemental environmental impact statement (DSEIS), a draft initial regulatory flexibility analysis, and a draft regulatory impact review. The DSEIS has not yet been filed with the Environmental Protection Agency for announcement for public comment. The Council will hear public testimony on the draft Generic Tortugas Marine Reserves Amendment before taking final action on the Generic Tortugas Marine Reserves Amendment at its July 12, 2000, meeting in Key Largo, Florida. Also, there will be a Highly Migratory Species (HMS) NMFS staff member present at both hearings to specifically hear public testimony of affected HMS fishermen.

Public hearings on the draft Generic Tortugas Marine Reserves Amendment will begin at 3:30 p.m. and end at 8 p.m. at all of the following locations:

1. Wednesday, June 21, 2000—Sombrero Country Club, 4000 Sombrero Boulevard, Marathon, Florida 33050; and

2. Thursday, June 22, 2000—Holiday Inn Beachside, 3841 North Roosevelt Boulevard, Key West, Florida 33040.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by June 7, 2000.

Dated: June 9, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–15179 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 65, No. 116

Thursday, June 15, 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 Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) whether the proposed or continuing 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 burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2000.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail bjohnson@usaid.gov.

SUPPLEMENTARY INFORMATION:

OMB No: OMB 0412–0011.

Form No.: AID 1010–2.

Title: Application for Assistance—American Schools and Hospitals Abroad.

Type of Review: Renewal of Information Collection.

Purpose: USAID finances grant assistance to U.S. founders or sponsors who apply for grant assistance from ASHA on behalf of their institutions overseas. ASHA is a competitive grants program. The office of ASHA is charged with judging which applicants may be eligible for consideration and receive what amounts of funding for what purposes. To aid in such determination, the office of ASHA has established guidelines as the basis for deciding upon the eligibility of the applicants and the resolution on annual grant awards. These guidelines are published in the **Federal Register**, Doc. 79–36221.

Annual Reporting Burden:

Respondents: 85.

Total Annual Responses: 85.

Total Annual Hours Requested: 1,020 hours.

Dated: June 8, 2000.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 00–15131 Filed 6–14–00; 8:45 am]

BILLING CODE 6116–01–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections 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 burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before August 14, 2000.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC, (202) 712–1365 or via e-mail bjohnson@usaid.gov.

SUPPLEMENTARY INFORMATION:

OMB No.: 0412–0536.

Form No.: AID 1420–62.

Title: AID Contractor Employee Physical Examination Form.

Type of Review: Renewal of Information Collection.

Purpose: When USAID hires contractor personnel for overseas assignments, the contractors are required to obtain a physicians's certification that they are physically qualified to engage in the type of activity for which they will be employed. Physicians who do not regularly deal with patients going to lesser-developed countries do not appreciate the difficulties of providing even the most basic medical services in many such areas. This form requests the minimum information needed in order to make a determination as to whether or not the individual should travel to the post in question. The State Department's Office of Medical Services (M/MED) reviews the form prior to departure to insure the Mission or Embassy medical facility can meet special medical needs of the contractor. Thus the need for future medical evacuations would be reduced, since M/MED would find most existing medical problems that could not be dealt with locally and the individual would then most likely be denied approval to post.

Annual Reporting Burden:

Respondents: 3,300.

Total annual responses: 3,300.

Total annual hours requested: 13,200 hours.

Dated: June 8, 2000.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 00–15132 Filed 6–14–00; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99–036–2]

Monsanto Co.; Extension of Determination of Nonregulated Status for Potato Genetically Engineered for Insect and Virus Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to extend to one additional potato line our determination that certain potato lines developed by Monsanto Company, which have been genetically engineered for insect and virus resistance, are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our decision is based on our evaluation of data submitted by Monsanto Company in its request for an extension of a determination of nonregulated status, an analysis of other scientific data, and comments received from the public in response to a previous notice. This notice also announces the availability of our finding of no significant impact.

EFFECTIVE DATE: July 17, 2000.

ADDRESSES: The extension request, an environmental assessment and finding of no significant impact, and all comments received may be read at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. James White, Biotechnology Assessments Section, Permits and Risk Assessments, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–5940. To obtain a copy of the extension request or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–4885; e-mail: kay.peterson@usda.gov.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

Background

On June 22, 1999, APHIS received a request for an extension of a determination of nonregulated status (APHIS No. 99–173–01p) from Monsanto Company (Monsanto) of St. Louis, MO, for a Russet Burbank potato line designated as NewLeaf® Plus line RBMT22–82 (RBMT22–82), which has been genetically engineered for resistance to the Colorado potato beetle (CPB) and potato leaf roll virus (PLRV). Monsanto requested an extension of a determination of nonregulated status issued previously for NewLeaf® Plus Russet Burbank potato lines RBMT21–129 and RBMT21–350, APHIS petition number 97–204–01p (63 FR 69610–69611, December 17, 1998, Docket No. 97–094–2). Based on the similarity of RBMT22–82 to RBMT21–129, the antecedent organism, Monsanto requested a determination that CPB-and PLRV-resistant potato line RBMT22–82 does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On March 6, 2000, APHIS published a notice in the **Federal Register** (65 FR 11758–11759, Docket No. 99–036–1) announcing that an environmental assessment for Monsanto's extension request had been prepared and was available for public comment. During the designated 30-day public comment period, APHIS received 10 comments from the following sources: State potato commissions, a potato growers association, an organic consumers association, the U.S. Department of Agriculture's Agricultural Research Service, a State university, a State university agricultural experiment station, plant virologists, a farmer, and a private individual. Six of the comments were in favor of the extension request, and four were in opposition. A majority of the commenters expressing support for deregulating potato line RBMT22–82 stressed its effectiveness in resisting the damage caused by CPB and PLRV and the associated benefits of reduced pesticide use. Several commenters in opposition to deregulation of the subject potato line expressed concern that insufficient safety testing had been done on such issues as genetic drift, the development of insect resistance, effects on beneficial organisms, and the potential for the development of novel plant viruses through expression of parts of viruses from a transgene. APHIS identified and addressed these issues in the environmental assessment prepared for line RBMT22–82 and in the environmental assessment and determination prepared for the antecedent organism. In consideration of the comments submitted to us, we have included a response to comments as an attachment to our finding of no significant impact (FONSI) for the environmental assessment. The environmental assessment and the FONSI, including the attachment, are available from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Analysis

Like the antecedent organism, potato line RBMT22–82 contains the *cry3A* gene derived from *Bacillus thuringiensis* subsp. *tenebrionis (Btt) and the orf1/orf2* gene derived from PLRV. The *cry3A* gene encodes an insecticidal protein that is effective against CPB and the *orf1/orf2* gene imparts resistance to PLRV. Potato line RBMT22–82 also contains the *CP4 EPSPS* selectable marker gene, while the antecedent organism contained the *nptII* selectable marker gene. The subject potato line and the antecedent organism were developed through use of the *Agrobacterium tumefaciens* transformation system, and expression of the added genes in RBMT22–82 and the antecedent organism is controlled in part by gene sequences derived from the plant pathogens figwort mosaic virus and *A. tumefaciens.*

Potato line RBMT22–82 and the antecedent organism were genetically engineered using the same transformation method and with the same genes that make the plants insect and virus resistant. Accordingly, we have determined that RBMT22–82 is similar to the antecedent organism RBMT21–129 in APHIS petition 97–204–01p and, therefore, should no longer be regulated under the regulations in 7 CFR part 340.

The subject potato line has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of RBMT22–82, conducted under APHIS permits and notifications since 1994, indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of its environmental release.

Determination

Based on an analysis of the data submitted by Monsanto, a review of other scientific data, and field tests of the subject potato line, APHIS has determined that Russet Burbank potato line RBMT22–82: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than similar pest-resistant potatoes developed by traditional breeding techniques; (3) is unlikely to increase the weediness potential for any other cultivated or wild species with which it can interbreed; (4) will not cause damage to raw or processed agricultural commodities; and (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture. Therefore, APHIS has concluded that potato line RBMT22–82 and any progeny derived from crosses with other potato varieties will be as safe to grow as potatoes that are not subject to regulation under 7 CFR part 340.

Because APHIS has determined that potato line RBMT22–82 does not present a plant pest risk based on its similarity to the antecedent organism, Monsanto's potato line RBMT22–82 will no longer be considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject potato line or its progeny. However, importation of potato line RBMT22–82 and seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

National Environmental Policy Act

An environmental assessment (EA) was prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that Monsanto's potato line RBMT22–82 and lines developed from it are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 9th day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–15152 Filed 6–14–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Request for Revision of a Currently Approved Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Commodity Credit Corporation's (CCC) intention to request a revision to a currently approved information collection. This information collection is used in support of loan deficiency payments authorized by the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 ACT), for rice, upland cotton, feed grains, wheat, and oilseeds.

DATES: Comments on this notice must be received on or before August 14, 2000, to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Raellen Erickson, Price Support Division, USDA, FSA, 1400 Independence Avenue, S.W., STOP 0512, Washington, DC 20250–0512, telephone (202) 720–7320; e-mail: raellen_erickson @ wdc.fsa.usda.gov; pr facsimile (202) 690–3307.

SUPPLEMENTARY INFORMATION:

Title: Loan Deficiency Payments.

OMB Control Number: 0560–0129.

Expiration Date: January 31, 2001.

Type of Request: Revision of a currently approved information collection.

Abstract: The 1996 Act provides for loan deficiency payments to eligible producers with respect to eligible commodities. Forms required for requesting these payments are used by producers requesting a loan deficiency payment in lieu of a marketing assistance loan with respect to eligible production. This information collected is needed to determine loan deficiency payment quantities and payment amounts, verify producer and commodity eligibility, and to ensure that only eligible producers receive loan deficiency payments.

Producers requesting loan deficiency payments must provide specific data relative to the loan deficiency payment request. Forms included in this information collection package require various types of information including the farm number, type of commodity, quantity of commodity, storage location, and percent share of the commodity to determine eligibility. Producers must also agree to the terms and conditions contained in the loan deficiency payment application. The completed application is used by CCC when issuing a loan deficiency payment. Without this collection of information, CCC could not carry out the statutory loan deficiency payment provisions.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per producer.

Respondents: Eligible producers.

Estimated Number of Respondents: 2,035,000.

Number of Responses: 6,105,000.

Estimated Total Annual Burden: 3,825,000 hours.

Proposed topics for comments are: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility: (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used: (c) ways to enhance the quality, utility, and clarity of the information to be collected: or (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 should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Raellen Erickson, USDA—Farm Service Agency—Price Support Division, 1400 Independence Avenue, S.W., STOP 0512, Washington, DC 20250–0512: telephone (202) 720–7320: e-mail raellen_erickson@wdc.fsa.usda.gov.

Copies of the information collection may be obtained from Raellen Erickson at the above address.

OMB is required to make a decision concerning the collection contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, on June 9, 2000.

Parks Shackelford,

Acting Executive Vice President,, Commodity Credit Corporation.

[FR Doc. 00–15153 Filed 6–14–00; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Municipal Interest Rates for the Third Quarter of 2000

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of municipal interest rates on advances from insured electric loans for the third quarter of 2000.

SUMMARY: The Rural Utilities Service hereby announces the interest rates for advances on municipal rate loans with interest rate terms beginning during the third calendar quarter of 2000.

DATES: These interest rates are effective for interest rate terms that commence during the period beginning July 1, 2000, and ending September 30, 2000.

FOR FURTHER INFORMATION CONTACT: Gail P. Salgado, Management Analyst, Office of the Assistant Administrator, Electric Program, Rural Utilities Service, U.S. Department of Agriculture, Room 4024–S, Stop 1560, 1400 Independence Avenue, SW, Washington, DC 20250–1560. Telephone: 202–205–3660. FAX: 202–690–0717. E-mail: GSalgado@rus.usda.gov.

SUPPLEMENTARY INFORMATION: The Rural Utilities Service (RUS) hereby announces the interest rates on advances made during the third calendar quarter of 2000 for municipal rate electric loans. RUS regulations at § 1714.4 state that each advance of funds on a municipal rate loan shall bear interest at a single rate for each interest rate term. Pursuant to § 1714.5, the interest rates on these advances are based on indexes published in the ''Bond Buyer'' for the four weeks prior to the fourth Friday of the last month before the beginning of the quarter. The rate for interest rate terms of 20 years or longer is the average of the 20 year rates published in the Bond Buyer in the four weeks specified in § 1714.5(d). The rate for terms of less than 20 years is the average of the rates published in the Bond Buyer for the same four weeks in the table of ''Municipal Market Data—General Obligation Yields'' or the successor to this table. No interest rate may exceed the interest rate for Water and Waste Disposal loans.

The table of Municipal Market Data includes only rates for securities maturing in 2000 and at 5 year intervals thereafter. The rates published by RUS reflect the average rates for the years shown in the Municipal Market Data table. Rates for interest rate terms ending in intervening years are a linear interpolation based the average of the rates published in the Bond Buyer. All rates are adjusted to the nearest one eighth of one percent (0.125 percent) as required under § 1714.5(a). The market interest rate on Water and Waste Disposal loans for this quarter is 5.875 percent.

In accordance with § 1714.5, the interest rates are established as shown in the following table for all interest rate terms that begin at any time during the third calendar quarter of 2000.

Interest rate term ends in (year)	RUS rate (0.000 percent)
2021 or later	5.875
2020	5.875
2019	5.875
2018	5.875
2017	5.750
2016	5.750
2015	5.750
2014	5.625
2013	5.625
2012	5.500
2011	5.375
2010	5.375
2009	5.250
2008	5.250
2007	5.125
2006	5.125
2005	5.000
2004	4.875
2003	4.625
2002	4.375
2001	4.125

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 00–15089 Filed 6–14–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–805]

Circular Welded Non-Alloy Steel Pipe and Tube From Mexico: Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On December 9, 1999, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Mexico covering exports of this merchandise to the United States by certain manufacturers (Circular Welded Non-Alloy Steel Pipe from Mexico; Preliminary Results of Administrative Review, 64 FR 68995 (December 9, 1999)). We invited interested parties to comment on the preliminary results. We received comments and rebuttals from petitioners and from respondent with respect to both Hylsa and TUNA. Based on our analysis of the comments received, we have made changes in the margin calculations. The final weighted-average dumping margins for TUNA and Hylsa are listed below in the section entitled Final Results of Reviews.

EFFECTIVE DATE: June 15, 2000.

FOR FURTHER INFORMATION CONTACT: John Drury (TUNA), Charles Rast (Hylsa), or Linda Ludwig, Enforcement Group III, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Room 7866, Washington, DC 20230; telephone (202) 482–0195, (202) 482–1324, or (202) 482–3833, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR part 351 (April 1998).

Background

The Department published an antidumping duty order on circular

welded non-alloy steel pipe and tube from Mexico on November 2, 1992 (57 FR 49453). The Department published a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order for the 1997/98 review period on November 12, 1998 (63 FR 63287). Respondents TUNA and Hylsa requested that the Department conduct an administrative review of the antidumping duty order on circular welded non-alloy steel pipe and tube from Mexico. We initiated this review on December 23, 1998. 63 FR 71091 (December 17, 1998).

On December 9, 1999, the Department published the preliminary results in this case. See Circular Welded Non-Alloy Steel Pipe from Mexico: Preliminary Results of Antidumping Duty Administrative Review, 64 FR 68995 (December 9, 1999). Section 751(a)(3)(A) of the Act allows the Department to extend the deadline for the final determination to 180 days from the date of publication of the preliminary determination. On March 31, 2000, the Department published a notice of extension of the time limit for the final results in this case to June 6, 2000. See Circular Welded Non-Alloy Steel Pipe from Mexico: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review, 65 FR 17256 (March 31, 2000).

The Department is conducting this review in accordance with section 751(a) of the Act.

Scope of Review

The products covered by these orders are circular welded non-alloy steel pipes and tubes, of circular cross-section, not more than 406.4 millimeters (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes and are intended for the low pressure conveyance of water, steam, natural gas, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses, and generally meet ASTM A–53 specifications. Standard pipe may also be used for light load-bearing applications, such as for fence tubing, and as structural pipe tubing used for framing and support members for reconstruction or load-bearing purposes in the construction, shipbuilding, trucking, farm equipment, and related industries. Unfinished conduit pipe is also included in these orders.

All carbon steel pipes and tubes within the physical description outlined above are included within the scope of these orders, except line pipe, oil country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. Standard pipe that is dual or triple certified/stenciled that enters the U.S. as line pipe of a kind used for oil or gas pipelines is also not included in these orders.

Imports of the products covered by these orders are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90.

Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum (Decision Memorandum) from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 6, 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 review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099 of the main Department building. 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 the electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, and of information submitted by respondents in response to requests by the Department for more information, we have made certain changes in the margin calculations. We have also corrected certain programming and clerical errors in our preliminary results, where applicable. Any alleged programming or clerical errors with which we do not agree are discussed in the relevant sections of the Decision Memorandum, accessible in B–099 and on the Web at www.ita.doc.gov/import_admin/records/frn/.

Final Results of Review

We determine that the following percentage weighted-average margins exist for the period November 1, 1997 through October 31, 1998:

CIRCULAR WELDED NON-ALLOY STEEL PIPES AND TUBES

Producer/Manufacturer/Exporter	Weighted-Average Margin (percent)
TUNA	1.92
Hylsa	10.38

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of review for all shipments of circular welded non-alloy steel pipe from Mexico entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rates for those firms as stated above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original less than fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, the cash deposit rate will be 32.62 percent. This is the ''all others'' rate from the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption

that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a 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 351.306 of the Department's regulations. Timely written notification of return/destruction of APO materials 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.

This administrative review and this notice are in accordance with sections 751(a)(1) and 777(i)(1)of the Act.

Dated: June 6, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

Appendix I—-Issues in Decision Memorandum

Comments and Responses

TUNA

1. Cost of Production—Tolling Fees
2. Cost of Production—Major Input
3. Cost of Production—U.S. vs. Home Market costs
4. Export Price and Constructed Export Price Sales
5. Constructed Export Price Offset

Hylsa

1. Date of Sale
2. Sales to Employees
3. Export Price versus Constructed Export Price Sales
4. Inland Freight-Plant to Warehouse
5. Advertising Expenses
6. Inland Freight-Plant to Customer
7. Late Payment Interest
8. Warranty Expenses
9. Delivery Terms
10. U.S. Freight and Brokerage
11. Product Comparisons

[FR Doc. 00–15195 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–601]

Brass Sheet and Strip From Canada; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On February 8, 2000, the Department of Commerce (the ''Department'') published the preliminary results of administrative review of the antidumping duty order on brass sheet and strip from Canada. The merchandise covered by this order is brass sheet and strip from Canada. The review covers one manufacturer/exporter, Wolverine Tube (Canada) Inc., (''Wolverine''). The period of review (''POR'') is January 1, 1998, through December 31, 1998.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firm is listed below in the section entitled ''*Final Results of the Review*.''

EFFECTIVE DATE: June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Paige Rivas, Nithya Nagarajan, or Lyman Armstrong, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–0651, 482–5253, or 482–3601, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the ''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1998).

Background

On February 8, 2000, the Department published the preliminary results of administrative review of the antidumping duty order on brass sheet and strip from Canada. *See Brass Sheet and Strip from Canada: Preliminary Results of Antidumping Duty Administrative Review,* 65 FR 6134, (February 8, 2000). The review covers one manufacturer/exporter, Wolverine. The POR is January 1, 1998, through December 31, 1998. We invited parties to comment on our preliminary results of review. We received comments on March 9, 2000, from Wolverine and from Hussey Copper Ltd., The Miller Company, Olin Corporation, Outokumpu American Brass, Revere Copper Products, Inc., International Association of Machinists and Aerospace Workers, International Union, Allied Industrial Workers of America (''AFL–CIO''), Mechanics Educational Society of America (''Local 56''), and the United Steel Workers of America (''AFL–CIO/CLC'') (collectively ''petitioners''). On March 14, 2000, we received a rebuttal brief from petitioners. On March 15, 2000, we received a rebuttal brief from Wolverine. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The product covered by this review is brass sheet and strip (''BSS''), other than leaded and tinned BSS. The chemical composition of the covered products is currently defined in the Copper Development Association (''C.D.A.'') 200 Series or the Unified Numbering System (''U.N.S.'') C2000. This review does not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. In physical dimensions, the products covered by this review have a solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise is currently classified under Harmonized Tariff Schedule (''HTS'') item numbers 7409.21.00 and 7409.29.00. Although the HTS item numbers are provided for convenience and customs purposes, the written description of the scope of this order remains dispositive. Pursuant to the final affirmative determination of circumvention of the antidumping duty order, covering the period September 1, 1990, through September 30, 1991, we determined that brass plate used in the production of BSS falls within the scope of the antidumping duty order on BSS from Canada. *See Brass Sheet and Strip from Canada: Final Affirmative Determination of Circumvention of Antidumping Duty Order,* 58 FR 33610 (June 18, 1993).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memorandum'') from Holly A. Kuga, Acting Deputy Assistant Secretary, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 7, 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 review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099 (''B–099'') of the main Department building. 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.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. These changes are discussed in the relevant sections of the ''Decision Memorandum,'' accessible in B–099 and on the Web at www.ita.doc.gov/import_admin/records/frn/.

Final Results of Review

We determine that the following percentage weighted-average margin exists for the period January 1, 1998, through December 31, 1998:

Manufacturer/exporter	Margin (percent)
Wolverine Tube (Canada) Inc ..	3.38

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates. With respect to both export price and constructed export price sales, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. We will direct Customs to assess the resulting percentage margins against the entered Customs values for the subject merchandise on each of that importer's entries under the order during the review period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of brass sheet and strip from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 8.10 percent. This rate is the ''All Others'' rate from the LTFV investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a 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. Timely notification of return/destruction of APO materials 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 section 751(a)(1) and 777(i) of the Act.

Dated: June 7, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

Appendix—Issues in Decision Memorandum Comments and Responses

1. General and Administrative Expenses, Interest Expenses
   A. Packing and Movement Expenses
   B. Parent Company General and Administrative Expenses
   C. Interest Expense
   D. Foreign Exchange Gains
2. Circumstance of Sale Adjustments
   A. Warranty Expenses
3. Model-Match Methodology
   A. Product Width Comparison

[FR Doc. 00–15197 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–822]

Certain Helical Spring Lock Washers From the People's Republic of China: Notice of Extension of Time Limit for the Preliminary Results of the Sixth Administrative Antidumping Review

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

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the sixth administrative review of the antidumping duty order on certain helical spring lock washers from the People's Republic of China. The period of review is October 1, 1998 through September 30, 1999.

EFFECTIVE DATE: June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Sally Hastings or Annika O'Hara, Office of AD/CVD Enforcement I, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–3464 or (202) 482–3798, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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. Unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR part 351 (1999).

Background

On December 3, 1999, the Department initiated the sixth antidumping duty administrative review of certain helical spring lock washers from the People's Republic of China, covering October 1, 1998 to September 30, 1999. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 64 FR 67846 (December 3, 1999). The preliminary results are currently due on July 3, 2000.

Statutory Time Limits

Section 751(a)(3)(A) of the Act requires the Department to issue the preliminary results within 245 days

after the last day of the anniversary month of the order for which a review is requested. However, if it is not practicable to issue the preliminary results within the time period, section 751(a)(3)(A) of the Act allows the Department to extend this deadline to a maximum of 365 days.

Postponement

Because verification is being conducted, the Department has determined that additional time is necessary to issue the preliminary results in this administrative review. Therefore, in accordance with section 751(a)(3)(A) of the Act, we are postponing the preliminary results of this administrative review for 60 days, until no later than August 31, 2000.

This notice is published pursuant to sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 9, 2000.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–15196 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

Advisory Committee on Africa: Notice of Open Meeting

AGENCY: International Trade Administration/Deputy Assistant Secretary for Africa, Commerce.

SUMMARY: The Advisory Committee on Africa was established to advise the Secretary of Commerce and the Deputy Secretary of Commerce on commercial policy issues in Sub-Saharan Africa.

TIME AND PLACE: July 6, 2000 from 10 a.m. to 12 noon. The meeting will take place at the Main Department of Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

AGENDA:

1. Discuss steps to implement the recently passed African Growth and Opportunity Act (AGOA).
2. Discuss Export-Import Bank's rand-denominated loan guarantee facility in South Africa.
3. Discuss Deputy Secretary Mallett's June 2000 visit to Kenya, South Africa and Mauritius.

PUBLIC PARTICIPATION: The meeting will be open to public participation. Seating will be available on a first-come first-served basis. Members of the public who plan to attend are requested to advise Ms. Alicia Robinson, Office of Africa, tel: 202–482–5148, fax: 202–482–5198, e-mail: *alicia_robinson@ita.doc.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Alicia Robinson, Office of Africa, Room 2037, U.S. Department of Commerce; tel: 202–482–5148, fax: 202–482–5198, e-mail: *alicia_robinson@ita.doc.gov.*

Dated: June 6, 2000.

Sally Miller,

Director, Office of Africa.

[FR Doc. 00–15105 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of First Request for Panel Review.

SUMMARY: On June 8, 2000, Cinsa, S.A. de C.V. (''CINSA'') and Esmaltaciones de Norte America, S.A. de C.V. (''ENASA'') filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final antidumping duty administrative review determination made by the International Trade Administration, respecting Porcelain-on-Steel Cookware from Mexico. This determination was published in the **Federal Register** (65 FR 30068) on May 10, 2000. The NAFTA Secretariat has assigned Case Number USA–MEX–00–1904–04 to this request.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on June 8, 2000, requesting panel review of the final antidumping duty administrative review described above.

The Rules provide that:

(a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is July 10, 2000);

(b) a Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is July 24, 2000); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: June 9, 2000.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. 00–15083 Filed 6–14–00; 8: 45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061200A]

Southeast Region Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed collection; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing

effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on this continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 14, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 6066, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at lengelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robert Sadler, Southeast Regional Office, 9721 Executive Center Drive, St. Petersburg, Florida 33702.

SUPPLEMENTARY INFORMATION:

I. Abstract

Federal fisheries permits are a major component of fishery management in the Southeast. Conservation and management of fishery resources require identification of fishing vessels and dealers through permits, and notification of agency fishery managers by fishery participants regarding certain fishing activities.

II. Method of Collection

Fishers must notify the agency regarding certain fishing activities, such as retrieval of traps, by telephonic communication. Vessel owners and fishery dealers must submit applications for federal fishing permits and provide relevant information on those applications. However, in many cases fishery permit applications are filled out using data which had previously been submitted and mailed to the applicant. The applicant need only modify any data which has changed and choose the desired permits.

III. Data

OMB Number: 0648–0205.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations, and individuals.

Estimated Number of Respondents: 6,968.

Estimated Time Per Response: 5 minutes for dealer permit applications; 20 minutes for vessel permit applications; 20 minutes for an Aquacultured Live Rock permit application; 20 minutes for an Aquacultured Live Rock site evaluation report; 5 minutes for Permit Purchase Price Information; 20 minutes for permit endorsements for Gulf Red Snapper; 5 minutes for permit endorsements for Mackerel Gillnet; 5 minutes for notification of Golden Crab Lost or Stolen Traps; 5 minutes for observer notifications for Golden Crab, Shark, and Swordfish trips; 5 minutes for a transit notification for Golden Crab; 5 minutes for a Notification of Authorization for Trap Retrieval for Gulf Reef Fish; 15 minutes for Notification of Authorization for Trap Retrieval for South Atlantic Snapper-Grouper or Golden Crab; 5 minutes for Notification of Harvest Activity for Aquacultured Live Rock; 5 minutes for Notification Lost Traps for Caribbean Spiny Lobster; and 5 minutes for Coupons for Tracking Individual Transferable Quotas for Wreckfish.

Estimated Total Annual Burden Hours: 1,592.

Estimated Total Annual Cost to Public: $382,303 (Fishers are charged for the administrative cost of issuing the permit).

IV. Request for 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 8, 2000.

Madeleine Clayton,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 00–15176 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061200B]

Southeast Region Logbook Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed collection; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 14, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 6066, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at lengelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robert Sadler, Southeast Regional Office, 9721 Executive Center Drive, St. Petersburg, Florida 33702 (727–570–5326).

SUPPLEMENTARY INFORMATION:

I. Abstract

Logbooks are required from selected Federally-managed fisheries in the Southeast Region of the U.S. The catch and effort data from the logbooks are used in stock assessments and for impact analyses of proposed or existing management regulations. Notification is required prior to the harvest of live rock coral for enforcement purposes.

II. Method of Collection

Logbooks are in paper form. Notifications are by phone.

III. Data

OMB Number: 0648–0016.

Form Number: NOAA Form 88–186.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 4,000.

Estimated Time Per Response: 10 minutes per day for logbooks in the

golden crab, mackerel, and wreckfish fisheries when fish were caught; 20 minutes per day for logbooks from vessels fishing in Columbia waters; 2 minutes for negative logbook reports in all fisheries listed above; 12 minutes per day for logbooks from headboats; 15 minutes per day for logbooks for live rock; and 2 minutes for notifications prior to harvest of live rock.

Estimated Total Annual Burden Hours: 13,100.

Estimated Total Annual Cost to Public: $0.

IV. Request for 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 8, 2000.

Madeleine Clayton,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 00–15178 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041000B] [A]

Notice of Decision and Availability of Decision Documents on the Issuance of a Permit for Incidental Takes of Threatened and Endangered Species

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

ACTION: Notice of decision and availability of decision documents on the issuance of a permit (1233) for incidental takes of endangered and threatened species.

SUMMARY: This notice advises the public that a decision on the application for an incidental take permit by the State of Idaho Department of Fish and Game (IDFG), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA), has been made and that the decision documents are available upon request.

DATES: Permit 1233 was issued on May 26, 2000, subject to certain conditions set forth therein, and expires on December 31, 2004.

ADDRESSES: Requests for copies of the decision documents or any of the other associated documents should be directed to the Hatcheries and Inland Fisheries Branch, Sustainable Fisheries Division, F/NWO3, NMFS, 525 NE Oregon Street, Suite 510, Portland, OR 97232–2737 (503–230–5407).

FOR FURTHER INFORMATION CONTACT: Herbert Pollard, Portland, OR, at phone number: (208) 378–5614, fax: (208) 378–5699, or e-mail: Herbert.Pollard@noaa.gov

SUPPLEMENTARY INFORMATION: The following species and evolutionary significant units (ESU's) are covered in the permit: Chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River (SnR) spring/summer, threatened SnR fall.

Sockeye salmon (*O. nerka*): endangered SnR.

Steelhead (*O. mykiss*): threatened SnR.

Decision

Notice was published on April 19, 2000 (65 FR 20951) that IDFG applied for a section 10(a)(1)(B) permit for annual incidental takes of ESA-listed anadromous fish associated with otherwise lawful recreational fisheries on non-listed species in the Snake, Salmon, and Clearwater River Basins and the Stanley Basin lakes in the State of Idaho in the Pacific Northwest. IDFG submitted a Conservation Plan with its permit application that describes measures designed to monitor, minimize, and mitigate the incidental taking of ESA-listed anadromous salmonids associated with the sport-fisheries, some or all of which are expected to occur annually for the duration of the permit.

NMFS' decision is to adopt the preferred alternative in the Conservation Plan together with the preferred alternative in the Environmental Assessment that was completed for this permit action and issue a permit with conditions authorizing incidental takes of the ESA-listed anadromous fish species. This decision is based on a thorough review of the alternatives and their environmental consequences. NMFS' conditions will ensure that the incidental takes of ESA-listed anadromous fish will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. By adopting the preferred alternative in the Conservation Plan, with the Conservation Plan's stated assurances that IDFG's mitigation program will be implemented, all practicable means to avoid or minimize harm have been adopted.

IDFG requested an annual incidental take of threatened SnR steelhead. Protective regulations are currently proposed for SnR steelhead (64 FR 73479, December 30, 1999). NMFS did not act on that part of IDFG's permit application. In the future, when NMFS promulgates final rules under section 4(d) of the ESA that will provide take prohibitions for threatened SnR steelhead, NMFS may amend the permit to include the authorization for an incidental take of this species as IDFG requested in its application. Issuance of the permit does not presuppose the contents of the eventual protective regulations.

Rationale for Decision

The decision to issue the permit was made because the Conservation Plan proposed by IDFG meets the statutory criteria for issuance of an incidental take permit under section 10 of the ESA. In issuing the permit, NMFS determined that IDFG's Conservation Plan provides adequate mitigation measures to avoid, minimize, and/or compensate for the anticipated takes of ESA-listed anadromous fish.

The permit was granted only after NMFS determined that the permit was applied for in good faith, that all permit issuance criteria were met, including the requirement that granting the permit would not jeopardize the continued existence of the species, and that the permit is consistent with the purposes and policies set forth in the Endangered Species Act of 1973, as amended.

Dated: June 9, 2000.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–15177 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Mauritius

June 12, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 15, 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 shift and special shift.

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 50497, published on September 17, 1999.

D. Michael Hutchinson

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 12, 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 September 13, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Mauritius and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective on June 15, 2000, you are directed to adjust the current 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	644,655 dozen.
347/348	1,212,888 dozen.
638/639	539,695 dozen.
647/648/847	661,330 dozen.

[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 of 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. 00–15135 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Romania

June 12, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 15, 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 limit for Category 435 is being increased for special shift, reducing the limit for Category 444 to account for the special shift being applied.

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 71116, published on December 20, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 12, 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 December 14, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000.

Effective on June 15, 2000, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
435	14,615 dozen.
444	21,070 numbers.

[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 of 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. 00–15136 Filed 6–14–00; 8:45 am]

BILLING CODE 3510–DR–F

CONSUMER PRODUCT SAFETY COMMISSION

Petition Requesting Performance Requirments for Non-Wood Baseball Bats

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission has received a petition (CP 00–1) requesting that the Commission issue a performance standard for non-wood baseball bats. The Commission solicits written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by August 14, 2000.

ADDRESSES: Comments, preferably in five copies, on the petition should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504–0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned ''Petition CP 00–1, Petition on Baseball Bats.'' A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0800, ext. 1232.

SUPPLEMENTARY INFORMATION: The Commission has received correspondence from J.W. MacKay, Jr. requesting that the Commission issue a rule requiring that all non-wood baseball bats perform like wood bats. The Commission is docketing his request as a petition under the Consumer Product Safety Act. 15 U.S.C. 2056 and 2058. The petitioner asserts that non-wood bats (primarily made of aluminum and composite materials) have become increasingly dangerous. He states that such bats have a faster bat swing speed, a larger ''sweet spot,'' and lower balance point than wood bats. These high performance bats, he asserts, allow the ball to achieve a faster exit velocity so that the pitcher does not have time to react if a ball is batted at him. For these reasons, the petitioner argues, such non-wood bats present an unreasonable risk of injury.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0800. Copies of the petition are also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated: June 9, 2000.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 00–15062 Filed 6–14–00; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00–33]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

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

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

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00–33 with attached transmittal, policy justification and Section 620(C)(d) of the Foreign Assistance Act of 1961.

Dated: June 9, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

25 MAY 2000
In reply refer to:
I-00/003019

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

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-33, and under separate cover, the classified documents thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services estimated to cost $305 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended by Section 1245 of H.R. 3427 enacted by P.L. 106-113 dated November 29, 1999, requires a description of any offset agreement with respect to this proposed sale. Section 36(b)(1)(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,

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

Attachments

Separate Cover:
Classified Annex
Offset certificate

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

Transmittal No. 00-33

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

(i) **Prospective Purchaser:** Greece

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 265 million
Other	$ 40 million
TOTAL	$ 305 million

(iii) **Description of Articles or Services Offered:** Five Hundred sixty Advance Medium Range Air-to-Air Missiles (AMRAAM), 750 BLU-109 bombs, missile containers, fuzes, spare and repair parts, publications and technical documentation, engineering technical assistance, and other related elements of logistics and program support

(iv) **Military Department:** Air Force (SNX, Amendment 1 and SBD, Amendment 10)

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

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

(vii) **Date Report Delivered to Congress:** 25 MAY 2000

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

POLICY JUSTIFICATION

Greece - F-16 Aircraft Munitions

The Government of Greece (GOG) has requested a possible sale of 560 Advance Medium Range Air-to-Air Missiles (AMRAAM), 750 BLU-109 bombs, missile containers, fuzes, spare and repair parts, publications and technical documentation, engineering technical assistance, and other related elements of logistics and program support. The estimated total cost is $305 million.

The proposed sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Greece while enhancing weapon system standardization and interoperability with U.S. forces.

The proposed sale will provide an opportunity to further modernize and strengthen the Greek air forces in the air defense role. These munitions and associated equipment and support are intended to supplement their air-to-air missile employment arena in the southern region of NATO, and defense and protect its national boundaries. Greece will have no difficulty absorbing these munitions into their armed forces. These missiles will be provided to Greece in accordance with and subject to the limitations on use and transfer of the Arms Export Control Act, as embodied in the terms of sale. This proposed sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The principal contractors will be Raytheon Company, Tucson, Arizona, and either National Forge, Irvine, Pennsylvania; or Lockheed Martin Missiles and Fire Control, Orlando, Florida. The GOG wants offsets to be a part of this procurement, however, there has not been any discussion between the GOG and the contractors.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government and contractor representatives to Greece.

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

Certification Under § 620C(d) Of The Foreign Assistance Act of 1961, As Amended

Pursuant to § 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163 (Sec. 1-201(a)(13)) and the Secretary of State's memorandum of December 15, 1997, I hereby certify that the furnishing to Greece AIM-120 AMRAAM air-to-air missiles and BLU-109 penetration bombs with associated fuzes, spare and repair parts, technical data and engineering technical assistance with an estimated cost of $305 million is consistent with the principles contained in § 620C(b) of the Act.

This certification will be made part of the notification to Congress under § 36(b) of the Arms Export Control Act regarding the proposed sale of the above-named articles and services and is based on the justification accompanying said notification, of which said justification constitutes a full explanation.

John D. Holum
Senior Adviser
for Arms Control and
International Security

[FR Doc. 00–15082 Filed 6–14–00; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, As amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory board has been scheduled as follows:

DATES: 26–27 June 2000 (800am to 1600pm).

ADDRESSES: Joint Battle Center, 1161 Lake View Parkway, Suite 150, Suffolk, VA 23435.

FOR FURTHER INFORMATION CONTACT: Maj. Donald R. Culp, Jr., USAF Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: June 9, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15080 Filed 6–14–00; 8:45 am]
BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial; Public Meeting

AGENCY: Joint Service Committee on Military Justice (JSC).

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda for the 2000 draft annual review public meeting of the JSC. This notice also describes the functions of the JSC.

DATES: Wednesday, 28 June 2000 at 2 p.m.

ADDRESSES: Room 808, 1501 Wilson Blvd, Arlington, VA 22209–2403.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Thomas C. Jaster, U.S. Air Force Legal Services Agency, 112 Luke Avenue, Room 343, Bolling Air Force Base, Washington, DC 20332–8000, (202) 767–1539; FAX (202) 404–8755

SUPPLEMENTARY INFORMATION:

Agenda

The JSC will receive public comment concerning its 2000 draft annual review of the Manual for Courts-Martial as published in the **Federal Register** at 65 FR 30963 on May 15, 2000.

The Judge Advocates General established the JSC in 1972. The JSC currently operates under Department of Defense Directive 5500.17, May 8, 1996. The function of the JSC is to improve military justice through preparation and

evaluation of proposed amendments and changes to the Uniform Code of Military Justice and the Manual for Courts-Martial.

This notice is provided in accordance with DoD Directive 5500.17, ''Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice,'' May 8, 1996. This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at lay by any party against the United States, its agencies, its officers, or any person.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15081 Filed 6–14–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of meetings.

SUMMARY: The Defense Science Board Year 2000 Summer Study Task Forces on Defensive Information Operations, Intelligence Needs for Civil Support, Defense Against Biological Weapons, and Unconventional Nuclear Warfare will meet in closed session on August 6–18, 2000, at the Beckman Center, Irvine, California.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Task Forces will focus on assuring DoD's ability to carry out Joint Vision 2010 in the face of information warfare attack; developing an integrated picture of the intelligence required to effectively contribute to our civil support responsibilities in the three threat areas; increasing our future preparedness to deter, defend against, respond to, and attribute attack on the Nation by biological weapons; and addressing the current state of detection, identification, response and prevention of terrorist, subnational, or other unconventional nuclear attacks on the U.S.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II (1994)), it has been determined that these DSB Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly these meetings will be closed to the public.

Dated: June 9, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15076 Filed 6–14–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of meeting.

SUMMARY: The Defense Science Board (DSB) Task Force on Defensive Information Operations (formerly known as the Task Force on Information Warfare—Defense) will meet in closed session on July 12–14, 2000, at the Strategic Analysis Conference Center, 3601 Wilson Boulevard, Suite 600, Arlington, VA 22201.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will review the progress made since the 1996 Defense Science Board report on Information Warfare—Defense and determine the adequacy of the Department's process in providing information assurance to carry out Joint Vision 2010 in the face of information warfare attacks.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that this Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly these meetings will be closed to the public.

Dated: June 9, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15077 Filed 6–14–00; 8:45 am]

BILLING CODE 5001–10—M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on DoD Frequency Spectrum Issues

ACTION: Notice of meeting.

SUMMARY: The Defense Science Board Task Force on DoD Frequency Spectrum Issues will meet in closed session on June 27–28, 2000, at SAIC, 4001 N. Fairfax Drive, Suite 500, Arlington, VA 22203.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will examine the competing interest in and access to the RF frequency spectrum and its impact on military readiness and national security in the 21st century. This study will review and evaluate DOD user frequency spectrum requirements and related advances in technology to improve utilization of this finite resource.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App II (1994)), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: June 9, 2000.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15079 Filed 6–14–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on July 11, 2000, July 18, 2000, at 10 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provision of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: June 9, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15078 Filed 6–14–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice To Extend the Public and Agency Scoping Period for the Initial F–22 Operational Beddown Environmental Impact Statement (EIS)

The United States Air Force is issuing this notice to advise the public of its decision to extend the public and agency scoping period for the preparation of the Draft EIS which will assess the potential environmental impacts of a proposal to beddown the initial F–22 Operational Wing.

The comment period for scoping related comments has been extended to September 30, 2000 to ensure sufficient time to consider public and agency comments in the screening process and preparation of the Draft EIS. Comments should be submitted to the address below. HQ ACC/CEVP, 129 Andrews Street, Suite 102, Langley AFB, VA 23665–2769, Attn: Ms. Brenda Cook.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 00–15128 Filed 6–14–00; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF EDUCATION

[CFDA No.: 84.132A–3]

Centers for Independent Living; Notice Inviting Applications for a New Award for Fiscal Year (FY) 2000

Purpose of Program: This program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of the Rehabilitation Act of 1973, as amended (Act), consistent with the State plan for establishing a statewide network of centers. Centers are consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that are designed and operated within local communities by individuals with disabilities and provide an array of independent living (IL) services.

Eligible Applicants: To be eligible to apply, an applicant must—(a) be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency as defined in 34 CFR 364.4(b); (b) have the power and authority to meet the requirements in 34 CFR 366.2(a)(1); (c) be able to plan, conduct, administer, and evaluate a center for independent living consistent with the requirements of section 725(b) and (c) of the Act and Subparts F and G of 34 CFR part 366; and (d) either—(1) not currently be receiving funds under Part C of Chapter 1 of Title VII of the Act; or (2) propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) in a different geographical location. Eligibility under this competition is limited to entities that meet the requirements of 34 CFR 366.24 and propose to serve areas that are unserved or underserved in the State of North Carolina.

SUPPLEMENTARY INFORMATION: These funds became available to other applicants because the Board of Directors of an existing center for independent living serving eastern North Carolina notified the Rehabilitation Services Administration that it wished to terminate its existing grant. Consistent with the North Carolina State Plan for Independent Living, there is a commitment to establish a center for independent living to serve the eastern portion of the State.

Deadline for Transmittal of Applications: July 31, 2000.

Deadline for Intergovernmental Review: September 29, 2000.

Applications Available: June 15, 2000.

Available Funds: $75,914.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 364 and 366.

For Applications and Further Information Contact: Thomas E. Finch, U.S. Department of Education, 400 Maryland Avenue, SW., room 3038, Switzer Building, Washington, DC 20002–2741. 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 alternate format (*e.g.,* Braille, large print, audio-tape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternate format by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 205–8351. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. However, the Department is not able to reproduce in an alternate 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:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use the PDF you must have 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.*

Program Authority: 29 U.S.C. 796f, 796f–1, 796f–4, and 796f–5.

Dated: June 9, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–15104 Filed 6–14–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review and three-year extension under sections 3507(h)(1) and 3506(c) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

Each entry contains the following information: (1) The collection number and title; (2) a summary of the collection of information (includes the sponsor which is the Department of Energy component), current OMB document number (if applicable), type of request (new, revision, extension, or reinstatement), response obligation (mandatory, voluntary, or required to obtain or retain benefits), (3) a description of the need and proposed use of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

DATES: Comments must be filed within 30 days of publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The OMB DOE Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW, Washington, DC 20503. (Comments should also be addressed to the Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Herbert Miller, Statistics and Methods Group, (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be contacted by telephone at (202) 426–1103, FAX at (202) 426–1081, or e-mail at Herbert.Miller@eia.doe.gov.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. DOE–887, ''DOE Customer Surveys.''
2. Department of Energy; OMB No. 1901–0302; Three-year extension of currently approved collection; Voluntary
3. DOE–887 will be used to contact users and beneficiaries of DOE products or other services to determine how the Department can better improve its services to meet their needs. Information is needed to make the Department's products more effective, efficient, and responsive and at a lesser cost. Respondents will be users and beneficiaries of the Department's products and services.
4. Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.
5. 12,500 hours (.25 hrs. per response × 1 response per year × 50,000 respondents).

Statutory Authority: Sections 3507(h)(1) and 3506(c) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C., June 5, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00–15125 Filed 6–14–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC00–538–000; FERC–538]

Proposed Information Collection and Request for Comments

June 9, 2000.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted on or before August 14, 2000.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Chief Information Officer, CI–1, 888 First Street NE, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at *mike.miller@ferc.fed.us*.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC Form No.–538 ''Gas Pipeline Certificates: Initial Service'' (OMB No. 1902–0061) is used by the Commission to implement the statutory provisions of Sections 7(a), 10(a) and 16 of the Natural Gas Act (NGA) (Pub.L. 75–688)(15 U.S.C. 717–717w). The reporting requirements contained in this collection of information are used by the Commission to determine whether a distributor applicant can economically construct and manage it facilities. Requests are made to the Commission by individuals or entities to have the Commission, by order, direct a natural gas pipeline to extend or improve its transportation facilities, and sell gas to an individual, entity or municipality for the specific purpose indicated in the order, and to extend the pipeline's transportation facilities to communities immediately adjacent to the municipality's facilities or to territories served by the natural gas company. In addition, the Commission reviews the supply data to determine if the pipeline company can provide the service without curtailing certain of its existing customers. The flow data and market data are also used to evaluate existing and future customer requirements on the system to find if sufficient capacity will be available.

Likewise, the cost of facilities and the rate data are used to evaluate the financial impact of the cost of the project to both the pipeline company and its customers. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 156.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hour per response (3)	Total annual burden hours (1)×(2)×(3)
1	1	240	240

The estimated total cost to respondents is $12,871 (240 hours divided by 2,080 hours per employee per year times $111,545 per year average salary (including overhead) per employee=$12,871 (rounded off)).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. these costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology *e.g.* permitting electronic submission of responses.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15102 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–308–001]

ANR Pipeline Company; Notice of Proposed Change in FERC Gas Tariff

June 9, 2000.

Take notice that, on June 5, 2000, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet to be effective July 1, 1000:

Substitute Third Revised Sheet No. 45E.1

ANR states that this filing is made to correct a clerical error incorrectly identifying the location of the Napoleon Interconnect, Henry County, Ohio as the Southeast Central Segment instead of the Northern Segment on the tariff sheet previously submitted on May 31, 2000 in Docket No. RP00–308–000.

ANR states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, 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. 00–15098 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–313–000]

Gas Research Institute; Notice of Annual Application

June 9, 2000.

Take notice that on June 1, 2000, Gas Research Institute (GRI) filed an application requesting advance approval of its 2001–2005 Five-Year Research, Development and Demonstration (RD&D) Plan, and the 2001 RD&D Program and the funding of its RD&D activities for 2001, pursuant to the Natural Gas Act and the Commission's Regulations, particularly 18 CFR 154.38(d)(5).

In its application, GRI proposes to incur contract obligation's of $70.0 million in 2001. Consistent with the Commission's April 29, 1998 Order Approving Settlement, GRI states that all $70.0 of the 2001 contract obligations will be for Core Projects. GRI's application seeks to collect funds to support its RD&D program through jurisdictional rates and charges during the twelve months ending December 31, 2001.

Also, consistent with the Commission's April 29, 1998 Order Approving Settlement, GRI proposes to fund the 2001 RD&D program by the use of the following surcharges: (1) A demand/reservation surcharge of 9.0 cents per Dth per Month for ''high load factor customers''; (2) a demand/reservation surcharge of 5.5 cents per Dth per Month for ''low load factor customers''; (3) a volumetric commodity/usage surcharge of 0.7 cents; and (4) a special ''small customer'' surcharge of 1.1 cents per Dth.

The Commission Staff will analyze GRI's application and prepare a Commission Staff Report. This Staff Report will be served on all parties and filed with the Commission as a public document on August 10, 2000.

Comments on the Staff Report and GRI's application by all parties, except GRI, must be filed with the Commission on or before August 24, 2000. GRI's reply comments must be filed on or August 31, 2000.

Any person desiring to be heard or to protest GRI's application, except for GRI members and state regulatory commissions, who are automatically permitted to participate in the instant proceedings as intervenors, should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 21, 2000. All comments and protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party, other than a GRI member or a state regulatory commission, must file a motion to intervene. Copies of this filing are on a file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15099 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–374–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Application

June 9, 2000.

Take notice that on June 2, 2000, Kinder Morgan Interstate Gas Transmission LLC (KMIGT), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP00–374–000 an application pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon by sale to K N Energy, a division of Kinder Morgan, Inc. (K N Retail), certain secondary lateral pipelines, measuring and tap facilities which are located in the States of Colorado, Nebraska and Wyoming, all as more fully set forth in the application which is 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).

KMIGT states that the facilities proposed for abandonment are currently utilized by KMIGT to make deliveries of natural gas to K N Retail at its local distribution systems. KMIGT states further that these secondary laterals are basically an extension of K N Retail's existing distribution system and would better serve its retail customers if they were owned and operated by K N Retail.

The abandonment, it is said, would have no material impact on KMIGT's cost of service nor would it result in or cause any interruption, disruption, or termination of the transportation service presently rendered by KMIGT.

KMIGT requests that the Commission declare that the facilities, after the sale, would be distribution facilities exempt from the Commission's jurisdiction under Section 1(b) of the NGA.

Any person desiring to be heard or any person desiring to make any protests with reference to said application should on or before June 30, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a 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 protestants parties 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 Federal Energy Regulatory 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 abandonment are required by the public convenience and necessity. If a motion for leave to intervene is time 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 herein provided for, unless otherwise advised, it will be unnecessary for KMIGT to appear or be represented at the hearing..

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15091 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–316–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Tariff Filing

June 9, 2000.

Take notice that on June 5, 2000, Kinder Morgan Interstate Gas Transmission LLC, (KMIGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1–A and Fourth Revised Volume 1–B, the tariff sheets listed on Appendix A to the filing, to become effective August 1, 2000.

KMIGT states that the proposed changes update the KMIGT tariff and clarify or simplify certain tariff provisions, and in some cases change certain tariff provisions in order to reflect evolving business practices in the natural gas industry and to implement simpler or more efficient operational requirements. Through the proposed changes KMIGT: Moves certain provisions from the various Rate Schedules into the General Terms and Conditions of the tariff; offers additional flexibility with regard to shipper imbalances; clarifies the methodology for point allocation, curtailment and scheduling of service; revises and clarifies the right of first refusal process; revises the provisions regarding capacity release; simplifies its methodology for billing for overruns; and makes a number of housekeeping changes to various tariff sheets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.2109 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not service 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/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15100 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–375–000]

K N Energy, a Division of Kinder Morgan, Inc.; Notice of Application

June 9, 2000.

Take notice that on June 2, 2000, K N Energy, a division of Kinder Morgan, Inc. (K N Retail), 370 Van Gordon Street, Lakewood, Colorado 80228, filed in Docket No. CP00–375–000 an application pursuant to Section 7(f) of the Natural Gas Act (NGA) for a service area determination, a finding that K N Retail qualifies as a local distribution company for purposes of section 311 of the Natural Gas Policy Act (NGPA), and for a waiver of the Commission's regulatory requirements, including reporting and accounting requirements applicable to natural gas companies under the NGA and NGPA, all as more fully set forth in the application which is 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).

K N Retail proposes to acquire from Kinder Morgan Interstate Gas Transmission LLC (KMIGT), the Ovid-Julesberg lateral that crosses from Nebraska into Colorado, and two additional laterals that are located in Deuel County Nebraska and Sedgwick County Colorado, namely the Chappell and Big Springs laterals. The service area, it is said, would be the entirety of the Counties of Deuel in Nebraska and Sedgwick in Colorado.

K N Retail states that no other company provides distribution services in the proposed service area.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before June 30, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 3285.211) 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 protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party in any proceeding herein 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 granting the certificates 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 formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for K N Retail to appear or to be represented at the hearing.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 00–15092 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2735–000]

New England Power Pool; Notice of Filings

June 12, 2000.

Take notice that on June 6, 2000, New England Power Pool Participants Committee tendered for filing revisions to Appendix 5–E of Market Rule 5. On June 8, 2000, the New England Power Pool Participants Committee tendered for filing corrections to its June 6, 2000 filing in the above-referenced docket.

The NEPOOL Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in the New England Power Pool.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before June 19, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–15250 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT00–31–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff and Filing of Non-Conforming Service Agreement

June 9, 2000.

Take notice that on June 6, 2000, Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance a Rate Schedule TF–1 non-conforming service agreement. Northwest also tendered the following tariff sheet as part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective July 7, 2000:

Sixth Revised Sheet No. 364

Northwest states that the service agreement contains a scheduling priority provision imposing subordinate primary corridor rights and that the tariff sheet is submitted to add such agreement to the list of non-conforming service agreements contained in Northwest's tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections

385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15093 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–162–005]

Panhandle Eastern Pipe Line Company; Notice of Compliance Filing

June 9, 2000.

Take notice that on June 6, 2000, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet to be effective May 22, 2000:

Sub Original Sheet No. 110

Panhandle asserts that the purpose of this filing is to comply with the Commission's Order on Compliance Filing and Rehearing issued on May 22, 2000 in Docket Nos. RP00–162–001 and RP00–162–002, 91 FERC ¶ 61,174, to clarify the incurrence of penalties under Rate Schedule HFT.

Panhandle states that copies of this filing are being served on all affected customers, applicable state regulatory agencies and parties to this proceeding.

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. 00–15101 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–513–005]

Questar Pipeline Company; Notice of Tariff Filing

June 9, 2000.

Take notice that on June 5, 2000, Questar Pipeline Company's (Questar) FERC Gas Tariff, Questar filed a tariff filing to implement a negotiated-rate contract as authorized by Commission orders issued October 27, 1999, and December 14, 1999, in Docket Nos. RP99–513, *et al.* The Commission approved Questar's request to implement a negotiated-rate option for Rate Schedules T–1, NNT, T–2, PKS, FSS and ISS shippers. Questar submitted its negotiated-rate filing in accordance with the Commission's Policy Statement in Docket Nos. RM95–6–000 and RM96–7–000 (Policy Statement) issued January 31, 1996.

Questar states that the tendered tariff sheet revises Questar's Tariff to implement a new negotiated-rate transportation service agreement between Questar and Enserco Energy, Inc. Questar requested waiver of 18 CFR 154.207 so that the tendered tariff sheet may become effective June 6, 2000.

Questar states that copies of this filing has been served upon Questar's customers, the Public Service commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15097 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–55–000, et al.]

CP&L Holdings, Inc., et al. Electric Rate and Corporate Regulation Filings

June 6, 2000.

Take notice that the following filings have been made with the Commission:

1. CP&L Holdings, Inc., on Behalf of Its Public Utility Subsidiaries and Florida Progress Corporation on Behalf of Its Public Utility Subsidiaries

[Docket Nos. EC00–55–000 and ER00–1520–000]

Take notice that on May 31, 2000, CP&L Energy, Inc. and Florida Progress Corporation on behalf of themselves and their FERC-jurisdictional subsidiaries (collectively, the Applicants) tendered for filing pursuant to Section 203 of the Federal Power Act and the Federal Energy Regulatory Commission's regulations thereunder Exhibit G to the Joint Application For Authorization to Merge Facilities and Related Transactions that was previously filed on February 3, 2000. Exhibit G contains copies of applications filed with other Federal or state regulatory bodies in connection with the proposed transaction.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Maine Public Service Company

[Docket No. ER00–1053–001]

Take notice that on May 31, 2000, Maine Public Service Company (MPS), tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations, revised sheets to its Open Access Transmission Tariff (OATT) in compliance with the Commission's March 10, 2000 ''Order Accepting For Filing Revised Open Access Transmission Tariff, Rejecting Certain Non-Rate Terms and Conditions,

Suspending Transmission Rates, And Establishing Hearing Procedures,'' *Maine Public Service Co.*, 90 FERC ¶ 61,234 (2000) (March 10 Order).

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Potomac Electric and Power Company

[Docket No. ER00–2639–000]

Take notice that on May 31, 2000, Potomac Electric and Power Company (PEPCO), submitted for filing executed netting agreements between PEPCO and DTE Energy Trading, Inc., Rainbow Energy Marketing Corporation, Aquila Energy Marketing Corporation, American Electric Power Service Corporation, El Paso Merchant Energy, L.P., PPL Electric Utilities Corporation, Public Service Electric & Gas Company Tenaska Power Services Co., Duke Energy Trading and Marketing , L.L.C. and Williams Energy Marketing and Trading Company, respectively (the Counterparties).

Copies of the filing were served upon the Counterparties.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Central Vermont Public Service Corporation

[Docket No. ER00–2640–000]

Take notice that on May 31, 2000, Central Vermont Public Service Corporation (CVPS) tendered for filing the Actual 1999 Cost Report required under Paragraph Q–1 on Original Sheet No. 18 of the Rate Schedule FERC No. 135 (RS–2 Rate Schedule) under which Central Vermont Public Service Corporation (Company) sells electric power to Connecticut Valley Electric Company Inc. (Customer). The Company states that the Cost Report reflects changes to the RS–2 Rate Schedule which were approved by the Commission's June 6, 1989 order in Docket No. ER88–456–000.

Copies of the filing were served upon the Customer, Vermont Public Service Board, and New Hampshire Public Utilities Commission.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Public Service Company of New Mexico

[Docket No. ER00–2642–000]

Take notice that on May 31, 2000, Public Service Company of New Mexico (PNM) submitted for filing an executed copy of the Algodones Participation Agreement (Agreement) dated May 25, 2000, between PNM and Tri-State Generation and Transmission Association, Inc. (Tri-State). The Agreement sets forth terms and conditions by which PNM and Tri-State will abide in their respective ownership of the Algodones Generating Station. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of this filing have been served upon Tri-State and the New Mexico Public Regulation Commission.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Southwest Power Pool, Inc.

[Docket No. ER00–2644–000]

Take notice that on May 31, 2000, Southwest Power Pool, Inc. (SPP), tendered for filing an unexecuted service agreement with the Kansas Municipal Energy Agency (KMEA) for long-term firm point-to-point transmission service under the SPP Open Access Transmission Tariff. This agreement was filed at the direction of KMEA.

Copies of this filing were served upon KMEA.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–2645–000]

Take notice that on May 31, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Supplement No. 43 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements to make service available as of May 1, 2000 or on a date as determined by the Commission to Edison Mission Marketing & Trading, Inc.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Company of New Mexico

Docket No. ER00–2643–000

Take notice that on May 31, 2000, Public Service Company of New Mexico (PNM) tendered for filing two executed service agreements, dated May 23, 2000, with the Incorporated County of Los Alamos (County), under the terms of PNM's Open Access Transmission Service Tariff (OATT). One agreement is for 10 MW of firm point-to-point transmission service, and supplements an existing service agreement between PNM and County, dated April 21, 1999. Under the service agreement PNM provides County with an additional 10 MW of firm point-to-point transmission service from PNM's San Juan Generating Station 345 kV Switchyard (point of receipt) to PNM's Norton or ETA points of interconnection with County. The other agreement is an Amendment (Amendment Number One, dated May 23, 2000) to an existing Control Area Service Agreement dated April 21, 1999 (also under PNM's OATT), that includes all of the necessary modifications to incorporate the additional 10 MW of firm point-to-point transmission service into all relevant control area service load and resource descriptions and ancillary services calculations. PNM's filings are available for public inspection at PNM's offices in Albuquerque, New Mexico.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–2646–000]

Take notice that on May 31, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (AE Supply), tendered for filing a Service Agreement with The Potomac Edison Company d/b/a Allegheny Power in order for Allegheny Power to supply Standard Offer Service to its Maryland customers.

AE Supply has requested a waiver of notice to make the Service Agreement effective on July 1, 2000.

Copies of the filing have been provided to the customer and to the Maryland Public Service Commission.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Pacific Gas and Electric Company

[Docket No. ER00–2647–000]

Take notice that on May 31, 2000, Pacific Gas and Electric Company (PG&E) tendered for filing: (1) a letter

agreement executed March 28, 2000; and (2) proposed revisions to Appendix E, ''Billing Demands for Reserved Transmission Service,'' of the Interconnection Agreement (IA) between PG&E and Sacramento Municipal Utility District (SMUD). The IA was initially filed under FERC Docket No. ER90–567–000 and was designated PG&E Rate Schedule FERC No. 136.

Copies of this filing have been served upon SMUD and the California Public Utilities Commission.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Boston Edison Company

[Docket No. ER00–2649–000]

Take notice that on May 31, 2000, Boston Edison Company (Boston Edison) tendered for filing a Standstill Agreement between itself and New England Power Company (NEP) as successor-in-interest to Montaup Electric Company (Montaup). The Standstill Agreement extends through September 25, 2000 the time in which NEP may institute a legal challenge to the 1998 true-up bill under Boston Edison's FERC Rate Schedule No. 69, governing sales to Montaup from the Pilgrim Nuclear Station.

Boston Edison requests waiver of the Commission's notice requirement to allow the Standstill Agreement to become effective May 29, 2000.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. FirstEnergy Operating Companies Orion Power MidWest, L.P.

[Docket No. ER00–2650–000]

Take notice that on May 31, 2000, the FirstEnergy Operating Companies and Orion Power MidWest, L.P. tendered for filing under section 205 of the Federal Power Act a reactive supply and voltage control service agreement. The agreement is a result of the generation exchange between FirstEnergy and Duquesne Light Company previously approved by the Commission, and Duquesne's subsequent divestiture of its generation units to Orion Power MidWest, also approved by the Commission. Due to these transfers, Orion Power MidWest now owns baseload generating units within FirstEnergy's control area. The prior agreement for reactive service between FirstEnergy and Duquesne is to be canceled upon the effective date of the agreement between FirstEnergy and Orion Power MidWest.

Copies of the filing were served upon the Pennsylvania Public Utility Commission and the Public Utilities Commission of Ohio.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–2651–000]

Take notice that on May 31, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Supplement No. 44 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements to make service available as of May 2, 2000 to Columbia Power Marketing Corporation.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. New York Independent System Operator, Inc.

[Docket No. ER00–2652–000]

Take notice that on May 31, 2000, the New York Independent System Operator, Inc. (NYISO) filed amendments to the ISO Agreement.

The NYISO requests an effective date of April 19, 2000 and waiver of the Commission's notice requirements.

A copy of this filing was served upon all persons who have signed the ISO Agreement and on the electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Northeast Utilities Service Company

[Docket No. ER00–2653–000]

Take notice that on May 31, 2000, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company (CL&P) tendered for filing an Interim Interconnection Agreement and a Operating and License Agreement with Connecticut Resources Recovery Authority (CRRA).

NUSCO requests an effective date of June 1, 2000.

NUSCO states that a copy of this filing was mailed to CRRA.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. New England Power Pool

[Docket No. ER00–2654–000]

Take notice that on May 31, 2000, the New England Power Pool (NEPOOL), Participants Committee filed for acceptance a signature page to the New England Power Pool Agreement dated September 1, 1971, as amended, signed by the State of Maine, Office of the Governor (MEGOV). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Participants Committee states that the Commission?s acceptance of MEGOV?s signature page would permit NEPOOL to expand its membership to include MEGOV. The Participants Committee further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make MEGOV a member in NEPOOL.

The Participants Committee requests an effective date of August 1, 2000, for commencement of participation in NEPOOL by MEGOV.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. New England Power Pool

[Docket No. ER00–2655–000]

Take notice that on May 31, 2000, the New England Power Pool (NEPOOL) Participants Committee tendered for filing for acceptance a signature page to the New England Power Pool Agreement dated September 1, 1971, as amended, signed by Virginia Electric and Power Company (Virginia Power). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Participants Committee states that the Commission?s acceptance of Virginia Power?s signature page would permit NEPOOL to expand its membership to include Virginia Power. The Participants Committee further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Virginia Power a member in NEPOOL.

The Participants Committee requests an effective date of June 1, 2000, for commencement of participation in NEPOOL by Virginia Power.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. New England Power Pool

[Docket No. ER00–2656–000]

Take notice that on June 1, 2000, the New England Power Pool (NEPOOL) Participants Committee filed for acceptance a signature page to the New England Power Pool Agreement dated September 1, 1971, as amended, signed by the Connecticut Energy Cooperative (Co-op). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Participants Committee states that the Commission's acceptance of Co-op's signature page would permit NEPOOL to expand its membership to include Co-op. The Participants Committee further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Co-op a member in NEPOOL.

The Participants Committee requests an effective date of June 1, 2000, for commencement of participation in NEPOOL by Co-op.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. New England Power Pool

[Docket No. ER00–2657–000]

Take notice that on May 31, 2000, the New England Power Pool (NEPOOL), Participants Committee tendered for filing for acceptance a signature page to the New England Power Pool Agreement dated September 1, 1971, as amended, signed by the Massachusetts Energy Buyers Coalition (MEBC). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Participants Committee states that the Commission's acceptance of MEBC's signature page would permit NEPOOL to expand its membership to include MEBC. The Participants Committee further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make MEBC a member in NEPOOL.

The Participants Committee requests an effective date of June 1, 2000, for commencement of participation in NEPOOL by MEBC.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. New England Power Pool

[Docket No. ER00–2658–000]

Take notice that on May 31, 2000, the New England Power Pool (NEPOOL), Participants Committee filed for acceptance a signature page to the New England Power Pool Agreement dated September 1, 1971, as amended, signed by IRATE, Inc. (IRATE). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Participants Committee states that the Commission's acceptance of IRATE's signature page would permit NEPOOL to expand its membership to include IRATE. The Participants Committee further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make IRATE a member in NEPOOL.

The Participants Committee requests an effective date of June 1, 2000, for commencement of participation in NEPOOL by IRATE.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. Preferred Energy Services, Inc.

[Docket No. ER00–2659–000]

Take notice that on May 30, 2000, Preferred Energy Services, Inc. filed a notice of withdraw of its Federal Energy Regulatory Commission's (FERC) Power Marketing certification.

Comment date: June 20, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. MidAmerican Energy Company

[Docket No. ER00–2660–000]

Take notice that on May 31, 2000, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, filed with the Commission a Generation Interconnection Contract entered into by MidAmerican, as a provider of transmission and distribution delivery services, MidAmerican Energy Company (Merchant), as a wholesale merchant, dated May 22, 2000, pursuant to MidAmerican's Open Access Transmission Tariff and the Commission's order in Tennessee Power Company, 90 FERC ¶ 61,238 (2000).

MidAmerican requests an effective date of May 5, 2000 for the Contract and seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on Merchant, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. Calcasieu Power, LLC

[Docket No. ER00–2661–000]

Take notice that on May 31, 2000, Calcasieu Power, LLC, tendered for filing a Power Purchase Agreement for short-term transactions between Calcasieu Power, LLC and Dynegy Power Marketing, Inc., to be in effect as of May 25, 2000.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

24. West Texas Utilities Company

[Docket No. ER00–2662–000]

Take notice that on May 31, 2000, West Texas Utilities Company (WTU), tendered for filing a Letter Agreement between WTU and the City of Coleman, Texas (Coleman). Under the agreement, WTU will make additional energy available to Coleman during the on-peak hours of the summer months of 2000, pursuant to a Supplemental Sales Agreement between WTU and Coleman, previously filed with the Commission.

WTU requests an effective date of June 1, 2000. Accordingly, WTU seeks waiver of the Commission's notice requirements.

WTU states that copies of this filing have been served on Coleman and the Public Utility Commission of Texas.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

25. Commonwealth Edison Company

[Docket No. ER00–2663–000]

Take notice that on May 31, 2000, Commonwealth Edison Company (ComEd), tendered for filing a Non-Firm Transmission Service Agreement with Wabash Valley Power Association (WVPA), and three Short-Term Firm Transmission Service Agreements with WVPA, Western Resources, Inc. (WR), and El Paso Merchant Energy, L.P. (EPME) under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of May 12, 2000, for the two agreements with WVPA, an effective date of May 10, 2000 for the agreement with WR, and an effective date of May 5, 2000 for the agreement with EPME, and accordingly, seeks waiver of the Commission's notice requirements.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

26. Commonwealth Edison Company

[Docket No. ER00–2664–000]

Take notice that on May 31, 2000, Commonwealth Edison Company (ComEd), tendered for filing a Service Agreement for Network Integration Service (Service Agreement) and a Network Operating Agreement (Operating Agreement) between ComEd and Dynegy Energy Services, Inc. (DESY). These agreements will govern ComEd's provision of network service to

serve retail load under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of May 5, 2000, and accordingly, seeks waiver of the Commission's notice requirements.

Copies of this filing were served on DESY.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

27. Jersey Central Power & Light Company

[Docket No. ER00–2665–000]

Take notice that on May 31, 2000, Jersey Central Power & Light Company (Jersey Central), tendered for filing amendments to the Interconnection Agreement by and between AmerGen Energy Company, L.L.C., and Jersey Central.

Copies of the filing were served upon AmerGen and regulators in the State of New Jersey.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

28. Orion Power MidWest, L.P.

[Docket No. ER00–2666–000]

Take notice that on May 31, 2000 Orion Power MidWest, L.P. (Orion Power MidWest) filed with the Federal Energy Regulatory Commission a Master Power Purchase and Sale Agreement with Constellation Power Source, Inc. that will govern short-term sales of energy under Orion Power MidWest's market-based rate tariff, FERC Electric Rate Tariff, Volume No. 1.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

29. American Electric Power Service Corporation

[Docket No. ER00–2667–000]

Take notice that on May 31, 2000, the American Electric Power Service Corporation (AEPSC), tendered for filing executed Firm and Non-Firm Point-to-Point Transmission Service Agreements for Pepco Energy Services and The Legacy Energy Group, LLC. The agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT). The OATT has been designated as FERC Electric Tariff Original Volume No. 4, effective July 9, 1996.

AEPSC requests waiver of notice to permit the Service Agreements to be made effective for service billed on and after May 1, 2000.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

30. Metropolitan Edison Company and Pennsylvania Electric Company

[Docket No. ER00–2668–000]

Take notice that on May 31, 2000, Metropolitan Edison Company (MetEd) and Pennsylvania Electric Company (Penelec) tender for filing Attachments H–5A and H–6A of the PJM Open Access Transmission Tariff setting forth ''Other Supporting Facilities Charges'' for service to certain municipal utilities utilizing the lower voltage facilities of MetEd and Penelec.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

31. Central Maine Power Company

[Docket No. ER00–2669–000]

Take notice that on May 31, 2000, Central Maine Power Company (CMP), tendered for filing an unexecuted Construction, Procurement and Continuing Obligations Agreement between CMP and Casco Bay Energy Company, LLC.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

32. MultiFuels Marketing Co.

[Docket No. ER00–2670–000]

Take notice that on May 31, 2000, MultiFuels Marketing Co. (MFM) filed a supplement to its application for market-based rates as power marketer.

Comment date: June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

33. Central Vermont Public Service Corporation

[Docket No. ER00–2641–000]

Take notice that on May 31, 2000, Central Vermont Public Service Corporation (CVPS) tendered for filing the Actual 1999 Cost Report required under Article 2.4 on Second Revised Sheet No. 18 of FERC Electric Tariff, Original Volume No. 3, of Central Vermont under which Central Vermont provided transmission and distribution service to the following Customers during 1999:

Vermont Electric Cooperative, Inc.
Lyndonville Electric Department
Village of Ludlow Electric Light Department
Village of Johnson Water and Light Department
Village of Hyde Park Water and Light Department
Rochester Electric Light and Power Company
Woodsville Fire District Water and Light Department

Copies of the filing were served upon the Customers, Vermont Public Service Board, and New Hampshire Public Utilities Commission.

Comment date: June 21, 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, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before 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. 00–15090 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

June 9, 2000.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License to Delete Transmission Line and Change Project Boundary.

b. *Project No:* 1933–025.

c. *Date Filed:* January 27, 2000.

d. *Applicant:* Southern California Edison Company.

e. *Name of Project:* Santa Ana River No. 1 & No. 2 Project.

f. *Location:* Near the mouth of the Santa Ana River Canyon, in San Bernardino County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a), 825(r) and 799 and 801.

h. *Applicant Contact:* Stephen E. Picket, Vice President and General Council, Southern California Edison Company, 2244 Walnut Grove Avenue, P. O. Box 800, Rosemead, CA 91770, (626) 302–4459.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Mohamad Fayyad at (202) 219–2665, or e-mail address: mohamad.fayyad@ferc.fed.us.

j. *Deadline for filing comments and or motions:* July 17, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Please include the project number (P–1933–025) on any comments or motions filed.

k. *Description of Request:* SCE proposes to delete the project's 4.18-mile-long, 33-kV transmission line. SCE says the line is part of its transmission and distribution system, and therefore is not longer a project's primary transmission line. Deletion of the transmission line from the license would reduce the amount of federal lands within the project boundary by about 29.22 acres. These lands are administered by the U.S. Forest Service.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be recieved on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', or ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15094 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

June 9, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment to License.

b. *Project No:* 2413–040.

c. *Date Filed:* March 6, 2000.

d. *Applicant:* Georgia Power Company.

e. *Name of Project:* Wallace Dam.

f. *Location:* The Wallace Dam Project is located on the Oconee River in Putnam, Hancock, Greene, Morgan, Oconee, and Oglethorpe Counties, Georgia. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mike Phillips, Georgia Power Company, 241 Ralph McGill Boulevard NE, Atlanta, GA 30308–3374, (404) 506–2392.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Sean Murphy, e-mail address *sean.murphy@ferc.fed.us,* or telephone 202–219–2964.

j. *Deadline for filing comments and or motions:* June 30, 2000.

Please include the project number (2413–040) on any comments or motions filed.

k. *Description of Amendment:* Georgia Power Company, licensee for the Wallace Dam Project, requests Commission authorization to permit the Reynolds Plantation to increase the rate of water withdrawal at the Rees Jones intake facility from 0.75 million gallons per day (MGD) currently from Lake Oconee to 10.75 MGD. The Reynolds Plantation also would increase the rate of water withdrawal at the National Course facility from 0.75 MGD to 1.875 MGD. The total withdrawal from Lake Oconee would increase from 3 MGD to 14.125 MGD or about 21.9 cubic feet per second. No additional construction is required at either site.

1. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the

filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lindwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15095 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene and Protests

June 9, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request to amend Sebago Lake Level Management Plan.

b. *Project Number:* 2984–035

c. *Date Filed:* May 15, 2000

d. *Name of Project:* Eel Weir Hydroelectric Project

f. *Location:* On the Presumpscot River in Cumberland County, Maine. The project does not utilize any federal or tribal lands.

g. *Filed Pursuant to:* 18 CFR 4.200

h. *Applicant Contact:* Thomas Howard, Project Engineer, S.D. Warren Company, 89 Cumberland Street, P.O. Box 5000, Westbrook, ME 04098–1597

i. *FERC Contact:* Any questions on this notice should be addressed to Thomas LoVullo, telephone (202) 219–1168 or e-mail address: thomas.lovullo@ferc.fed.us

j. *Deadline for Filing Comments or Motions:* July 14, 2000.

All comments or motions must be filed by providing an original and eight copies as required by the Commission's regulations to: David P. Boergers, Secretary Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

k. *Description of Amendment Request:* S.D. Warren requests Commission approval of its proposal to amend the Sebago Lake Level Management Plan. The licensee proposed to: (1) Install a real-time telemetering water level gage at White's Bridge; (2) further define the upper and lower limits of the lake level rages between May 1 and November 1; (3) provide a target range (+0/−6 inches) for the August 1 date; (4) increase the maximum flow of the operating parameters for Normal Flows from 833 cubic feet per second (cfs) to 1000 cfs; (5) compress the abnormal flow stages from three to two by increasing the maximum flows allowed to be released in stage 1 from 1,667 cfs to 2,667 cfs; and (6) modify the response times for each stage that actuate the increased flows.

The purpose of this notice is to invite comments on S.D. Warren's request to amend the Sebago Lake Level Management Plan. As a result of the drought conditions during the summer of 1999 and the unusual rainfall in September 1999, the operating parameters of the lake level management plan were challenged. S.D. Warren believes the proposed modifications would help improve the management objectives of balancing the competing interests of the lake's resources.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of pies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15096 Filed 6–14–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6716–7]

Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Executive Committee (EC) of US EPA's Science Advisory Board will conduct a public teleconference meeting on Friday, June 30, 2000 between the hours of 1:00 and 3:00 pm Eastern Daylight Time. The meeting will be coordinated through a conference call connection in Room 6013 in the USEPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. The public is encouraged to attend the meeting in the conference room noted above. However, the public may also attend through a telephonic link, to the extent that lines are available. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Dorothy Clark no earlier than one week prior to the meeting (beginning on June 23) at (202) 564–

4537, or via e-mail at clark.dorothy@epa.gov.

Purpose of the Meeting: In this meeting, the Executive Committee plans to review reports from some of its Committees/Subcommittee, most likely including the following:

(1) Air Toxics Monitoring Subcommittee of the Executive Committee ''Review of Draft Air Toxics Monitoring Strategy Concept Paper'' (this report may be reviewed and approved at the June 16 EC Teleconference—see 65 FR 33318, dated May 23, 2000, and 65 FR 30589, dated May 12, 2000 for details).

(2) Environmental Economics Advisory Committee (EEAC): ''Benefits Adjustments for Long-Term Effects.''

Availability of Review Materials: Drafts of the reports that will be reviewed at the meeting will be available to the public at the SAB website (http://www.epa.gov/sab) by close-of-business on June 21, 2000 (Note: the Air Toxics draft report has already been posted).

For Further Information: Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments must contact Dr. Donald Barnes, Designated Federal Officer, Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 564–4533; FAX (202) 501–0323; or via e-mail at *barnes.don@epa.gov*. Requests for oral comments must be in writing (e-mail preferred) and received by Dr. Barnes no later than noon Eastern Time on May 26, 2000.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information: Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in The FY1999 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access: Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: June 9, 2000.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 00–15157 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6716–8]

Science Advisory Board, Office of Air and Radiation, Office of Research and Development Notification of Public Workshop

Notice is hereby given that the US EPA Offices of Research and Development (ORD) and Air and Radiation (OAR), along with the US EPA Science Advisory Board (SAB), will jointly host a public workshop on the Benefits of Reductions in Exposure to Hazardous Air Pollutants: Developing Best Estimates of Dose-Response Functions on the date and time noted below. The meeting is open to the public, however, seating is limited and available on a first come basis.

SAB/EPA Workshop on the Benefits of Reductions in Exposure to Hazardous Air Pollutants (HAPs Workshop): Developing Best Estimates of Dose-Response Functions—June 22–23, 2000

The Workshop will be held on June 22 and 23, 2000 at the Westin Grand Hotel, West 2350 M Street, NW, Washington DC 20037, Telephone 202–429–0100. The meeting will begin by 9 a.m. on June 22, 2000 and adjourn no later than 12 p.m. on June 23, 2000.

Purpose of the Meeting—The workshop will convene experts from different disciplines and different backgrounds to discuss ideas for dose response assessment methods for hazardous air pollutants (HAPs) that are appropriate for use in assessing benefits associated with HAP emission control measures. Such benefits assessments are not only required by statute to support EPA's Report to Congress under section 812 of the Clean Air Act Amendments, but they are also required as part of the regulatory activities associated with HAPs. EPA is seeking a wide spectrum of views at the workshop and is not seeking a consensus recommendation from workshop participants.

Expected outcomes from this workshop will include a report documenting: (1) Proposed approaches for hazard assessments for selected HAPs that would facilitate benefit assessments for those chemicals; (2) expert discussants' views on whether it is possible to produce a methodology for developing central tendencies and distributions in hazard assessments for HAPs for use in benefits analyses and how that might best be done; (3) how best to identify limitations and uncertainties in both risk assessment methods and economic models; and (4) suggestions and priorities for a research agenda to address identified gaps in available data and methods needed to conduct HAPs related benefit analyses.

Background—Hazardous air pollutants (HAPs) have been the focus of a number of EPA regulatory actions, which have resulted in significant reductions in emissions of HAPs. EPA has been unable to adequately assess the economic benefits associated with health improvements from these HAP reductions due to a lack of best estimate dose-response functions for health endpoints associated with exposure to HAPs and also due to the air quality and exposure models for HAPs available for use in benefits analysis. EPA is conducting two activities to develop a proposed methodology to generate estimates of the quantified and

monetized benefits of reductions in exposure to HAPs. The first will be a workshop focusing on developing best estimates of dose-response functions that relate changes in HAP exposure to changes in health outcomes. The second activity will focus on (1) integrating these dose-response functions with appropriate models of HAP concentrations and human exposure and (2) translating these into economic benefits that would estimate changes in health risks resulting from regulations that reduce HAP emissions.

The overall goal of these two activities is to identify methods for the Agency to consider using in estimating changes in health risks resulting from HAP regulations that can be combined with valuation functions to estimate monetized benefits of HAP reductions.

Risk assessments for HAPs have been developed to help decision makers set health-based standards that are consistent with EPA's mission to protect human health. The quantitative toxicity values from these assessments (that is, the cancer slope factors and the noncancer reference concentrations and reference doses) are typically based on animal and epidemiologic studies that involve higher exposures than those encountered in the environment. The gap between environmental doses and study doses has led to toxicity values that can put a bound on the actual risk without being able to provide a reliable central estimate or distribution of risks. It is these latter terms (central estimates and distributions) that economists have traditionally used to estimate the economic value of potential changes in risks.

In contrast, risk assessments for criteria pollutants have been based on epidemiologic and clinical studies of exposures similar to those encountered in the environment. This has allowed development of standard statistical confidence intervals and distributions. With this information, economists have been able to develop economic benefit estimates for many health endpoints related to criteria pollutants. Criteria pollutant benefit estimates have been feasible because of the availability of: (a) Well-defined health endpoints such as hospital admissions or premature mortality; (b) dose-response functions from epidemiological and clinical studies which support estimates of risk reductions in terms amenable to economic valuation; (c) reliable estimates of ambient concentration and population exposure change; and (d) dose-response functions available from epidemiological and clinical studies in which the exposures were similar to those being experienced in the ambient environment. Uncertainties related to the health benefits of criteria pollutants have generally been represented by standard confidence intervals based on measures of within and between study variation in the estimated health effects.

While mortality from HAP-related cancer is a well-defined endpoint, there are very few validated exposure-response relationships. For the many other potential health effects from exposure to HAPs, such as changes in reproductive functions or mutagenic effects, there are major information gaps in all aspects of risk assessment, as well as in exposure-response and valuation. The focus of this workshop will be the development of best-estimates and uncertainty characterizations for hazard and dose response functions for use in benefits analyses of HAP regulations, with a focus on providing potentially useful data and tools to support HAP-related benefit assessments, including national-scale program evaluations.

For Further Information—Any member of the public wishing further information concerning this workshop should consult the website for this workshop at *http://www.epa.gov/ttn/ecas/meetings/coverhap.html* or contact Ms. Heather Hodgeman in EPA's Office of Air and Radiation via email at *hodgeman.heather@epa.gov* or by telephone at (919) 541–5668.

Dated: June 7, 2000.

John R. Fowle III,

Acting Staff Director, Science Advisory Board.

[FR Doc. 00–15158 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[PF–944; FRL–6558–6]

Notice of Filing a Pesticide Petition to Establish a Tolerance for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–944, must be received on or before July 17, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–944 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; e-mail address:mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

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

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

2. *In person.* The Agency has established an official record for this action under docket control number PF–944. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–944 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3.*Electronically.* You may submit your comments electronically by e-mail to: *''opp-docket@epa.gov,''* or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–944. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under ''FOR FURTHER INFORMATION CONTACT.''

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 24, 2000.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention 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. This summary was prepared by Mycogen Seeds c/o Dow AgroSciences LLC. 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. 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. Mycogen Seeds c/o Dow AgroSciences LLC

0G6112

EPA has received a pesticide petition 0G6112 from Mycogen Seeds c/o Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268–1054, 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 to establish an exemption from the requirement of a tolerance for the plant-pesticide *Bacillus thuringiensis* Cry1F protein and the genetic material necessary for its production in plants in or on all food commodities.

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, Mycogen

Seeds c/o Dow AgroSciences LLC has submitted the following summary of information, data, and arguments in support of their pesticide petition.

A. Product Name and Proposed Use Practices

Mycogen Brand B.t. Cry1F Corn Insect Resistant Corn used as part of the EPA experimental use permit no. 68467–EUP–2

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues*. The Cry1F gene was isolated from *Bacillus thuringiensis* subspecies *aizawai* and modified before it was inserted into corn plants. The Cry1F Insecticidal protein has been adequately characterized. Several safety studies were conducted using a microbially produced test substance that contained 11.4% Cry1F protein. Studies conducted to establish the equivalence of the Cry1F protein obtained from corn or from a microbial source demonstrate that the materials are similar with respect to molecular weight, immunoreactivity, lack of post-translational modification (glycosylation) N-terminal amino acid sequence, and spectrum of bioactivity.

2. *Analytical method*. A statement of why an analytical method for detecting and measuring the levels of the pesticide residue are not needed. No analytical method is included because this petition requests a temporary exemption from the requirement for a tolerance.

C. Mammalian Toxicological Profile

Cry proteins have been deployed as safe and effective pest control agents in microbial *Bacillus thuringiensis* formulations for almost 40 years. There are currently 180 registered microbial *Bacillus thuringiensis* products in the United States for use in agriculture, forestry, and vector control. The numerous toxicology studies conducted with these microbial products show no significant adverse effects, and demonstrate that the products are practically non-toxic to mammals. An exemption from the requirement of a tolerance has been in place for these products since at least 1971 (40 CFR 180.1011).

Toxicology studies conducted to determine the toxicity of Cry1F insect control protein demonstrated that the protein has very low toxicity. In an acute oral toxicity study in the mouse, the estimated acute LD_{50} by gavage was determined to be >5,050 milligrams/kilograms (mg/kg) of the microbially produced test substance. This dose is 12,190 x greater than the estimated 95th percentile for human dietary exposure to Cry1F protein resulting from consumption of foods derived from Cry1F protected corn. This estimate assumes that 100% of the corn crop produces Cry1F protein and that the protein is not degraded or otherwise eliminated in food processing. This extremely conservative estimate of the margin of exposure further supports the safety of Cry1F proteins to humans.

In an *in vitro* study, Cry1F protein was rapidly and extensively degraded in simulated gastric conditions in the presence of pepsin. Cry1F was completely proteolyzed to amino acids and small peptide fragments within 5 minutes at molar ratios approximating 1:100 (Cry1F:pepsin). This indicates that the protein is highly susceptible to digestion in the human digestive tract and that the potential for adverse health effects from chronic exposure is virtually nonexistent. Moreover, proteins in general are not known to be carcinogenic. A search of relevant databases indicated that the amino acid sequence of the Cry1F protein exhibits no significant homology to the sequences of known allergens or protein toxins. Thus, Cry1F is highly unlikely to exhibit an allergic response.

The genetic material necessary for the production of the Cry1F insect control protein are nucleic acids (DNA) which are common to all forms of plant and animal life. There are no known instances of where nucleic acids have caused toxic effects as a result of dietary exposure.

Collectively, the available data on Cry1F protein along with the safe use history of microbial *Bacillus thuringiensis* products establishes the safety of the plant pesticide *Bacillus thuringiensis* subspecies *aizawai* Cry1F insect control protein and the genetic material necessary for its production in all raw agricultural commodities.

D. Aggregate Exposure

Because *Bacillus thuringiensis* subspecies *aizawai* Cry1F insect control protein is expressed in minute quantities and is retained within the plant, there is virtually no potential for dermal or inhalation exposure to the protein. Significant dietary exposure to Cry1F protein is unlikely to occur. Dietary exposures at very low levels, via ingestion of processed commodities, although they may occur, are unlikely to be problematic because of the low toxicity and the high degree of digestibility of the protein. In addition, the protein is not likely to be present in drinking water because the protein is deployed in minute quantities within the plant, and studies demonstrate that Cry1F protein is rapidly degraded in soil. In summary, the potential for significant aggregate exposure to Cry1F protein is highly unlikely.

E. Cumulative Exposure

Common modes of toxicity are not relevant to consideration of the cumulative exposure to *Bacillus thuringiensis* Cry1F insect control protein. The product has demonstrated low toxicity and these effects do not appear to be cumulative with any other known compounds.

F. Safety Determination

1. *U.S. population*. The deployment of the product in minute quantities within the plant, the very low toxicity of the product, the lack of allergenic potential, and the high degree of digestibility of the protein, are all factors in support of Mycogen's assertion that no significant risk is posed by exposure of the U.S. population to *Bacillus thuringiensis* subspecies *aizawai* Cry1F insect control protein.

2. *Infants and children*. Non-dietary exposure to infants and children is not anticipated, due to the proposed use pattern of the product. Due to the very low toxicity of the product, the lack of allergenic potential, and the high degree of digestibility of the protein, dietary exposure is anticipated to be at very low levels and is not anticipated to pose any harm to infants and children.

G. Effects on the Immune and Endocrine Systems

Given the rapid digestibility of Cry1F delta endotoxin, no chronic effects are expected. Cry1F delta endotoxin, or metabolites of the endotoxin are not known to, or are expected to have any effect on the immune or endocrine systems. Proteins in general are not carcinogenic, therefore, no carcinogenic risk is associated with the Cry1F protein.

H. Existing Tolerances

There are no existing tolerances or exemptions from tolerance for *Bacillus thuringiensis* subspecies *aizawai* Cry1F.

I. International Tolerances

There are no existing international tolerances or exemptions from tolerance for *Bacillus thuringiensis* subspecies *aizawai* Cry1F.

[FR Doc. 00–15167 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OEI–100000; FRL–6497–9]

RIN 2070–AD09

Guidance Documents for Dioxin and Dioxin-like Compounds and Other Persistent Bioaccumulative Toxic (PBT) Chemicals; Community Right-to-Know Toxic Chemical Release Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; request for comments and request for workgroup members.

SUMMARY: EPA is annoucing the availability of a draft guidance document for the dioxin and dioxin-like compounds category which is subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). The category of dioxin and dioxin-like compounds was added to the EPCRA section 313 list of toxic chemicals as part of a final rule that lowered the reporting thresholds for certain persistent bioaccumulative toxic (PBT) chemicals. EPA is requesting comments on this draft guidance document and is also requesting the participation of interested stakeholders on a workgroup to assist in the preparation of the final guidance document. In addition, EPA is considering establishing another workgroup or workgroups to assist in the development of guidance documents for other PBT chemicals that are subject to the new reporting requirements under the October 29, 1999 final rule. EPA would like to know whether interested stakeholders wish to participate on such workgroups.

DATES: Written comments, identified by the docket control number OEI–100000, must be received by EPA on or before July 17, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, (202) 260–3882, e-mail: bushman.daniel@epa.gov, for specific information on this document, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 1200 Pennsylvania Ave., NW., Ariel Rios Building, Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: (703) 412–9877 or Toll free TDD: 1–800–553–7672. Information concerning this notice is also available on EPA's website at http://www.epa.gov/tri.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Notice Apply to Me?

You may be interested in this notice if you manufacture, process, or otherwise use aldrin, chlordane, dioxin and certain dioxin-like compounds, heptachlor, hexachlorobenzene, isodrin, mercury, mercury compounds, methoxychlor, octachlorostyrene, pendimethalin, pentachlorobenzene, polychlorinated biphenyls, certain polycyclic aromatic compounds, tetrabromobisphenol A, toxaphene, and trifuralin. Potentially interested categories and entities may include, but are not limited to:

Category	Examples of Potentially Interested Entities
Industry	SIC major group codes 10 (except 1011, 1081, and 1094), 12 (except 1241), or 20 through 39; industry codes 4911 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce); 4931 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce); or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce); or 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. section 6921 *et seq.*), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis)
Federal Government	Federal facilities

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in this notice. Other types of entities not listed in the table could also be interested. To determine whether your facility may be interested in this notice, you should carefully examine the applicability criteria in part 372, subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this notice to a particular entity, consult the person listed in the preceding ''FOR FURTHER INFORMATION CONTACT'' section.

B. How Can I Get Additional Information or Copies of this Document or Other Support Documents?

1. *Electronically.* 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/. The draft guidance document for the dioxin and dioxin-like compounds category is available for downloading at http://www.epa.gov/tri.

2. *In person.* The Agency has established an official record for this action under docket control number OEI–100000. 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 TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC.

The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number (i.e., ''OEI–100000'') in your correspondence.

1. *By mail.* Submit written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Ariel Rios Building, Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is: (202) 260–7093.

3. *Electronically.* Submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov.'' Please note that you should not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 6.1/8.0 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OEI–100000. Electronic comments on this document may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

You may claim information that you submit 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. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the person identified in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. Background Information

A. What is the Purpose of this Notice?

The purpose of this notice is to make available for comment a draft document titled ''Emergency Planning and Community Right-to-Know Act—Section 313: Guidance for Reporting for the Dioxin and Dioxin-like Compounds Category.'' The category of dioxin and dioxin-like compounds was added to the EPCRA section 313 list of toxic chemicals as part of a final rule that lowered the reporting thresholds for certain PBT chemicals (64 FR 58666, October 29, 1999) (FRL–6389–11). EPA would like to receive comments on the technical contents of the guidance document particularly on the methods of estimating releases and other waste management quantities for dioxin and dioxin-like compounds. Unit I.B. contains information on how to get copies of the draft guidance document. Through this notice EPA is also requesting the participation of interested stakeholders on a workgroup to assist in the preparation of the final guidance document for the dioxin and dioxin-like compounds category. Stakeholders interested in participating on the workgroup should contact the person identified in the ''FOR FURTHER INFORMATION CONTACT'' section by July 17, 2000. Whether or not you participate on the workgroup, your comments will be considered in preparing the final guidance document.

In addition, this notice also requests comments on whether interested stakeholders wish to participate on a workgroup to develop guidance documents for the other PBT chemicals. These other guidance documents would cover the following chemicals: aldrin, chlordane, heptachlor, hexachlorobenzene, isodrin, mercury, mercury compounds, methoxychlor, octachlorostyrene, pendimethalin, pentachlorobenzene, polychlorinated biphenyls, polycyclic aromatic compounds (PACs), tetrabromobisphenol A, toxaphene, and trifuralin. At this point EPA anticipates developing individual guidance documents for the PACs category and for mercury/mercury compounds and another guidance document to cover the other PBT chemicals. Whether or not workgroups are formed for these other guidance documents, EPA will issue drafts of the guidance documents for public review and comment. If you are interested in participating on a workgroup for the development of these other guidance documents, please contact the person identified in the ''FOR FURTHER INFORMATION CONTACT'' section by July 17, 2000.

B. How Will the Interested Stakeholder Workgroups Function?

All interested parties are welcome to participate on the workgroups. The workgroups will not revisit any issues raised during the rulemaking process or the determinations contained in the final rule. The workgroups will deal only with guidance on how to report given the requirements of the final rule. The workgroups will make recommendations on the contents of the guidance documents, and then EPA will issue draft final documents and provide them to interested stakeholders for final comment. EPA will then review the final comments and issue the final guidance documents. The workgroup for the dioxin and dioxin-like compounds category will be formed and have its first meeting after the end of the comment period for this notice to allow time for the processing of any comments received. Whether or not workgroups are formed to develop guidance documents for the other PBT chemicals, a separate **Federal Register** notice will be issued to obtain comments on the other PBT chemical draft guidance documents. This type of process for developing guidance documents is similar to the processes that EPA has used for the development of guidance documents for other regulations.

List of Subjects

Environmental protection, Chemicals, Community right-to-know, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: May 30, 2000.

Margaret N. Schneider,

Principal Deputy Assistant Administrator, Office of Environmental Information.

[FR Doc. 00–14871 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6715–6]

San Fernando Valley, Pollock Superfund Site; Proposed Notice of Administrative Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986

(''CERCLA''), 42 U.S.C. 9601 *et seq.*, notice is hereby given that a proposed Agreement and Covenant Not to Sue associated with the San Fernando Valley Pollock Superfund was executed by EPA on April 7, 2000. The proposed Agreement and Covenant Not to Sue would resolve certain potential claims of the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, against San Fernando Road Holdings, LLC. (the ''Purchaser''). The Purchaser has acquired certain real property located at 3332–3340, 3360, 3368, 3370, 3380, 3424 and 3550 San Fernando Road in the City of Los Angeles, California (''the Property''). The Property consists of approximately 21.48 acres, which is improved with eight industrial warehouse buildings. The proposed settlement would require the Purchaser to pay EPA a one-time payment of $ 200,000, and to conduct cleanup activities at the Property under the direction of the Regional Water Quality Control Board—Los Angeles Region.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before July 17, 2000.

Availability

The proposed Agreement and Covenant Not to Sue and additional background documentation relating to the settlement are available for public inspection at the U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA, 94105. A copy of the proposed settlement may be obtained from Marie M. Rongone, Senior Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA, 94105. Comments should reference ''San Fernando Road Holdings, LLC Agreement and Covenant Not to Sue, San Fernando Valley Pollock Superfund Site,'' and ''Docket No. 2000–04'' and should be addressed to Ms. Rongone at the above address.

FOR FURTHER INFORMATION CONTACT: Marie M. Rongone, Senior Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; E-mail: rongone.marie@epamail.epa.gov; Phone: (415) 744–1313; Facsimile (415) 744–1041.

Dated: May 9, 2000.

Keith Takata,

Director, Superfund Division, U.S. EPA, Region IX.

[FR Doc. 00–15025 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42198C; FRL–6494–5]

1,1,2-Trichloroethane (TCE); Final Enforceable Consent Agreement and Testing Consent Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under section 4 of the Toxic Substances Control Act (TSCA), EPA has issued a testing consent order (Order) that incorporates an enforceable consent agreement (ECA) with The Dow Chemical Company; Vulcan Materials Company; Occidental Chemical Corporation; Oxy Vinyls, LP; Georgia Gulf Corporation; Westlake Chemical Corporation; PPG Industries, Inc.; Borden Chemicals & Plastics Operating Limited Partnership; and Formosa Plastics Corporation, U.S.A. (''the Companies''). The Companies have agreed to perform toxicity testing and physiologically based pharmacokinetics (PBPK) and mechanistic (MECH) testing that is intended to satisfy the toxicological data needs identified in a proposed test rule for acute toxicity, subchronic toxicity, developmental toxicity, reproductive toxicity, neurotoxicity, carcinogenicity, *in vivo* cytogenetics, and immunotoxicity effects of 1,1,2-trichloroethane (TCE). This notice announces the ECA and Order for TCE and summarizes the terms of the ECA.

DATES: The effective date of the ECA and Order is June 15, 2000.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For specific information contact: John Schaeffer, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–8130; fax: (202)260–1096; e-mail address: ccd.citb@epa.gov.

SUPPLEMENTARY INFORMATION: This notice announces the ECA and Order for TCE and summarizes the terms of the ECA.

I. General Information

A. Does this Action Apply to Me?

The ECA and Order announced in this notice only affect those companies that signed the ECA for TCE: The Dow Chemical Company; Vulcan Materials Company; Occidental Chemical Corporation; Oxy Vinyls, LP; Georgia Gulf Corporation; Westlake Chemical Corporation; PPG Industries, Inc.; Borden Chemicals & Plastics Operating Limited Partnership; and Formosa Plastics Corporation, U.S.A. The Companies are members of the HAP Task Force, which is an association of manufacturers of TCE. However, as a result of the ECA and Order, EPA has initiated a rulemaking in the **Federal Register** of December 23, 1997 (62 FR 67036) (FRL–5762–9) under TSCA section 12(b)(1) which, when finalized, will require all persons who export or intend to export TCE to comply with the Agency's export notification regulations at 40 CFR part 707, subpart D.

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 OPPTS–42198C. 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 TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

II. Background

A. What Is TCE?

TCE is used as a feedstock intermediate in the production of vinylidene chloride and some tetrachloroethanes (Ref. 1). It is used as a solvent where its high solvency for chlorinated rubbers and other substances is needed, and for pharmaceuticals and electronic components. An estimated 1,036 workers are exposed to TCE. The Chemical Abstract Service (CAS) Registry number for TCE is 79–00–5.

B. Why is EPA Requiring Health Effects Testing on TCE?

EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (''HAPs'' or ''HAPs chemicals''), including TCE in the **Federal Register** of June 26, 1996 (61 FR 33178) (FRL–4869–1), as amended in the **Federal Register** of December 24, 1997 (62 FR 67466) (FRL–5742–2) and April 21, 1998 (63 FR 19694) (FRL–5780–6). In the HAPs proposal, the Agency made preliminary findings for TCE that:

1. TCE may present an unreasonable risk of injury to health.

2. TCE is or will be produced in substantial quantities, and there is or may be substantial human exposure to the chemical.

3. There are insufficient data to determine or predict the effects of activities on human health involving TCE.

4. Testing is necessary to develop health effects data for TCE.

See the **Federal Register** of June 26, 1996 (61 FR 33178, 33190, and 33193) (FRL–4869–1). See also Ref. 1.

The HAPs rule proposed testing of TCE for acute toxicity, subchronic toxicity, developmental toxicity, reproductive toxicity, neurotoxicity, carcinogenicity, *in vivo* cytogenetics, and immunotoxicity. See the **Federal Register** of June 26, 1996 (61 FR 33178 and 33197) (FRL–4869–1) and December 24, 1997 (62 FR 67466 and 67482) (FRL–5742–2).

III. ECA Development and Conclusion

A. How is EPA Going to Obtain Health Effects Testing on TCE?

In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for pharmacokinetics (PK) studies for the HAPs chemicals, which could provide the scientific basis for alternative testing to the testing proposed and could provide the basis for negotiation of ECAs. See the **Federal Register** of June 26, 1996 (61 FR 33178 and 33189) (FRL–4869–1) and December 24, 1997 (62 FR 67466 and 67474) (FRL–5742–2). EPA uses ECAs to accomplish testing where a consensus is reached concerning the need for and scope of testing. The procedures for ECA negotiations and the criteria for determining whether a consensus exists are described at 40 CFR 790.22 and 40 CFR 790.24, respectively.

In response to EPA's request for proposals for ECAs, the HAP Task Force submitted a proposal for alternative testing involving PK studies for TCE on November 22, 1996 (Ref. 2). EPA responded to this proposal by letter on June 26, 1997 (Ref. 3), indicating that this approach could offer sufficient merit to proceed with ECA negotiations. As a result of the response of the HAP Task Force on December 12, 1997 (Ref. 4) to EPA's letter, EPA decided to proceed with ECA negotiations for TCE. Consequently, EPA published a document in the **Federal Register** of December 19, 1997 (62 FR 66628) (FRL–5763–2) soliciting interested parties to monitor or participate in these negotiations.

EPA held a public meeting to negotiate an ECA for TCE on January 12, 1998. The participants reached agreement on the general scope of the testing to be required under the ECA, and the HAP Task Force submitted a revised proposal for a testing program on February 27, 1998, which EPA responded to on September 24, 1998 (Refs. 5,6). A final version of the ECA was circulated to the HAP Task Force and returned to EPA for signature. On June 7, 2000, EPA signed the ECA and accompanying Order (Ref. 7).

B. What Testing Does the ECA for TCE Require?

As described in Table 1 of this unit, this ECA requires the following testing:

1. Tier I HAPs Testing (taken from the proposed HAPs test rule, as amended): Acute and subchronic toxicity by the inhalation route of exposure.

2. Tier I Program Review Testing: The development of PK/MECH data to inform route-to-route extrapolation of data from studies acceptable to EPA that were performed by a route other than inhalation and, also, the development and application of PBPK model simulations. The PK/MECH data and PBPK modeling will be subject to program review by EPA to confirm the validity of the oral-to-inhalation extrapolations. This testing relates to the following endpoints: Neurotoxicity, developmental toxicity, and reproductive toxicity (in the rat); and developmental toxicity, immunotoxicity, and carcinogenicity (in the mouse).

3. Tier II Testing and/or Extrapolation Reporting:

i. Acute neurotoxicity, subchronic neurotoxicity, developmental toxicity, and reproductive toxicity testing by the oral route of exposure.

ii. Route-to-route extrapolation to the inhalation route for these acute neurotoxicity, subchronic neurotoxicity, developmental toxicity, and reproductive toxicity studies, as well as for the extant immunotoxicity and carcinogenicity studies which were also conducted by the oral route of administration (Refs. 8,9).

This testing will allow EPA to characterize certain potential health hazards resulting from inhalation exposure to TCE. Table 1 of this unit sets forth the required testing, test standards, and reporting requirements under the ECA for TCE.

In addition, EPA recognizes the concerns that have been expressed about animal testing. In this ECA, every effort is made to avoid unnecessary or duplicative testing. EPA supports the goals developed by the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) (http://iccvam.niehs.nih.gov/home.htm) to:

1. Encourage the reduction of the number of animals used in testing.

2. Seek opportunities to replace test methods requiring animals with alternative test methods when acceptable alternative methods are available.

3. Refine existing test methods to optimize animal use when there is no substitute for animal testing. EPA considers these goals to be important elements in developing health effects data for conducting scientifically sound chemical risk assessments. Thus, where testing must be conducted to develop adequate data, the Agency is committed to reducing the number of animals used for testing, including, whenever possible, by incorporating *in vitro* (non-animal) test methods or other alternative approaches that have been scientifically validated and have received regulatory acceptance. In addition, in this ECA,

which involves development of PBPK/MECH data, the subsequent route-to-route extrapolations to existing data should result in the use of fewer test animals as compared to developing all new data by the inhalation route.

TABLE 1.—REQUIRED TESTING, TEST STANDARDS, AND REPORTING REQUIREMENTS FOR TCE

Testing segment	Required testing	Test standard	Deadline for final report[1] (months)
Tier I HAPs Testing ...	Acute toxicity (inhalation)	40 CFR 799.9135 (as annotated in ECA Appendix D.1)	15
	Subchronic toxicity (inhalation)	40 CFR 799.9346 (as annotated in ECA Appendix D.2)	24
Tier I Program Review Testing.	PK/MECH data to support model validation and verification of oral-to-inhalation extrapolation for the following data needs in the F344 rat: a. Neurotoxicity b. Developmental toxicity c. Reproductive toxicity	ECA Appendix C (1–3)	15
	PK/MECH data to support model development, validation, and verification of oral-to-inhalation extrapolation for the following data needs in the mouse: a. Developmental toxicity b. Immunotoxicity c. Carcinogenicity	ECA Appendix C (1–3)	15
	PBPK model simulations	ECA Appendix C (1–5)	24
Tier II Testing and/or Extrapolation Reporting.	Acute neurotoxicity (oral)	40 CFR 799.9620 (as annotated in ECA Appendix D.3)	36
	Acute neurotoxicity extrapolation of oral data to inhalation.	ECA Appendix C	39
	Subchronic neurotoxicity (oral)	40 CFR 799.9620 (as annotated in ECA Appendix D.3)	42
	Subchronic neurotoxicity extrapolation of oral data to inhalation.	ECA Appendix C	45
	Developmental toxicity (oral)	40 CFR 799.9370 (as annotated in ECA Appendix D.4)	48
	Developmental toxicity extrapolation of oral data to inhalation.	ECA Appendix C	51
	Reproductive toxicity (oral)	40 CFR 799.9380 (as annotated in ECA Appendix D.5)	54
	Reproductive toxicity extrapolation of oral data to inhalation.	ECA Appendix C	57
	Immunotoxicity extrapolation of extant oral data in ECA Appendix E.2 to inhalation.	ECA Appendix C	33
	Carcinogenicity extrapolation of extant oral data in ECA Appendix E.3 to inhalation.	ECA Appendix C	30

[1]Number of months after the effective date of the Order that incorporates this ECA when the final report is due. In addition, every 6 months from the effective date of the Order until the end of the ECA testing program, interim reports describing the status of all testing to be performed under this ECA must be submitted by the Companies to EPA.

C. What are the Uses for the Test Data for TCE?

EPA will use the data obtained from testing to implement several provisions of section 112 of the Clean Air Act (CAA), including the determination of residual risk, the estimation of the risks associated with accidental releases of chemicals, and determinations whether substances should be removed from the CAA section 112(b)(1) list of hazardous air pollutants (delisting). The data will also be used by other Federal agencies (e.g., the Agency for Toxic Substances and Disease Registry (ATSDR), the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), and the Consumer Product Safety Commission (CPSC)) in assessing chemical risks and in taking appropriate actions within their programs. See the proposed HAPs test rule published in the **Federal Register** of June 26, 1996 (61 FR 33178, 33179) (FRL–4869–1).

D. Does the ECA for TCE Meet all the Testing Requirements for TCE that were Contained in the Proposed HAPs Test Rule, as Amended?

In the proposed HAPs test rule, as amended, EPA required testing of TCE for acute toxicity, subchronic toxicity, developmental toxicity, reproductive toxicity, neurotoxicity, carcinogenicity, *in vivo* cytogenetics, and immunotoxicity by the inhalation route of exposure. The ECA for TCE requires testing for acute and subchronic toxicity by inhalation, and developmental and reproductive toxicity, and neurotoxicity by oral exposure. This ECA does not require testing for carcinogenicity, immunotoxicity, or *in vivo* cytogenetics. Instead, this ECA is requiring that PK/MECH data and PBPK modeling be developed in order to extrapolate exposure by the oral route to the inhalation route. These extrapolations will be performed on extant data for carcinogenicity and immunotoxicity that have been determined to be acceptable to EPA, as well as data which will be developed under this ECA for developmental and reproductive toxicity and neurotoxicity.

The ECA does not require, and the final HAPs test rule will not require, *in vivo* cytogenetics testing because EPA

considers existing data to be sufficient to fill the testing need identified in the proposed HAPs test rule, as amended. These data include a study by Mazzulo, et al. (1986) demonstrating genotoxicity and a study by Doherty, et al. (1996) demonstrating cytogenicity, which are included as appendices to the ECA (Refs. 10,11). The Tier I HAPs Testing endpoints will not be included in the final HAPs test rule because such testing will be conducted under this ECA. Depending on the results of the EPA Program Review, the Agency anticipates that the balance of the testing for TCE that was identified in the proposed HAPs test rule, as amended, will also not be included in the final HAPs test rule because equivalent testing will be conducted as Tier II Testing and Extrapolation Reporting under this ECA.

The issuance of the ECA and Order constitutes final EPA action for purposes of 5 U.S.C. 704.

E. What if EPA Should Require Additional Testing on TCE?

If EPA decides in the future that it requires additional testing on TCE, the Agency will initiate a separate action.

IV. Other Impacts of the ECA for TCE

The issuance of the ECA and Order under TSCA section 4 subjects the Companies that signed the ECA to export notification requirements under TSCA section 12(b)(1), as set forth at 40 CFR part 707, subpart D, if they export or intend to export TCE.

In the **Federal Register** of December 23, 1997 (62 FR 67036) (FRL–5762–9), EPA proposed to amend 40 CFR 799.5000 by adding TCE to the list of chemicals subject to testing consent orders. The listing of a chemical substance at 40 CFR 799.5000 serves as notification to all persons who export or intend to export the chemical substance that:

1. The chemical substance is the subject of an ECA and Order.

2. EPA's export notification regulations at 40 CFR part 707, subpart D, apply to those exporters who have signed the ECA, as well as those exporters who have not signed the ECA (40 CFR 799.19).

When a final rule based on the proposed rule is published in the **Federal Register**, all persons who export or who intend to export TCE will be subject to export notification requirements.

V. Text of the Testing Consent Order

As indicated in the ECA for TCE, EPA is publishing the text of the Order in this notice. The Order is entitled: ''United States Environmental Protection Agency; Testing Consent Order for 1,1,2-Trichloroethane; Docket No. OPPTS–42198C,'' and reads as follows:

''Under the authority of section 4 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2603, the United States Environmental Protection Agency (EPA) issues this testing consent order (Order) to take effect on the date of publication of the notice in the **Federal Register** announcing the issuance of this Order. This Order incorporates the enforceable consent agreement (ECA) for 1,1,2-Trichloroethane (TCE).''

The Order was signed by Susan H. Wayland, Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances, on June 7, 2000.

VI. Paperwork Reduction Act

The ECA and Order announced in this notice do not contain any information collection requirements that require additional approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*. The information collection requirements related to test rules and ECAs issued under TSCA section 4 have already been approved by OMB under OMB control number 2070–0033 (EPA ICR No. 1139). The one-time public burden for this collection of information is estimated to be approximately 5,323 hours total. Under the PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes the time needed to review instructions; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9.

VII. References

1. United States Environmental Protection Agency (USEPA), OPPT. TSCA Section 4 Findings for 21 Hazardous Air Pollutants: A Supporting Document for Proposed Hazardous Air Pollutants (HAPs) Test Rule. June 25, 1996.

2. The HAP Task Force. Letter from Peter E. Voytek to Charles M. Auer with attachment entitled: Proposal for Pharmacokinetics Study of 1,1,2-Trichloroethane, November 22, 1996. November 22, 1996.

3. USEPA. Letter from Charles M. Auer to Peter E. Voytek with attachment entitled: Preliminary EPA Technical Analysis of Proposed Industry Pharmacokinetics (PK) Strategy for 1,1,2-Trichloroethane, June, 1997. June 26, 1997.

4. The HAP Task Force. Letter from Peter E. Voytek to Charles M. Auer, USEPA. December 12, 1997.

5. The HAP Task Force. Letter from Peter E. Voytek to Charles M. Auer, USEPA, with enclosure entitled: Considerations for 1,1,2-TCE. February 27, 1998.

6. USEPA. Letter from Charles M. Auer to Peter E. Voytek, HAP Task Force, re: EPA final Position for ECA Development of 1,1,2-Trichloroethane (OPPTS –42198B), with attachment entitled: DRAFT—1,1,2-TCE ECA—9/23/98. September 24, 1998.

7. Final Enforceable Consent Agreement for 1,1,2-Trichloroethane and Accompanying Testing Consent Order, signed by EPA on June 7, 2000.

8. Sanders, V. M., White, Jr., K. L., Shopp, Jr., G. M., and Musson, A.E. Humoral and cell-mediated immune status of mice exposed to 1,1,2-trichloroethane. *Drug and Chemical Toxicology*. 8(5):357–372. 1985.

9. National Cancer Institute (NCI). Bioassay of 1,1,2-Trichloroethane for Possible Carcinogenicity. Carcinogenesis: Technical Report Series No. 74. U.S. Department of Health, Education and Welfare, Public Health Service, National Institutes of Health. 1978.

10. Mazzullo, M., Colaccai, A., Grilli, S., Prodi, G. and Arfellini, G. 1,1,2-trichloroethane: evidence of genotoxicity from short-term tests. *Japanese Journal of Cancer Research*. 77:532–539. 1986.

11. Doherty, A.T., Ellard, S., Parry, E.M., and Parry, J.M. An investigation into the activation and deactivation of chlorinated hydrocarbons to genotoxins in metabolically competent human cells. *Mutagenesis*. 11(3):247–274. 1996.

List of Subjects

Environmental protection, Hazardous chemicals.

Dated: June 7, 2000.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 00–15162 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51945; FRL–6558–7]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from March 20, 2000 to April 7, 2000, consists of the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51945 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management, and Evaluation, Office of Pollution Prevention and Toxics (7401), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone numbers: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

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

1. *Electronically*. You may obtain copies of this document and certain other available documents 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/*.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–51945. 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 TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51945 and the specific PMN number in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–51945 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed 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. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. 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. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from March 20, 2000 to April 7, 2000, consists of the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 73 PREMANUFACTURE NOTICES RECEIVED FROM: 03/20/00 TO 04/07/00

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–0633	03/20/00	06/18/00	CBI	(G) Polymer for contained commercial/industrial use (incorporated into an article)	(G) 2-propenoic acid, polymer with butyl 2-propenoate, *n*-(1,1-dimethyl-3-oxobutyl)-2-propenamide,2-methoxy-2-substituted-ethyl 2-propenoate and methyl 2-methyl-2-propenoate
P–00–0634	03/20/00	06/18/00	CBI	(G) Associative monomer for use in polymers for thickening aqueous systems	(G) Vinyl modified non-ionic surfactant
P–00–0635	03/20/00	06/18/00	Eastman Chemical Company	(G) Chemical intermediate, industrial chemical additive	(S) 1,3-dioxolan-2-one, 4-ethenyl*
P–00–0636	03/21/00	06/19/00	CBI	(G) Polymerization inhibitor	(G) Alkylated nitroso-phenylenediamine
P–00–0637	03/22/00	06/20/00	CBI	(G) Destructive use	(G) Substituted alkyl salt of halogentated organoborate
P–00–0638	03/22/00	06/20/00	CBI	(G) Destructive use	(G) Alkali metal salt of halogenated organoborate
P–00–0639	03/21/00	06/19/00	CBI	(S) Resin for coatings	(G) Polyether functional acrylic polymer
P–00–0640	03/20/00	06/18/00	CBI	(G) Interior and exterior wall and trim paints	(G) Alkyd emulsion
P–00–0641	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Alcohols, C^{16-20}-branched, ethoxylated*
P–00–0642	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Alcohols, C^{16-20}-branched, propoxylated*
P–00–0643	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Alcohols, C^{16-20}-branched, ethoxylated propoxylated*
P–00–0645	03/22/00	06/20/00	CBI	(G) Acrylic adhesive or coating	(G) Acrylic
P–00–0646	03/21/00	06/19/00	CBI	(G) Component of a primer product	(G) Silane coupling agent
P–00–0647	03/22/00	06/20/00	CBI	(G) Printing ink resin	(G) Fatty acids, tall -oil, polymers with diamine, 5 (or 6) -carboxy-4-hexyl-2-cyclohexene-1-octanoic acid, fumaric acid, polyol, maleic anhydride, pentaerythritol and rosin)
P–00–0648	03/23/00	06/21/00	CBI	(G) Industrial Structural Adhesive	(G) Polyester polyol polyurethane
P–00–0649	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Poly(oxy-1,2-ethanediyl), α-(2-butyloctyl)-omega-hydroxy-*
P–00–0650	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Poly[oxy(methyl-1,2-ethanediyl)], α-(2-butyloctyl)-omega-hydroxy-*
P–00–0651	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Oxirane, methyl-, polymer with oxirane, mono(2-butyloctyl) ether*
P–00–0652	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Poly(oxy-1,2-ethanediyl), α-(2-hexyldecyl)-omega-hydroxy-*

I. 73 PREMANUFACTURE NOTICES RECEIVED FROM: 03/20/00 TO 04/07/00—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–0653	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Poly[oxy(methyl-1,2-ethanediyl)], α-(2-hexyldecyl)-omega-hydroxy-*
P–00–0654	03/20/00	06/18/00	CBI	(S) Textile emulsifier	(S) Oxirane, methyl-, polymer with oxirane, mono(2-hexyldecyl) ether*
P–00–0655	03/27/00	06/25/00	CBI	(S) Coatings;adhesives	(G) Aromatic urethane
P–00–0656	03/28/00	06/26/00	Bedoukian Research, Inc.	(S) Chemical intermediate for flavor/fragrance product (FFDCA); chemical intermediate for fragrance used in soaps, detergents, air fresheners, scented papers etc.)	(G) Alkenyl ester
P–00–0657	03/27/00	06/25/00	CBI	(G) Thickener for aqueous cleaning solutions and highly filled latex compounds	(G) Styrene acrylic emulsion polymer
P–00–0658	03/27/00	06/25/00	CBI	(G) Thickener for aqueous cleaning solutions and highly filled latex compounds	(G) Styrene acrylic emulsion polymer
P–00–0659	03/27/00	06/25/00	CBI	(G) Thickener for aqueous cleaning solutions and highly filled latex compounds	(G) Styrene acrylic emulsion polymer
P–00–0660	03/27/00	06/25/00	CBI	(G) Thickener for aqueous cleaning solutions and highly filled latex compounds	(G) Styrene acrylic emulsion polymer
P–00–0661	03/27/00	06/25/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolic resins
P–00–0662	03/27/00	06/25/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolic resins
P–00–0663	03/27/00	06/25/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolic resins
P–00–0664	03/27/00	06/25/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolic resins
P–00–0665	03/27/00	06/25/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolic resins
P–00–0666	03/27/00	06/25/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolic resins
P–00–0667	03/27/00	06/25/00	CBI	(G) Additive for plastics	(G) Substituted biaryl aralkyl phosphite
P–00–0668	03/28/00	06/26/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolicresins
P–00–0669	03/28/00	06/26/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolicresins
P–00–0670	03/28/00	06/26/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolicresins

I. 73 PREMANUFACTURE NOTICES RECEIVED FROM: 03/20/00 TO 04/07/00—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–0671	03/28/00	06/26/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolicresins
P–00–0672	03/28/00	06/26/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolicresins
P–00–0673	03/28/00	06/26/00	Lyondell Chemical Company	(G) Polyol to be used as a flexibilizer, monomer, or reactive diluent in resins for use in coatings, inks, sealants, elastomers, adhesives, and related applications	(G) Alkoxylated phenolicresins
P–00–0674	03/28/00	06/26/00	CBI	(S) Resin for automotive coatings	(G) Modified carbamate acrylic polymer
P–00–0675	03/28/00	06/26/00	CBI	(S) Resin for automotive coatings	(G) Modified carbamate acrylic polymer
P–00–0676	03/28/00	06/26/00	CBI	(S) Resin for automotive coatings	(G) Modified carbamate acrylic polymer
P–00–0677	03/28/00	06/26/00	CBI	(S) Resin for automotive coatings	(G) Modified carbamate acrylic polymer
P–00–0678	03/28/00	06/26/00	CBI	(S) Resin for automotive coatings	(G) Modified carbamate acrylic polymer
P–00–0679	03/28/00	06/26/00	CBI	(S) Resin for automotive coatings	(G) Modified carbamate acrylic polymer
P–00–0680	03/28/00	06/26/00	CBI	(G) Finishing product for leather for surface cover	(G) Fatty acids, reaction products
P–00–0681	03/29/00	06/27/00	BASF Corporation	(S) Fiber	(G) Isocyanate—functional polyester polyurethane
P–00–0682	03/29/00	06/27/00	Reichhold, Inc.	(G) Additive for high solids coatings	(G) Amine modified phenolic polymer
P–00–0683	03/30/00	06/28/00	CBI	(G) Polymer for contained commercial/industrial use (incorporated into an article)	(G) 2-propenoic acid, polymer with butyl 2-propenoate, *n*-(1,1-dimethyl-3-oxobutyl)-2-propenamide, 2-methoxy-2-substituted-ethyl 2-propenoate and methyl 2-methyl-2-propenoate*
P–00–0684	03/29/00	06/27/00	CBI	(G) Additive for plastics	(G) Butadiene, alkyl acrylate, styrene co-polymer
P–00–0685	03/29/00	06/27/00	CBI	(G) Additive for plastics	(G) Butadiene, alkyl acrylate, styrene co-polymer
P–00–0686	03/29/00	06/27/00	CIBA Specialty Chemicals	(S) Hardener for water-based anti-corrosive coatings; hardener for water-based epoxy cement for civil engineering applic.	(G) Phenol,4,4′-(1-methylethylidene)bis-, polymers with aliphatic diamines, epichlorohydrin and polyethylene glycol
P–00–0687	03/31/00	06/29/00	CBI	(S) (for inkjet printer)(coating agent)	(G) Polyetherurethane and polyurea copolymer
P–00–0688	03/30/00	06/28/00	CBI	(G) Additive	(G) Diol
P–00–0689	03/30/00	06/28/00	CBI	(G) Additive	(G) Diol
P–00–0690	03/30/00	06/28/00	CBI	(G) Monomer and chemical intermediate	(G) Alkoxylated allyl methacrylate
P–00–0691	03/31/00	06/29/00	CBI	(G) Open, non-dispersive (auxillary)	(G) Modified polyamidecarboxylic acid
P–00–0692	04/03/00	07/02/00	CBI	(S) Vehicle of paints on tpo sheet (for car interior construction)	(G) Aliphatic polyurethane
P–00–0693	04/03/00	07/02/00	CBI	(S) Polymer adduct for adhesive uses	(G) Epoxy -nitrile rubber adduct
P–00–0694	04/03/00	07/02/00	CBI	(G) Open non-dispersive (resin)	(G) Hydrophilic aliphatic polyisocyanate
P–00–0695	04/03/00	07/02/00	CBI	(S) Component of fire fighting foam	(G) Perfluoroalkylated polyamino acid
P–00–0696	04/04/00	07/03/00	CBI	(G) Paper dye	(G) Sulfonated disazo dyestuff
P–00–0697	04/04/00	07/03/00	CBI	(G) Paper dye	(G) Sulfonated disazo dyestuff
P–00–0698	04/04/00	07/03/00	CBI	(G) Paper dye	(G) Lithium salt of a benzenoid stilbene/azo dyestuff

I. 73 PREMANUFACTURE NOTICES RECEIVED FROM: 03/20/00 TO 04/07/00—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–0699	04/06/00	07/05/00	CBI	(G) Multi-purpose adhesive (open, non-dispersive use); laminating adhesive (open, non-dispersive use); edgebanding adhesive (open, non-dispersive use)	(G) Polyurethane prepolymer;polyurethane adhesive
P–00–0700	04/06/00	07/05/00	CBI	(G) Ion exchange resin for water treatment	(G) Crosslinked copolymer of substituted polystyrene
P–00–0701	04/06/00	07/05/00	Mitsui Chemicals America, Inc.	(S) Mechanical parts of precision and industrial machine	(G) Polymide
P–00–0702	04/06/00	07/05/00	CBI	(G) Plastics lubricant;vapor barrier;fertilizer additive; chemical intermediate; miscellaneous uses	(G) Olefin oligomers
P–00–0703	04/07/00	07/06/00	CBI	(G) Component of a primer product	(G) Organosilicic compound
P–00–0704	04/06/00	07/05/00	CBI	(S) Liquid dye for wet end and surface dyeing of paper	(G) Alkyldiamine, reaction products with halogenated heterocycle, amino-hydroxy-sulfonatedpolycycle, and trisubstituted heterocycle, compd. with substituted alkanoic acid
P–00–0705	04/07/00	07/06/00	Poco, LLC	(S) Pesticide; canine external care products; equine external care products; fragrance additive	(S) Chamaecyparis lawsoniana, ext. (natural mixture distilled from the wood fiber of port orford cedar / chamaecyparis lawsoniana—continuation sheet page 8*
P–00–0706	04/07/00	07/06/00	CBI	(S) Base fluid for hydraulic fluids; base fluid for engine lubricants	(G) Mixed polyol—glycerol fatty acid ester

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 38 NOTICES OF COMMENCEMENT FROM: 03/20/00 TO 04/07/00

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0030	04/04/00	03/17/00	(G) Modified polyacrylate
P–00–0064	03/29/00	02/27/00	(G) Epoxy acrylate
P–00–0090	04/03/00	03/13/00	(G) Hindered amine adduct
P–00–0094	04/03/00	03/30/00	(G) Aromatic sulfonic acid dericative
P–00–0134	03/30/00	03/13/00	(S) L-aspartic acid, *n,n'*-1,2-ethanediylbis-, trisodium salt*
P–00–0186	03/27/00	02/29/00	(G) Perflourinated polyamine
P–00–0266	03/28/00	03/06/00	(G) Acrylic acid, polymer with partial salt of acrylate ester
P–93–0549	04/03/00	03/22/00	(S) Cas-index name: 1,4-dioxaspiro [4,5] decane-2-methanol, 9-methyl-6-(1-methylethyl)-
P–97–0957	04/07/00	03/20/00	(G) Non-etherified phenolic resin
P–98–0677	03/21/00	02/25/00	(G) Aqueous amine salt
P–98–0789	03/20/00	03/01/00	(G) Polyester oligomer
P–98–1043	03/20/00	03/09/00	(G) Substituted amino alkyl triazinyl benzenesulfonic acid derivative
P–99–0309	03/28/00	03/13/00	(G) Substituted alkylphthalimide
P–99–0660	04/05/00	03/21/00	(G) Acrylmodified polysiloxane
P–99–0786	03/27/00	03/21/00	(G) Liquid cationic polymer
P–99–0864	04/04/00	03/24/00	(G) Polyester urethane aqueous dispersion
P–99–0874	03/23/00	03/07/00	(G) Modified polyvinyl alcohol
P–99–0899	03/28/00	03/21/00	(G) Blocked diisocyanatohexane, homopolymer
P–99–1034	03/28/00	03/21/00	(G) Hydrocarbon modified rosin resin
P–99–1043	03/30/00	03/22/00	(G) Triazine derivative
P–99–1110	04/07/00	03/21/00	(S) Alcohols, C_{12-14}, ethers with polyethylene glycol mono-bu ether*
P–99–1111	04/07/00	03/21/00	(S) Alcohols, C_{12-14}, ethers with polyethylene-polypropylene glycol mono-me ether*
P–99–1112	04/07/00	03/21/00	(S) Alcohols, C_{8-10} dimers, ethers with polyethylene glycol mono-bu ether*
P–99–1113	04/07/00	03/21/00	(S) Poly(oxy-1,2-ethanediyl), α-butyl-omega-(octyloxy)-*
P–99–1193	04/04/00	03/22/00	(G) Isocyanate terminated urethane polymer
P–99–1208	03/30/00	03/16/00	(S) 1,3-butadiene, homopolymer, maleated, 2-[(2-methyl-1-oxo-2-propenyl)oxy]ethyl esters*

II. 38 NOTICES OF COMMENCEMENT FROM: 03/20/00 TO 04/07/00—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P–99–1210	04/04/00	03/16/00	(S) 5-isoquinolinesulfonic acid*
P–99–1213	04/05/00	04/01/00	(S) Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C_{10-25}, branched*
P–99–1214	04/05/00	04/01/00	(S) Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C_{15-30}, branched, high viscosity index*
P–99–1215	04/05/00	04/01/00	(S) Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C_{20-40}, branched, high viscosity index*
P–99–1216	04/05/00	04/01/00	(S) Gas oils (petroleum), vacuum, hydrocracked, hydroisomerized, hydrogenated, C_{25-55}, branched, high viscosity index*
P–99–1229	04/07/00	03/16/00	(G) Styrene-acrylonitrile-based polymer
P–99–1286	03/27/00	03/06/00	(G) Condensation of an acrylic modified alkyd resin and urea resin
P–99–1291	04/03/00	03/22/00	(G) Rosin modified fatty acids, tall-oil, polymer with glycerol, phenols, petroleum naphtha conc. maleic anhydride and petroleum distillates
P–99–1343	04/07/00	03/16/00	(S) Propanoyl fluoride, 2,2,3,3-tetrafluoro-3-(trifluoromethoxy)-*
P–99–1382	03/20/00	02/18/00	(G) Disubstituted fluorene
P–99–1383	03/20/00	03/03/00	(G) Methane bridged bis(substituted cyclopentadiene)
P–99–1401	03/31/00	03/27/00	(G) Salt of acidic polymers

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: May 18, 2000.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 00–15164 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51946; FRL–6588–4]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from April 10, 2000 to April 21, 2000, consists of the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51946 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management, and Evaluation, Office of Pollution Prevention and Toxics (7401), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone numbers: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

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

1. *Electronically*. You may obtain copies of this document and certain other available documents 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/*.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–51946. 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 TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51946 and the specific PMN number in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–51946 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed 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. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. 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. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from April 10, 2000 to April 21, 2000, consists of the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 36 PREMANUFACTURE NOTICES RECEIVED FROM: 04/10/00 TO 04/21/00

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–0707	04/10/00	07/09/00	CBI	(G) Intermediate	(G) Phosphate ester of alkyl phenol ethoxylate
P–00–0708	04/10/00	07/09/00	Dystar L. P.	(S) Coloration of wool fabric	(G) Chromate(2-), [3-[(4,5-dihydro-3-methyl-5-oxo-1-phenyl-1*h*-pyrazol-4-yl)azo]-4-hydroxy-(substituted)][2-[[(2-substituted)]]-4-nitrophenolato(2-)-*n*2, *o*1, o*2]-, disodium**
P–00–0709	04/10/00	07/09/00	CBI	(S) Spin-on dielectric film; spin-on passivation layer; characterization of thin films; matrix material	(G) Methylphenylsiloxane

I. 36 PREMANUFACTURE NOTICES RECEIVED FROM: 04/10/00 TO 04/21/00—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–0710	04/10/00	07/09/00	Dystar L. P.	(S) Dyestuff for coloration of wool	(G) Benzenesulfonic acid, 2,2′-(9,10-dihydro-5,8-dihydroxy-9,10-dioxo-1,4-anthracenediyl) (substituted)-,disodium salt
P–00–0711	04/10/00	07/09/00	Dystar L. P.	(S) Dyestuff for coloration of wool	(G) Benzenesulfonic acid, 2,2′-(9,10-dihydro-5,8-dihydroxy-9,10-dioxo-1,4-anthracenediyl) (substituted)-,disodium salt
P–00–0712	04/10/00	07/09/00	Dystar L. P.	(S) Dyestuff for coloration of wool	(G) Benzenesulfonic acid, 2,2′-(9,10-dihydro-5,8-dihydroxy-9,10-dioxo-1,4-anthracenediyl) (substituted)-,disodium salt
P–00–0713	04/10/00	07/09/00	CBI	(G) Dye for cotton	(G) Arylazo substituted sulfonated naphthalene compound
P–00–0714	04/10/00	07/09/00	CBI	(S) Processing aid for leather finishing	(G) Aminoalkylcarboxilic acid, sodium salt, polymer with saturated dicarboxylic acid, alkyldiols, and alkylisocyanates
P–00–0715	04/10/00	07/09/00	CBI	(G) Open, non-dispersive use	(G) Fluorothane oligomer
P–00–0716	04/10/00	07/09/00	CBI	(G) Emulsifier	(G) Salt of perflluoro fatty acids
P–00–0717	04/10/00	07/09/00	Zeon Chemicals L. P.	(S) Microlithography (resist coating)	(G) Hydroxystyrene-acrylate copolymer
P–00–0718	04/10/00	07/09/00	Arteva Specialties s.a.r.l. d/b/a kosa	(G) Structural textile material	(G) Modified polyester
P–00–0719	04/10/00	07/09/00	CBI	(S) For flexible industrial coatings	(G) Flexible acrylic polymer
P–00–0720	04/10/00	07/09/00	CBI	(S) For flexible industrial coatings	(G) Flexible acrylic polymer
P–00–0721	04/10/00	07/09/00	CBI	(S) For flexible industrial coatings	(G) Flexible acrylic polymer
P–00–0722	04/10/00	07/09/00	CBI	(S) For flexible industrial coatings	(G) Flexible acrylic polymer
P–00–0723	04/11/00	07/10/00	CBI	(G) Destructive use	(G) Acrylic polymer
P–00–0724	04/11/00	07/10/00	CBI	(G) Open, non-dispersive use.	(G) Polyether modified acrylic
P–00–0725	04/12/00	07/11/00	Johnson Polymer	(G) Open, non-dispersive use	(G) Acrylic polymer
P–00–0726	04/12/00	07/11/00	Johnson Polymer	(G) Open, non-dispersive use	(G) Acrylic polymer
P–00–0727	04/13/00	07/12/00	Engelhard Corporation	(S) Improved dispersion and applications in powder coating systems	(G) Aluminum amino laurate
P–00–0728	04/11/00	07/10/00	3M Company	(G)	(G) Fluorochemical polyurethane
P–00–0729	04/11/00	07/10/00	3M Company	(G)	(G) Fluorochemical polyurethane
P–00–0730	04/13/00	07/12/00	CBI	(G) Open, non-dispersive (component of leather finishing system)	(G) Polyester urethane
P–00–0731	04/13/00	07/12/00	Rohm and Haas Company	(S) Catalyst for manufacture of epoxy resins	(S) Phosphonium, ethyltris(4-methylphenyl)-, acetate*
P–00–0732	04/17/00	07/16/00	Xerox Corporation	(G) Reactant for a surface-treated material	(G) Silane
P–00–0733	04/17/00	07/16/00	CBI	(G) Component of coating with open use	(G) Phosphate ester
P–00–0734	04/18/00	07/17/00	Eastman Kodak Company	(G) Component in imaging formulations	(G) Substituted heterocyclic metal complex
P–00–0735	04/19/00	07/18/00	Raschig	(G) Functional monomer in polymers	(G) Dimethylaminoalkyl amide of an unsaturated carbonic acid, sulfoalkylated
P–00–0736	04/19/00	07/18/00	CBI	(S) Inks; coatings	(G) Polyester acrylate
P–00–0737	04/20/00	07/19/00	CBI	(G) Raw material for karl fischer reagents	(G) 2-(methylamino) pyridine
P–00–0738	04/20/00	07/19/00	Shell Chemical Co.	(S) Coatings for railcars; coatings for marine vessels	(S) Formaldehyde, reaction products with 1,3-benzenedimethanamine and bisphenol a*
P–00–0739	04/19/00	07/18/00	CBI	(G) Lubricant additive	(G) Phosphoric acid esters, amine salt
P–00–0740	04/20/00	07/19/00	The P. D. George Company	(S) Electrical insulation varnish	(G) 2,5-furandione polymer with 1,2-ethanediol, alicyclic compound, and carboxylic acid
P–00–0741	04/21/00	07/20/00	CBI	(S) Raw material for use in fragrances for soaps, detergents, cleaners and other household products	(G) 2-hydroxy-3-alkyl substituted cycloalkenone
P–00–0742	04/21/00	07/20/00	CBI	(S) Polyurethane for food packaging adhesive	(G) Polyurethane

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 25 NOTICES OF COMMENCEMENT FROM: 04/10/00 TO 04/21/00

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0007	04/20/00	04/18/00	(S) D-glucuronic acid, polymer with 6-deoxy-l-mannose and d-glucose, acetate, calcium magnesium potassium sodium salt*
P–00–0024	04/19/00	03/26/00	(G) Aluminum alkylamide
P–00–0033	04/14/00	03/16/00	(G) Triazolinone
P–00–0034	04/14/00	03/15/00	(G) Thioimidocarbonate
P–00–0050	04/14/00	03/16/00	(G) Triazolone
P–00–0054	04/14/00	03/15/00	(G) Isothiocyanatidate
P–00–0057	04/19/00	03/21/00	(G) Polyester acrylate
P–00–0061	04/18/00	04/09/00	(S) Bicyclo[2.2.1]hept-2-ene, 5-ethenyl-, polymer with ethene and 1-propene
P–00–0175	04/18/00	04/03/00	(G) Alkyl ether carboxylic acid
P–00–0176	04/18/00	04/03/00	(G) Alkyl ether carboxylic acid
P–00–0177	04/18/00	04/03/00	(G) Alkyl ether carboxylic acid, sodium salt
P–00–0343	04/17/00	03/15/00	(S) Ethanone, 1-[3-(trifluoromethyl)phenyl]-, oxime*
P–00–0350	04/21/00	04/18/00	(G) Ketimine functional oligomer
P–00–0369	04/10/00	03/30/00	(S) 5-nonanone, 4-methyl-*
P–94–0903	04/10/00	03/15/00	(S) 2-tetradecyl-1-octadecanol*
P–94–0904	04/10/00	03/15/00	(S) 2-tetradecyl-1-eicosanol*
P–94–0905	04/10/00	03/15/00	(S) 2-hexadecyl-1-octadecanol*
P–94–0906	04/10/00	03/15/00	(S) 2-hexadecyl-1-eicosanol*
P–98–0024	04/17/00	03/10/00	(G) Benzoic acid derivative
P–98–1161	04/11/00	03/08/00	(S) Urea, monomethanesulfonate (1:1)*
P–99–0031	04/12/00	03/30/00	(G) Calcuim salts of alkyl salicylate and alkyl phenate
P–99–0581	04/10/00	03/21/00	(G) Chromate, bis[[[[[(substituted) azo]phenyl]sulfonyl] amino]-hydroxy-[(substituted) azo]-naphthalenesulfonato]-, pentasodium*
P–99–1222	04/11/00	03/23/00	(G) Substituted benzoic acid ester
P–99–1362	04/12/00	04/04/00	(S) Phosphonic acid, monopotassium salt*
P–99–1388	04/17/00	04/12/00	(G) Styrene acrylic polymer

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: May 25, 2000.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 00–15165 Filed 6–14–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–00–35–B (Auction No. 35); DA 00–1246]

Auction of Licenses for C and F Block Broadband PCS Spectrum Postponed Until November 29, 2000

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document postpones the upcoming auction of C and F Block Broadband Personal Services spectrum scheduled to begin July 26, 2000, in order to provide additional time for bidder preparation and planning. The auction is rescheduled to begin November 29, 2000.

DATES: Auction No. 35 will begin November 29, 2000.

FOR FURTHER INFORMATION CONTACT: Audrey Bashkin, Auctions Legal Branch at (202) 418–0660, or Lisa Stover, Auctions Operations at (717) 338–2888.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released June 7, 2000. The complete text of the public notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC 20554. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800. It is also available on the Commission's web site at http://www.fcc.gov.

The upcoming auction of licenses for the C and F Block Broadband Personal Communications Services spectrum, scheduled to begin on July 26, 2000, is postponed until November 29, 2000, in order to provide additional time for bidder preparation and planning. By public notice the Commission will announce the procedures and terms of this auction. The key dates for this auction are listed below:

Filing Deadline for FCC Form 175: October 16, 2000; 6:00 PM ET.

Upfront Payment Deadline: November 6, 2000; 6:00 PM ET.

Mock Auction: November 27, 2000.

Auction Start Date: November 29, 2000.

Federal Communications Commission.

Margaret Wiener,

Deputy Chief, Auctions & Industry Analysis Division.

[FR Doc. 00–15068 Filed 6–14–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

PREVIOUSLY ANNOUNCED DATE & TIME: Tuesday, June 13, 2000, 10 a.m., meeting closed to the public.

THIS MEETING WAS CANCELED.

DATE & TIME: Tuesday, June 20, 2000 at 10 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday, June 22, 2000, at 10 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Draft Advisory Opinion 2000–10—America's Community Bankers Political Action Committee (COMPAC), Matthew D. Smyth, Director.

Draft Advisory Opinion 2000–11—Georgia-Pacific Corporation and the G–P Employees Fund of Georgia-Pacific by counsel, Jan Witold Baran.

Draft Advisory Opinion 2000–13—iNEXTV Corporation by counsel, John J. Duffy.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 00–15267 Filed 6–13–00; 11:35 am]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank holding company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. 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 July 10, 2000.

A. Federal Reserve Bank of Minneapolis (Jo Anne F. Lewellen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *First Bancshares Corporation,* Gladstone, Michigan; to acquire 5.009, for a total of 24.999 percent, of the voting shares of Baybank Corporation, Gladstone, Michigan, and thereby indirectly acquire Baybank, Gladstone, Michigan.

Board of Governors of the Federal Reserve System, June 12, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–15172 Filed 6–14–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–43–00]

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. Survery of Laboratory Practices for Mycobacterium tuberculosis Drug Susceptibility Testing in the U.S.—New—As part of the continuing effort to support public health objectives of treatment, disease prevention and surveillance programs, the Public Health Practice Program Office (PHPPO), Centers for Disease Control and Prevention (CDC) seeks to collect information from both public health and private sector laboratories performing drug susceptibility testing on Mycobacterium tuberculosis. Tuberculosis is a continuing public health problem in the United States despite declining case rates. Although public health efforts have brought multi drug resistant tuberculosis (MDRTB) under control, these MDRTB and other drug resistant isolates will continue to challenge laboratory support for TB control because of higher prevalence rates and potential for transmission in some segments of the U.S. population. To control this health problem, it is imperative that cases of tuberculosis are identified and placed on effective chemotherapy as quickly as possible. Information collected in the survey will be on test methods, drug concentrations, quality assurance, quality control and reporting practices. The survey will also collect information regarding the type of laboratories where testing is performed, the number of tests performed, testing for primary or secondary anti-tuberculosis drugs and turnaround time for reporting susceptibility test results to the clinician and public health programs. This survey will provide CDC with information to facilitate standard use of drugs and concentrations tested, interpretation of test results, and laboratory reports so that the information for the clinician is consistent regardless of the laboratory performing testing. This 25-question survey will be mailed to 200 laboratories which are directly involved in Mycobacterium tuberculosis susceptibility drug testing. The amount of time required for completion of the survey will be 30–45 minutes for each respondent. The only cost to the respondent is the time involved in completion of the survey. Results of the survey will be published in a peer-reviewed journal and shared at national meetings to encourage the adoption of standard practices. The estimated annualized burden for this project is 150 hours.

Respondents	Number of respondents	Number of responses/respondent	Average burden per response (in hours)
Laboratories	200	1	45/60

Dated: June 8, 2000.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–15114 Filed 6–14–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–46–00]

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

Possible Estuary-Associated Syndrome (PEAS) Surveillance—Extension—National Center for Environmental Health (NCEH)—In 1997, scientists found a newly identified microorganism, the dinoflagellate Pfiesteria piscicida, in water samples taken from a bay tributary. The presence of large numbers of this organism (a bloom) was purportedly associated with observations of thousands of dead fish as well as with reports of a wide range of adverse human health effects. Reports of this purported association created excessive public concern about exposure to estuarine waters and a general distrust in seafood that prompted a flood of inquiries to public health and environmental quality agencies.

Since 1997, the Centers for Disease Control and Prevention (CDC) has been working with the States of Delaware, Florida, Maryland, North Carolina, South Carolina, and Virginia in a series of meetings, workshops, and conference calls to design, implement, evaluate, and revise surveillance activities to provide a quantitative estimate of the public health burden associated with responding to Pfiesteria-related events, including blooms, fish kills, and people with health complaints. Cooperative agreement funds were awarded to these states to develop a multi-state surveillance system to examine the effects of Pfiesteria blooms upon humans and to expand the scientific knowledge of the human health effects of Pfiesteria. Specifically, the states will quantify the burden of PEAS on their health agencies by enumerating the number of contacts involving public and professional requests for information as well as symptoms involved in self-reporting. In collaboration with the state health departments, NCEH has developed a standardized data collection instrument that the states may use to collect and store the surveillance data. NCEH has requested that the states report specific data elements back at regular intervals so that NCEH can compile the data and issue periodic aggregate reports. CDC/NCEH is requesting a 3-year clearance. The total annual burden hours are 99.

Type of burden	Number of respondents	Number of responses	Average burden/response (in hours)
Information only calls	800	1	5/60
Symptomatic Reports—telephone interview	80	1	25/60

Dated: June 8, 2000.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–15115 Filed 6–14–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 00127]

Developing a Model System for the Collection, Analysis, and Dissemination of Data on Genetic Tests, Notice of Availability of Funds; Amendment

A notice announcing the availability of Fiscal Year 2000 funds to fund a cooperative agreement program for Developing a Model System for the Collection, Analysis, and Dissemination of Data on Genetic Tests, which was published in the **Federal Register** on June 8, 2000, (Vol. 65, No. 111, Pages 36446–36448). The notice is amended as follows:

On page 36447, First Column, under Section D. Program Requirements, Item 1(c), change to read: Using experts, identify six to ten DNA-based tests to guide in the finding, collection, and analysis of relevant data (published and unpublished).

On page 36447, Third Column, under Section G. Evaluation Criteria, Item 4(c), change to read: Identify available data for the DNA-based tests, identifying data gaps, and developing common data formats,

Dated: June 9, 2000.

Henry S. Cassell III,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–15116 Filed 6–14–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Guide to Community Preventive Services Task Force; Notice of Meeting

Office of the Director, Centers for Disease Control and Prevention (CDC), announces the following meeting:

Name: Guide to Community Preventive Services (GCPS) Task Force Meeting.

Times and Dates: 9 a.m.–5 p.m., June 21, 2000. 8:30 a.m.–3:15 p.m., June 22, 2000.

Place: The Radisson Hotel Atlanta Airport, 5010 Old National Highway, Atlanta, Georgia 30349, telephone (404) 761–4000.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 40 people.

Purpose: The mission of the Task Force is to develop and publish a Guide to Community Preventive Services, which is based on the best available scientific evidence and current expertise regarding essential public health services and what works in the delivery of those services.

Matters to be Discussed: Agenda items include: Final recommendation approvals on the Tobacco Chapter, recommendation approvals for the Oral Health, Physical Activity, Sociocultural Environment, and Sexual Behavior Chapters, an update on dissemination/evaluation plans, updates for the following chapters: Nutrition, Alcohol Use and Misuse, Prevention of Mental Disorders, Cancer, Motor Vehicle Occupant Injury (seat belts and Alcohol Impaired Driving), Violent and Abusive Behavior, and Diabetes, summaries of economic evaluations from the Tobacco Chapter, a general update on economic evaluations from other chapters, and briefings on cross-cutting activities including methods development and development of a cross-cutting chapter.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Bradford Myers, Deputy Director, Community Guide Section, Division of Prevention Research and Analytic Methods, Epidemiology Program Office, CDC, 4770 Buford Highway, M/S K–73, Atlanta, Georgia 30341, telephone 770/488–8189.

Persons interested in reserving a space for this meeting should call 770/488–8189 by close of business on June 19, 2000.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 12, 2000.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–15245 Filed 6–14–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Blood Donor Recruitment Practices; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

The Food and Drug Administration (FDA) is announcing the following public workshop: Blood Donor Recruitment Practices. The purpose of the workshop is to gather information on recruiting blood donors and to develop recommendations on the best practices in donor recruitment in the United States.

Date and Time: The public workshop will be held on July 6, 2000, 8:30 a.m. to 5 p.m; and on July 7, 2000, 8:30 a.m. to 2 p.m.

Locations: The July 6, 2000, workshop will be held at the National Institutes of Health, Lister Hill Center, 8600 Rockville Pike, Bldg. 38A, Bethesda, MD. The July 7, 2000, workshop will be held at the same location, and then will move to the Natcher Conference Center, 45 Center Dr., Bldg. 45, for breakout sessions.

Contact: Joseph Wilczek, Center for Biologics Evaluation and Research (HFM–302), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852; 301–827–6129; FAX: 301–827–2843; e-mail: wilczek@cber.fda.gov.

Registration: Early registration is recommended on or before June 23, 2000. Mail or fax registration information (including name, title, firm name, address, telephone, and fax number) to Joseph Wilczek (address above). Registration at the site will be on a space-available basis on the day of the workshop, beginning at 7:30 a.m. There is no registration fee for the workshop. If you need special accommodations due to a disability, please contact Joseph Wilczek at least 7 days in advance.

Agenda: During the first day of the workshop, speakers from the blood bank industry will describe successful recruitment practices. The topics of the presentations will include methods used in successful programs, donor perception, donor retention, telephone recruiting and scheduling, cooperative recruiting in a competitive environment, advertising, education, incentives, and coordinating blood collection with anticipated needs. During the second day, attendees will break into small groups to further discuss key donor recruitment issues. The group discussions will be developed into recommendations of the best practices most likely to increase blood collection to levels sufficient to meet future transfusion needs. At the close of the second day, the attendees will reconvene to share the group recommendations. The information gathered at the workshop may provide the basis for an FDA document on best practices in donor recruitment.

Transcripts: Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page. In addition, the transcript will be placed on the FDA Internet site at www.fda.gov/cber/minutes/workshop-min.htm.

Dated: June 7, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–14904 Filed 6–14–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on June 19, 2000, 10 a.m. to 6 p.m. and on June 20, 2000, 10 a.m. to 4 p.m.

Location: Hilton, Salons A, B, and C, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Megan Moynahan, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8517, ext. 171, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12625. Please call the Information Line for up-to-date information on this meeting.

Agenda: On June 19, 2000, the committee will discuss, make recommendations, and vote on a premarket approval application for an intravascular radiation device used in the treatment of instent restenosis. On June 20, 2000, the committee will discuss a modification to the guidance document entitled ''Draft Guidance for Implantable Cardioverter-Defibrillators.'' Specifically, the modification would allow general indications for use for implantable cardioverter defibrillators. The draft guidance, version 4.3, issued June 24, 1996, is available to the public on the Internet at http://www.fda.gov/cdrh/ode/965.html. Background information, questions for the panel, and a bibliography for this topic will be available to the public on the Internet at http://www.fda.gov/cdrh/panelmtg.html.

Procedure: On June 19, 2000, from 10 a.m. to 6 p.m. and on June 20, 2000, from 10 a.m. to 4 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by June 15, 2000. Oral presentations from the public will be scheduled between approximately 10 a.m. and 10:30 a.m., and near the end of the panel deliberations on June 19, 2000, and between approximately 10 a.m. and 10:30 a.m., and near the end of the panel deliberations on June 20, 2000. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before June 12, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On June 20, 2000, from 8 a.m. to 10 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)).

FDA regrets that it was unable to publish this notice 15 days prior to the Circulatory System Devices Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Circulatory System Devices Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 9, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–15204 Filed 6–13–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–643]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved request; *Title of Information Collection:* Hospice Survey and Deficiencies Report Form and Supporting Regulations at 42 CFR 418.1–418.405; *Form No.:* HCFA–643 (OMB# 0938–0379); *Use:* In order to participate in the Medicare program, a hospice must meet certain Federal health and safety conditions of participation. This form will be used by State surveyors to record data about a hospice's compliance with these conditions of participation in order to initiate the certification or recertification process; *Frequency:* Annually; *Affected Public:* State, local or tribal government; *Number of Respondents:* 2,293; *Total Annual Responses:* 2,293; *Total Annual Hours:* 5,733.

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 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 30, 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. 00–15129 Filed 6–14–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–668B]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment.

Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Post Laboratory Survey Questionnaire—Laboratory, and Supporting Regulations in 42 CFR part 493; *Form No.:* HCFA–668B (OMB# 0938–0653); *Use:* To provide an opportunity and a mechanism for CLIA laboratories surveyed by HCFA or HCFA's agent to express their satisfaction and concerns about the CLIA survey process; *Frequency:* Biennially; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 25,000; *Total Annual Responses:* 12,500; *Total Annual Hours:* 3,125.

We have revised one of the questions in the beginning section and have deleted one of the questions in Section II of the form.

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 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 30, 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. 00–15130 Filed 6–14–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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.

Proposed Project: The Health Education Assistance Loan (HEAL) Program: Forms—(OMB No. 0915–0043)—Extension

This clearance request is for extension of approval for three HEAL forms: The HEAL Repayment Schedule—Fixed Rate and the HEAL Repayment Schedule—Variable Rate (provides the borrower with the cost of a HEAL loan, the number and amount of the payments, and the Truth-in-Lending disclosures); the Lender's Report on HEAL Student Loans Outstanding, Call Report (provides information on the status of loans outstanding by the number of borrowers whose loan payments are in various stages of the loan cycle, such as student education and repayment, and the corresponding dollar amounts). These forms are needed to provide borrowers with information on the cost of their loan(s) and to determine which lenders may have excessive delinquencies and defaulted loans.

The estimate of burden for the forms are as follows:

Form and number	Number of respondents	Responses per respondent	Total responses	Hours per responses	Total burden hours
Disclosure:					
Repayment Schedule HRSA 502–1, 2	15	800	12,000	.5	6000
Reporting:					
Call Report, HRSA 512	22	4	88	.75	66
Total Reporting and Disclosure	22		12,088		6,066

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: June 8, 2000.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–15124 Filed 6–14–00; 8:45 am]

BILLING CODE 4160–15–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: The Impact of the State Child Health Insurance Program on Selected Community Health Centers and Maternal and Child Health Programs: New

This study proposes to determine the impact of SCHIP implementation on the insurance status of children served by two HRSA programs—Community Health Centers (CHCs) and health departments' Maternal and Child Health (MCH) programs—as well as the impact of SCHIP on these grantee organizations.

Transactional data will be reviewed in up to 21 HRSA grantee organizations from seven States and will extract encounter-level administrative data (encrypted individual code, date of birth, gender, dates of service, CPT–4 codes, and insurance status) at time of each service for 1997, 1998, and 1999.

Up to 20 former CHC or MCH patients (or their parents or guardians in the case of minors) will be surveyed in each site for whom retrospective data are available but who are no longer active users of the HRSA grantees by phone.

The estimated response burden is as follows:

TRANSACTIONAL DATA EXTRACTION

Project form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
Survey	21	20	420	.33	139

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: John Morrall, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: June 8, 2000.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–15123 Filed 6–14–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Richard M. Sanders, Jamaica, NY, PRT–028558

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Kenneth B. Wallace, Gig Harbor, WA, PRT–028557

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Gary Johnson, Perris, CA, PRT–028099

The applicant requests a permit to export and re-import a captive born Asian elephant (*Elephas maximus*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Marine Mammal

Applicant: John Christian Joseph Wirth, Jr., Dubois, WY PRT–028340

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

Applicant: Felix G. Widlacki, Orland Park, IL, PRT–028560

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Norwegian Bay polar bear population, Nanavut, Canada for personal use.

Applicant: Douglas L. Bell, Michigan City, IN, PRT–028561

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: Michael R. Koenig, Sheboygan, WI, PRT–028562

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: Robert McCreary, Newaygo, MI, PRT–028559

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beafort Sea polar bear population, Northwest Territories, Canada for personal use.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: June 9, 2000.

Charlie Chandler,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 00–15103 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–933–1430–AG; IDI–14515 C]

Termination of Desert Land Entry Classification, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates a non-suitable Desert Land Entry Classification on 10 acres, so the land can be patented under Section 206 of the Federal Land Policy and Management Act of 1976.

EFFECTIVE DATE: June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Catherine D. Foster, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, 208–373–3863.

SUPPLEMENTARY INFORMATION: On October 1, 1981, 10 acres were classified as non-suitable for Desert Land Entry. The classification is hereby terminated and the segregation for the following described lands is hereby terminated:

T. 17 N., R. 23 E., B.M.
Section 12: S½S½NW¼SE¼.

The area described above aggregates 10 acres in Lemhi County.

At 9 a.m. on June 15, 2000, the Desert Land Entry classification identified above will be terminated. The lands will remain closed to location and entry under the public land laws and the general land laws, as the lands are currently segregated for exchange.

Dated: June 9, 2000.

Jimmie Buxton,

Branch Chief, Lands and Minerals.

[FR Doc. 00–15133 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–00–1010–00]

Closure of Public Land to Camping in Maricopa County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure of public lands to camping.

SUMMARY: Notice is hereby given that the following described public lands are temporarily closed to camping for the protection of public health and safety under the provisions of 43 CFR 8364.1. The closure will remain in effect until rescinded or modified by the Phoenix Field Manager.

Gila and Salt River Meridian, Arizona

T. 1 N., R. 5 E.,
Sec. 3, Lot 10;
Sec. 4, Lots 25, 26 and 28.

EFFECTIVE DATE: This order is effective upon signature of the authorized officer.

SUPPLEMENTARY INFORMATION: The public lands involved (approximately 67 acres), located at Country Club Drive and the Salt River, are adjacent to areas of expanding urban development. Unregulated and extended overnight camping is not consistent with the orderly growth of the communities and presents health and safety problems. Because of prior existing rights, the following parties (and their representatives) will be allowed access to the above described lands:

Arizona DOT—(AZA–15001, AZAR–001728, AZAR–032447, AZAR–035991)
Federal Highway Administration #9—(AZA–30021, AZA–30074)
Maricopa County Board of Supervisors—(AZA–16871)

Order

Notice is hereby given that effective the date of signature by the authorized officer of this notice, the above described lands are closed to camping until further notice. Any person who fails to comply with a closure or restriction order issued under 43 CFR 8364 is subject to the penalties provided in 43 CFR 8360.0–7.

FOR FURTHER INFORMATION CONTACT: Michael A. Taylor, Field Manager, Phoenix Field Office, 2015 West Deer Valley Road, Phoenix, AZ 85027, (623) 580–5500.

Dated: June 7, 2000.

MarLynn Spears,

Assistant Field Manager, Lands and Minerals.

[FR Doc. 00–15134 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–260–1060–PC–24 1A]

Notice of Reestablishment of the Wild Horse and Burro Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Reestablishment of the Wild Horse and Burro Advisory Board.

SUMMARY: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (U.S.C. App.). Pursuant to Section 7 of the Wild Free-Roaming Horse and Burro Act (Public Law 92–195), notice is hereby given that the Secretary of the Interior and the Secretary of Agriculture are reestablishing the Wild Horse and Burro Advisory Board.

SUPPLEMENTARY INFORMATION: The purpose of the Wild Horse and Burro Advisory Board is to provide advice concerning management, protection, and control of wild free-roaming horses and burros on the public lands administered by the Department of the Interior, through the Bureau of Land Management, and the Department of Agriculture, through the Forest Service.

The Board will meet no less than two times annually. Additional meetings may be called by the Director, Bureau of Land Management, in connection with special needs for advice.

ADDRESSES: Wild Horse and Burro Group, WO–260, Bureau of Land Management, Department of the Interior, 1849 ''C'' St. NW., Room 302 LS, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Lee Delaney, Group Manager, Wild Horse and Burro Program at (202) 452–7744, e-mail Lee_Dleaney@blm.gov.

Dated: March 22, 2000.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 00–15074 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–6333–ET; GP0–0244; OR–53979]

Cancellation of Proposed Withdrawal; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has canceled its application to withdraw approximately 960 acres of National Forest System lands, lying within the Syskiyou National Forest, for protection of the North Fork Smith River. This action will cancel the proposed withdrawal.

FOR FURTHER INFORMATION CONTACT: Charles R. Roy, BLM Oregon/Washington State Office, 503–952–6189.

SUPPLEMENTARY INFORMATION: On October 23, 1997, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw lands for the protection of the North Fork Smith River. A Notice of Proposed Withdrawal was published in the **Federal Register**, 63FR29427, May 29, 1998, which segregated the lands described therein from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1994), but not the mineral leasing laws, subject to valid existing rights. The applicant agency has canceled the application in its entirety. This action is subject to valid existing rights, the provisions of existing withdrawals, and other segregations of record.

Dated: June 6, 2000.

Robert D. DeViney Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 00–15174 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget (OMB); Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0078).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501, *et seq.*), we are notifying you that we have submitted the information collection request (ICR) discussed below to the OMB for review and approval. We are also inviting your comments on this ICR.

DATES: Submit written comments by July 17, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0078), 725 17th Street, NW., Washington, DC 20503. Mail or handcarry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There 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: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the collection of information at no cost.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 250, Subpart O, Training.

OMB Control Number: 1010–0078.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended, 43 U.S.C. 1334(e), gives the Secretary of the Interior (Secretary) the responsibility to preserve, protect, and develop oil and gas resources in the OCS in a manner which is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of human, marine, and coastal environments; ensure the public a fair and equitable return on resources of the OCS; and preserve and maintain free enterprise competition. Section 1332(6) of the OCS Lands Act requires that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health.'' This authority and responsibility are among those delegated to MMS. To carry out these responsibilities, MMS issues regulations governing oil and gas or sulphur operations in the OCS.

The MMS uses the information collected under subpart O to ensure that certain workers in the OCS are properly trained in the use of equipment and procedures in drilling, well-completion, well-workover, and well-servicing well control operations and production safety system operations in order to avoid hazards inherent in those operations. This information is necessary to verify personnel training compliance with the requirements. Specifically, MMS uses the information to:

- Evaluate new programs and curriculum changes for technical accuracy and ensure that the programs incorporate appropriate instruction, simulation, and hands-on training activities.
- Review attendance records to verify that a student has attended the entire course before issuance of a certificate.
- Schedule MMS onsite evaluations and audits of training organizations.
- Ensure that personnel are trained in order to maintain a state of preparedness essential for safe operations.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.196. We will protect personal information such as social security numbers according to the Privacy Act. No items of a sensitive nature are collected. Responses are mandatory.

The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. We published a **Federal Register** notice

with the required 60-day comment period soliciting comments on this ICR on February 23, 2000 (65 FR 8987).

Frequency: On occasion or annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil, gas, and sulphur lessees and 52 training schools.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 2,300 burden hours. Refer to the following chart.

Citation 30 CFR 250 subpart O	Reporting and recordkeeping requirement	Number	Burden hours	Annual burden hours
1508	Request exceptions (departures) to training requirements.	15 exceptions	.25	[1]4
1512	Request approval of alternative training program	4 alternative programs	100	400
1515	Apply to MMS for training program accreditation renewal.	14 renewal accreditations	46	644
1516	Apply to MMS for approval of new training program accreditation.	7 new programs	100	700
1504; 1517(c), (d), (j), (k)	Supply trainees with various documents, manuals, course updates, and certificates of training..	Supplying these documents is usual/customary practice for a training situation		0
1517(h)	Furnish MMS personnel a copy of training program and plan during onsite review.	These documents would be readily available.		0
1517(i)	Submit annual course schedule and changes to MMS.	48 schedules	8	384
1517(l)	Send MMS letter and course roster at the completion of each course.	2,100 letters/rosters	.08	168
Reporting Total		2,188 Responses		2,300
1503	Provide drilling and well-completion/ well-workover floorhands job site well-control drill; record in driller and operations logs.	Training drills are conducted as part of regularly scheduled drills required by subparts D, E, or F; burdens included in 1010–0053, 1010–0057, & 1010–0043		0
1517(a)	Retain records for each trainee for 5 years	Training organizations maintain records as usual/customary business practice. Although some might retain records for less than 5 years, once the documentation is recorded and filed, no additional burden for longer retention as verified by the organizations consulted.		0
517(b)	Retain records of training program for 5 years			
Recordkeeping Total				0

[1] Rounded.

Estimated Annual Recordkeeping ''Non-Hour Cost'' Burden: We have identified no non-hour cost burdens for this collection.

Comments: All comments are made a part of the public record. Section 3506(c)(2)(A) of the PRA requires each agency ''''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by July 17, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: May 4, 2000.

John V. Mirabella,

Acting Chief, Engineering and Operations Division.

[FR Doc. 00–15106 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB control number 1010–0137).

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), we are submitting to OMB for review and approval an information collection request (ICR) titled Historical Well Data Cleanup (HWDC) Project. We are also soliciting comments from the public on this ICR.

DATE: Submit written comments by July 17, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0137), 725 17th Street, NW., Washington, DC 20503. Mail or hand carry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817.

Our practice is to make comments, including names and home addresses of

respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your 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: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the collection of information at no cost. For information on results of workshops held to discuss the Historical Well Data Cleanup Project, contact Warren Frederick, Gulf of Mexico Region, telephone (504) 736–2562.

SUPPLEMENTARY INFORMATION:

Title: Historical Well Data Cleanup (HWDC) Project.

OMB Control Number: 1010–0137.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior (Secretary) the responsibility to preserve, protect, and develop oil and gas resources in the OCS, consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources of the OCS; preserve and maintain free enterprise competition; and ensure that the extent of oil and natural gas resources of the OCS is assessed at the earliest practicable time. Section 1332(6) of the OCS Lands Act states that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.''

On February 4, 2000, the OMB approved our request under emergency processing procedures to issue Addendum 2 to NTL No. 98–29 to begin this project. Emergency processing permits the collection of information for 180 days. As the project is expected to last for several years, this Notice informs you that we have requested approval for a 3-year extension of this information collection.

The information collected is missing data for wellbores that MMS has not assigned API numbers and other well data discovered as missing while completing the well database cleanup project. We are not able to accurately manage and utilize data from drilling operations without the information for the missing wells. We will use the information to identify other well data (*e.g.,* logs, surveys, tests) missing from our records, geologically map existing MMS data to the correct wellbore/location, and correctly exchange information with the operators and industry. Our geoscientists can use the information to evaluate resources for lease sales for fair market value. With respect to safety concerns, we believe that there may be anywhere from 3,000 to 5,000 unidentified completed and/or abandoned wellbores (bypasses and sidetracks), some of which may contain stuck drill pipe or other materials. In approving permits and other operations in an area, it is important for us and the operators/lessees to know what may be adjacent to or near the vicinity of the activity we are approving to minimize the risk of blowouts, loss of well control, and endangerment to life, health, and the environment. This is particularly important as, over the years, the number of wells drilled constantly increases, thereby increasing the risk to adjacent activities if they are not aware of what might be in the area.

As announced in a ''Special Information'' release on February 2, 2000, we held two half-day workshops to share HWDC contract goals with the Gulf of Mexico OCS oil and gas industry and their services company vendors and contractors. The workshops were held in Houston and New Orleans on February 17 and 23, 2000. For further information on the results of these workshops, you may contact Warren Frederick at (504) 736–2562.

We will protect information respondents submit that is considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and 30 CFR 250.196, ''Data and information to be made available to the public.'' No items of a sensitive nature are collected. Responses are mandatory.

Frequency: The frequency of reporting is on occasion.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil, gas, and sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 90,000 reporting hours for approximately 40,000 wells, based on:

(1) ¼ hour to locate and copy a summary of drilling operations (*e.g.* scout tickets) for each well.

(2) 2 hours to retrieve and analyze each well file and retrieve other missing data. There are no recordkeeping requirements.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no cost burdens for this collection.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

We published a **Federal Register** notice with the required 60-day comment period soliciting comments on this ICR on March 3, 2000 (65 FR 11600). We received no comments in response to that notice. If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by July 17, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: May 10, 2000.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 00–15107 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB control number 1010–0050).

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), we are submitting to OMB for review and approval an information collection request (ICR), titled ''30 CFR 250, Subpart J—Pipelines and Pipeline Rights-of-Way.'' We are also soliciting comments from the public on this ICR.

DATES: Submit written comments by July 17, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0050), 725 17th Street, NW, Washington, DC 20503. Mail or hand carry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your 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: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the collection of information at no cost.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 250, Subpart J, Pipelines and Pipeline Rights-of-Way (1010–0050).

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended, 43 U.S.C. 1334(e), authorizes the Secretary of the Interior (Secretary) to grant rights-of-way through the submerged lands of the OCS for pipelines ''* * * for the transportation of oil, natural gas, sulphur, or other minerals, or under such regulations and upon such conditions as may be prescribed by the Secretary, * * * including (as provided in section 1347(b) of this title) assuring maximum environmental protection by utilization of the best available and safest technologies, including the safest practices for pipeline burial. * * *'' This authority and responsibility are among those delegated to MMS. To carry out these responsibilities, MMS issues regulations governing oil and gas or sulphur operations in the OCS. In addition, MMS issues Notices to Lessees and Operators to supplement regulations to provide guidance and clarification.

The Independent Offices Appropriations Act of 1952 (IOAA), 31 U.S.C. 9701, authorizes Federal agencies to recover the full cost of services that provide special benefits. Under the Department of the Interior's (DOI) policy implementing the IOAA, MMS is required to charge the full cost for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Pipeline rights-of-way and assignments are subject to cost recovery, and MMS regulations specify filing fees for applications.

OMB has approved the information collection requirements in current subpart J regulations under control numbers 1010–0050 and 1010–0108. The first is the primary collection for subpart J. The latter was approved in connection with a final rule amending § 250.1000(c) to implement a provision of the new Memorandum of Understanding between DOI and the Department of Transportation (DOT). Our submission will consolidate these two subpart J collections under 1010–0050.

The pipelines are designed by the lessees and transmission companies that install, maintain, and operate them. To ensure those activities are performed in a safe manner, MMS needs information concerning the proposed pipeline and safety equipment, inspections and tests, and natural and manmade hazards near the proposed pipeline route. The information collected under subpart J is used by MMS field offices to review pipeline designs prior to approving an application for a right-of-way or a pipeline permitted under a lease. The records concerning pipeline inspections and tests are monitored by MMS inspectors to ensure safety of operations and protection of the environment. Specifically, MMS uses the information to:

- Monitor schedules for pipeline construction, installation, and tests to enable MMS personnel to schedule their workload to permit the witnessing of these operations to ensure safety and environmental protection.
- Review applications for pipeline permits and rights-of-way and pipeline construction reports to ensure that the pipeline, as constructed, will provide for safe transportation of minerals through the submerged lands of the OCS.
- Review applications for pipeline rights-of-way for compliance with applicable rules and other legal and administrative requirements for the granting of a pipeline right-of-way.
- Review proposed routes of a right-of-way to ensure that the right-of-way, if granted, would not conflict with any State requirements or unduly interfere with other OCS activities.
- Review pipeline repair procedures to ensure that the lessee takes appropriate safety and pollution-prevention measures.
- Review plans for taking pipeline safety equipment out of service to ensure alternate measures are used that will properly provide for the safety of the pipeline and associated facilities (platform, etc.).
- Review reports on findings of historical or potential archeological significance to ensure that such resources are protected.
- Review notification of relinquishment of a right-of-way grant to ensure that all legal obligations are met and that a pipeline will be abandoned properly.
- Determine the point at which DOI or DOT has regulatory responsibility for a pipeline and to be informed of the responsible operator if not the same as the right-of-way holder.

This collection of information does not require respondents to submit proprietary information. If such were submitted, we will protect it under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2) and 30 CFR 250.196. No

items of a sensitive nature are collected. Responses are mandatory.

Frequency: The frequency of reporting is on occasion or annual.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil, gas, and sulphur lessees and 110 holders of pipeline rights-of way.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 78,910 hours—refer to the following chart for a breakdown of this estimate.

Citation 30 CFR 250 Subpart J	Reporting and recordkeeping requirement	Number	Burden hours	Annual burden hours
1000(b), (d); 1003(a); 1004(b)(5); 1007(a); 1009(a)(1), (b)(1); 1010; 1011.	Apply for new pipeline (P/L) installation or P/L right-of-way (ROW) grant, including various exceptions/departures requiring approval, and amendments.	296 applications	140	41,440
1000(b); 1007(b); 1010; 1012(b)(2), (c).	Apply to modify approved lease-term P/L or ROW grant; convert lease-term P/L to ROW grant P/L; notify operators of deviation, including various exceptions/departures.	386 modification applications 16 conversion applications	40 12	15,440 192
1000(b); 1006(a); 1007(c); 1009(c)(9); 1014.	Apply to MMS to abandon lease-term P/L or relinquish ROW grant, including various exceptions/departures.	257 applications	8	2,056
1000(c)(2), (c)(3)	Identify in writing P/L operator on ROW if different from ROW grant holder. Mark specific point on P/L where operating responsibility transfers to transporting operator or depict transfer point on a schematic located on the facility.	One-time requirement after final rule was published; now part of application or construction process involving no additional burdens		0
1000(c)(4)	Petition to MMS for exceptions to general operations transfer point description.	1 Petition (None received to date.).	5	5
1004(c)	Place sign on safety equipment identified as ineffective and removed from service.	See footnote [1]		0
1008(a), (c), (d), (e), (f), (h)	Notify MMS and submit report on P/L or P/L safety equipment repair, removal from service, analysis results, or potential measurements.	569 notices/ reports	15	8,535
1008(b)	Submit P/L construction report	239 reports	16	3,824
1008(g)	Submit plan of corrective action and report of remedial action.	12 plans/reports	16	192
1009(c)(4)	Notify MMS of any archaeological resource discovery	1 discovery notice	4	4
1009(c)(5)	Inform MMS of right-of-way holder's name and address changes.	Exempt under 5 CFR 1320.3(h)		0
1011(d)	Request opportunity to eliminate conflict when application has been rejected.	6 requests	1	6
1013	Apply for assignment of a ROW grant	248 applications	12	2,976
Reporting—Subtotal		2,031 Responses		74,670
1005(a)	Inspect P/L routes for indication of leakage [1], record results, maintain records 2 years [2].	159 lease-term/ROW P/L operators.	20	3,180
1009(c)(8)	Make available to MMS design, construcion, operation, maintenance, and repair records on ROW area and improvements [2].	106 P/L ROW holders	10	1,060
Recordkeeping—Subtotal		159 Recordkeepers		4,240
Total burden		2,190		78,910

[1] These activities are usual and customary practices for prudent operators.
[2] Retaining these records is usual/customary business practice; required burden is minimal.

Estimated Annual Recordkeeping ''Non-Hour Cost'' Burden: Section 250.1010(a) specifies that an applicant must pay a non-refundable filing fee when applying for a pipeline right-of-way grant to install a new pipeline ($2,350) or to convert an existing lease-term pipeline into a right-of-way pipeline ($300). Under § 250.1013(b) an applicant must pay a non-refundable filing fee ($60) when applying for approval of an assignment of a right-of-way grant. The estimated cost burden is $332,230 based on:

- 133 applications × $2,350 filing fee = $312,550
- 16 applications × $300 filing fee = $4,800
- 248 applications × $60 filing fee = $14,880

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Section 3506(c)(2)(A) of the PRA requires each agency * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the

burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

We published a **Federal Register** notice with the required 60-day comment period soliciting comments on this ICR on February 23, 2000 (65 FR 8985). We received no comments in response to that notice. If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by July 17, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744).

Dated: May 12, 2000.

John V. Mirabella,

Acting Chief, Engineering and Operations Division.

[FR Doc. 00–15108 Filed 6–14–00; 8:45 am]

BILLING CODE 4310–MR–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

June 13, 2000 Board of Directors Meeting; Sunshine Act Meeting

TIME AND DATE: Tuesday, June 13, 2000, 1 pm (Open Portion); 1:30 pm (Closed Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW, Washington, DC

STATUS: Meeting open to the Public from 1 pm to 1:30 pm. Closed portion will commence at 1:30 pm (approx.)

MATTERS TO BE CONSIDERED:

1. President's Report
2. Appointment—Joan Logue-Kinder
3. Approval of March 21, 2000 Minutes (Open Portion)

FURTHER MATTERS TO BE CONSIDERED: (Closed to the Public 1:30 pm).

1. Finance Project in Southeast Europe
2. Insurance Project in Bulgaria
3. Finance and Insurance Project in Equatorial Guinea
4. Finance Project in Turkey
5. Approval of March 21, 2000 Minutes (Closed Portion)
6. Pending Major Projects
8. Reports

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: June 12, 2000.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 00–15249 Filed 6–13–00; 10:26 am]

BILLING CODE 3210–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–539 C, E, and F (Review)]

In the Matter of Uranium From Russia, Ukraine, and Uzbekistan; Notice of Commission Determination To Conduct a Portion of the Hearing *In Camera*

AGENCY: International Trade Commission.

ACTION: Closure of a portion of a Commission hearing.

SUMMARY: Upon requests of the parties, the Ministry of the Russian Federation for Atomic Energy (''Russian respondents''), the Republic of Uzbekistan (''Uzbekistan respondents''), and the Uranium Coalition,[1] the Commission has determined to conduct a portion of its hearing in the above-captioned reviews scheduled for June 13, 2000, *in camera*. See Commission rules 207.24(d), 201.13(m) and 201.36(b)(4) (19 CFR 207.24(d), 201.13(m) and 201.36(b)(4)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT: Robin L. Turner, Office of General Counsel, U.S. International Trade Commission, telephone 202–205–3103, e-mail rturner@usitc.gov. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission believes that the parties have justified the need for a closed session. In these reviews, significant data for both the foreign and domestic industries are business proprietary. The parties seek a closed session in order to fully address the issues before the Commission without referring to business proprietary information (BPI). In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will begin with public presentations by the Uranium Coalition, domestic parties opposing revocation of the antidumping duty order and suspension agreements, and by Russian and Uzbekistan respondents in support of revocation. During the public session, the Commission may question the parties following their respective presentations. Next, the hearing will include a 15-minute *in camera* session for a confidential presentation by the Uranium Coalition and for questions from the Commission relating to the BPI, followed by a 15-minute *in camera* session for confidential presentation by the Russian and Uzbekistan respondents and for questions from the Commission. Each side will be permitted to use any portion of their allotted *in camera* time for *in camera* rebuttal presentations. For any *in camera* session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in these investigations. See 19 CFR 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the *in camera* session will be taken from their respective overall time allotments for the hearing. All persons planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in Uranium from Russia, Ukraine, and Uzbekistan, Inv. Nos. 731–TA–539–C, E, and F (Review), may be closed to the public to prevent the disclosure of BPI.

Issued: June 9, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–15194 Filed 6–14–00; 8:45 am]

BILLING CODE 7020–02–P

[1] The Uranium Coalition consists of the Ad Hoc Committee of Domestic Uranium Producers, the Paper, Allied-Industrial, Chemical and Energy Workers International Union, AFL–CIO, and USEC, Inc. and its wholly-owned subsidiary United States Enrichment Corporation.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

DNA Advisory Board Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the DNA Advisory Board (DAB) will meet on Wednesday,

July 12 and Thursday, July 13, 2000, from 9 am until 5 pm at The Adam's Mark Hotel, 111 Pecan Street East, San Antonio, Texas 78205. All attendees will be admitted only after displaying personal identification which bears a photograph of the attendee.

The DAB's scope of authority is: To develop, and if appropriate, periodically revise, recommended standards for quality assurance to the Director of the FBI, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analysis of DNA; To recommend standards to the Director of the FBI which specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analysis used by forensic laboratories, including statistical and population genetics issues affecting the evaluation of the frequency of occurrence of DNA profiles calculated from pertinent population database(s); To recommend standards for acceptance of DNA profiles in the FBI's Combined DNA Index System (CODIS) which take account of relevant privacy, law enforcement and technical issues; and, To make recommendations for a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

The topics to be discussed at this meeting include: a review of minutes from the February 23, 2000, meeting; review and discussion of the Audit Document for the Quality Assurance Standards, and identification of issues for discussion at the next meeting.

The meeting is open to the public on a first-come, first seated basis. Anyone wishing to address the DAB must notify the Designated Federal Employee (DFE) in writing at least twenty-four hours before the DAB meeting. The notification must include the requestor's name, organizational affiliation, a short statement describing the topic to be addressed, and the amount of time requested. Oral statements to the DAB will be limited to five minutes and limited to subject matter directly related to the DAB's agenda, unless otherwise permitted by the Chairman.

Any member of the public may file a written statement for the record concerning the DAB and its work before or after the meeting. Written statements for the record will be furnished to each DAB member for their consideration and will be included in the official minutes of a DAB meeting. Written statements must be type-written on 8½″ x 11″ xerographic weight paper, one side only, and bound only by a paper clip (not stapled). All pages must be numbered. Statements should include the Name, Organizational Affiliation, Address, and Telephone number of the author(s). Written statements for the record will be included in minutes of the meeting immediately following the receipt of the written statement, unless the statement is received within three weeks of the meeting. Under this circumstance, the written statement will be included with the minutes of the following meeting. Written statements for the record should be submitted to the DFE.

Inquiries may be addressed to the DFE, Dr. Dwight E. Adams, Deputy Assistant Director, Laboratory Division—Room 3821, Federal Bureau of Investigation, 935 Pennsylvania Avenue, NW, Washington, DC 20535–0001, (202) 324–6071, FAX (202) 324–1462.

Dated: June 8, 2000.

Dwight E. Adams,

Deputy Assistant Director, Forensic Analysis Branch, Federal Bureau of Investigation.

[FR Doc. 00–15075 Filed 6–14–00; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Secretary; Submission for OMB Review; Comment Request

June 6, 2000.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (MB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ({202} 219–5096 ext. 159 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King ({202} 219–5096 ext. 151 or by E-Mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Agency: Employment and Training Administration.

Title: Senior Community Service Employment Program (SCSEP).

OMB Number: 1205–0040.

Affected Public: State, Local, or Tribal Government; Not-for-profit institutions; Federal Government.

	Total respondents	Frequency	Total responses	Average time per response (hours)	Total burden hours
ETA Activity					
Quarterly Progress Report (ETA 5140)	62	Semiannually.	124	8	992
Poster Placement	62	N/A	62	1	62
Equitable Distribution Report (ETA 8705)	55	Annually	55	12	660

	Total respondents	Frequency	Total responses	Average time per response (hours)	Total burden hours
Grant Application Signature Sheet (ETA-5163)	62	Annually	62	1	62
Total ETA Activity	62		434	4	1,776
Standard Form Activity					
Financial Status Report (SF–269)	62	Quarterly and Final.	310	8	2,480
Grant Planning (SF 424A and 424)	62	Annually	62	40	2,480
Total SF Activity	62		372	13.3	4,960

Total Burden: 1,776 Hours.

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: The Senior Community Service Employment Program (SCSEP) provides part-time employment in community service activities for low-income seniors who are age 55 or older. Currently, over 60,000 people are enrolled in the program and during the course of a year 100,000 people will be enrolled. State governments and 10 national non-profit organizations operate the program.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00–15146 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Office of the Secretary; Submission for OMB Review; Comment Request

June 8, 2000.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ((202) 219–5096 ext. 159 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King ((202) 219–5096 ext. 151 or by E-mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register.**

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Type of Review: Extension of a currently approved collections.

Agency: Employment and Training Administration (ETA).

Title: Statement of Expenditures and Adjustments of Federal Funds for Unemployment Compensation for Federal Employees and Ex-servicemembers.

OMB Number: 1205–0162.

Form Number: ETA 191.

Affected Public: State, Local, or Tribal government.

Frequency: Quarterly.

Number of Respondents: 53.

Total Annual Responses: 212.

Estimated Time Per Response: 6 Hours.

Total Burden: 1,272 Hours.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: Federal and military agencies must reimburse the Federal Employees Compensation Account for the amount expended for benefits to former Federal (civilian) employees (UCFE) and ex-servicemembers (UCX). The report informs ETA of the amount to bill each such agency.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00–15147 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,239 and NAFTA–3642]

DeZurik Corporation, McMinnville, TN; Notice of Negative Determination Regarding Application for Reconsideration

By application dated April 15, 2000, the International Association of Machinists (IAM), Local 1941, requested administrative reconsideration of the Department's negative determination regarding worker eligibility to apply for Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA). The denial notices applicable to workers of the subject firm were signed on March 30, 2000 and published in the **Federal Register** on April 21, 2000, TA–W–37,239 (65 FR 21437) and NAFTA–3642 (65 FR 21439).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

Workers producing industrial valves at DeZurik Corporation, McMinnville, Tennessee, were denied eligibility to apply for TAA based on the finding that the contributed importantly criterion of section 222 of the Trade Act of 1974, as amended, was not met. Layoffs at the subject firm plant were attributable to the transfer of production to another domestic facility. The subject firm did not import articles like or directly competitive with those produced at the McMinnville plant. Customer imports of industrial valves were minor and accompanied by increased domestic purchases during the time period relevant to the investigation.

The NAFTA–TAA petition for the same worker group was denied based on the Department's finding that criteria (3) and (4) of the worker group eligibility requirements contained in paragraph (a)(1) of section 250 of the Trade Act of 1974, as amended, were not met. There were no company imports from Mexico or Canada of articles like or directly competitive with those produced at the workers' firm. Customer imports of industrial valves from Mexico or Canada did not contribute importantly to worker separations at the workers' firm. There was no shift in production of industrial valves from the McMinnville plant to Mexico or Canada. Layoffs at the subject firm were attributable to a shift in production to another domestic facility.

The IAM provided documentation on company imports of cylinders, knife gate valve bodies ready for assembly, and multiple parts, that were formerly produced by workers at the subject firm. Additionally, the IAM provided a listing of machines that will be sent to the company's plant in Canada.

For both the TAA and NAFTA–TAA petition investigations, the Department is required to determine import impact of the articles produced at the workers' firm. In this case, during the time period relevant to the investigation, the primary output at the plant was industrial valves. Although the company acknowledges imports of cylinders and other components, those articles cannot be considered like or directly competitive with the finished product, industrial valves. Machinery sent to Canada is not a basis for worker group certification. A small percentage of production at the McMinnville plant will be shifted to Canada but that has not as yet occurred.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 5th day of June, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–15143 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,637]

Fort James Operating Company, Wauna Mill, Clatskanie, OR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 1, 2000, in response to a worker petition which was filed by the company on behalf of workers at the Wauna Mill, Fort James Operating Company, Clatskanie, Oregon.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this care would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 25th day of May, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–15145 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37, 542, 542A, 542B, 542C]

GPM, Bartlesville, OK and Operating at Various Locations in the States; Amended Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Negative Determination Regarding Eligibility to Apply for Worker adjustment Assistance on April 24, 2000, applicable to workers of GPM, Bartlesville, Oklahoma. The notice was published in the **Federal Register** on May 11, 2000 (65 FR 30442).

At the request of the petitioner, the Department reviewed the negative determination for workers of the subject firm. The workers of the subject firm are engaged in employment related to gathering, transporting and marketing natural gas. Review of the investigation shows that the Department's negative determination inadvertently excluded the workers of the subject firm's other Oklahoma locations, in addition to the Texas and New Mexico locations of GPM.

It was the Department's intent to issue the negative determination for all workers of the subject firm cited in the petition form. The negative determination is being amended to expand the denial to workers of GPM at various locations in Oklahoma (except Bartlesville), Texas and New Mexico.

The amended notice applicable to TA–W–37,542 is hereby issued as follows:

All workers of GPM, Bartlesville, Oklahoma (TA–W–37,542), and operating at various locations in the States of Oklahoma, except Bartlesville (TA–W–37,542A), Texas (TA–W–37,542B), and New Mexico (TA–W–37,542C) are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 31st day of May, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–15144 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[Docket No. TA–W–35,319]

Simpson Pasadena Paper Company, Pasadena, Texas; Notice of Revised Determination on Remand

The United States Court of International Trade (USCIT) in the matter of *Former Employees of Simpson Pasadena Paper Company* v. *Alexis Herman, United States Secretary of Labor*, USCIT, No. 99–04–00249, remanded for additional customer survey, the Department's negative determination regarding eligibility to apply for adjustment assistance under the Trade Act of 1974.

On remand, the Department conducted a survey of additional declining customers of Simpson

Pasadena Paper Company, Pasadena, Texas. The additional major declining customers surveyed report an increasing reliance on imports of paper while decreasing purchases from the subject firm during the time period relevant to the investigation.

Information that was obtained in the initial investigation show that workers at the Pasadena, Texas, plant of Simpson Pasadena Paper Company were used interchangeably and were not separately identifiable by product. Accordingly, the worker separations resulting from increase imports of paper indirectly affected all lines of production (pulp, coated and uncoated paper).

Conclusion

After careful review of the facts obtained on remand, I conclude that there was an increase in imports of articles that are like or directly competitive with those produced by the subject firm which contributed to declines in sales or production and employment at Simpson Pasadena Paper Company, Pasadena, Texas. In accordance with the provisions of the Trade Act, I make the following certification:

All workers of Simpson Pasadena Paper Company, Pasadena, Texas, who became totally or partially separated from employment on or after November 13, 1997, through two years from the date of this issuance, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 9th Day of June 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–15139 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. the investigations will further relate, as appropriate to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the addres shown below, not later than June 26, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 26, 2000.

The petitions filed in the this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 30th day of May, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED ON 05/30/2000

TA–W	Subject firm (Petitioners)	Location	Date of petition	Product(s)
37,713	Vinson Timber Products (Comp)	Trout Creek, MT	05/12/2000	Lumber Studs.
37,714	Gambro Renal Products (Comp)	Lakewood, CO	05/11/2000	Kidney Dialysis Machines.
37,715	Murray, Inc. (UAW)	Lawrenceburg, TN	05/11/2000	Bicycles, Lawn Mowers.
37,716	Brunswick Bicycles (Comp)	Balmorhea, TX	05/10/2000	Bicycles.
37,717	CV Materials Ltd (Wrks)	Urbana, OH	05/16/2000	Frit and Mill Products
37,718	Robertson World Wide (UAW)	Rochester, IN	05/12/2000	Electronic Boards.
37,719	Southland Mfg/Skilstaf (Comp)	Ashland, AL	05/15/2000	Men's Slacks.
37,720	Doe Run Resources Corp (Comp)	Viburmum, MO	05/17/2000	Lead Mining, Smelting.
37,721	OshKosh B'Gosh, Inc (Wrks)	Jamestown, TN	05/18/2000	Boy's and Girl's Knit Shirts.
37,722	Pro-Emp Solutions (Comp)	Odessa, TX	05/16/2000	Staff Leasing Service.
37,723	Glove Corp. (The) (Comp)	Calico Rock, AR	05/15/2000	Leather Work Gloves
37,724	Volex, Inc., Power Cord (Comp)	Clinton, AR	05/12/2000	Power Cords.
37,725	Cadillac Curtain Corp (Wrks)	Dyer, TN	05/10/2000	Curtains—Kitchen and Livingroom.
37,726	Zebco (Comp)	Tulsa, OK	05/04/2000	Fishing Tackle.
37,727	Seton Company (Wrks)	El Paso, TX	05/18/2000	Leather Pieces for Car Seats.
37,728	Hill Knitting Mill (Comp)	Richmond Hill, NY	05/18/2000	Fabric.
37,729	Biljo, Inc. (Comp)	Dublin, GA	05/22/2000	Men's and Boy's slacks.
37,730	Artesyn Technologies (Wrks)	Broomfield, CO	05/16/2000	Power Supplies.
37,731	Cupples Rubber Co. (Comp)	St. Louis, MO	05/17/2000	Rubber Inner Tubes for Tires.
37,732	Choctaw Miad Farms (Wrks)	Newton, MS	05/16/2000	Hatches Chicken Eggs.
37,733	L. Peter Larson Co. (Comp)	Olney, MT	05/19/2000	Raw Logs.
37,734	Glacier Gold Compost (Comp)	Olney, MT	05/19/2000	Compost, Potting Soil, Mulch.
37,735	IBM Corp. (Wrks)	Rochester, MN	05/04/2000	Nickel and Glass Substrate.

[FR Doc. 00–15141 Filed 6–14–00; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been perceived, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other person showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than June 26, 2000.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than June 26, 2000.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room G–4318, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 7th day of June, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Competitive Engineering (Wkrs).	Tucson, AZ	05/15/2000	NAFTA–3, 910	Pico carriers.
Hutchinson Technology (Wkrs).	Eau Claire, WI	05/12/2000	NAFTA–3, 911	Technology.
Kym Company (The) (Co.).	Jackson, GA	05/15/2000	NAFTA–3, 912	Apparel.
Mr. Louis Manufacturing (Wkrs).	Hialeah, FL	04/07/2000	NAFTA–3, 913	Women's jackets & formal wear.
Seton Company (Wkrs)	El Paso, TX	05/23/2000	NAFTA–3, 914	Car seats & cushions.
Los Angeles Dept. of Water & Power (Wkrs).	Sun Valley, CA	05/11/2000	NAFTA–3, 915	Maintains the mainframe computers.
Pope and Talbot (Co.)	Newcastle, WY	05/12/2000	NAFTA–3, 916	Soft wood dimension lumber.
BILJO (Co.)	Dublin, GA	05/22/2000	NAFTA–3, 917	Men's & boy's pant and slacks
Robertson Worldwide (UAW).	Rochester, IN	05/19/2000	NAFTA–3, 918	Electronic ballasts.
Jenny K. Fashions (Co.)	Meriden, CT	05/11/2000	NAFTA–3, 919	Women's apparel.
Louisiana Pacific—Ketchikan Pulp Div. (Wks).	Ketchikan, AK	05/12/2000	NAFTA–3, 920	Saw mill.
Mid American Electro Cords (Wkrs).	Middlebury, IN	05/18/2000	NAFTA–3, 921	Cord sets.
Ithaca Industries (Co.)	Wilkesboro, NC	05/16/2000	NAFTA–3, 922	Men's women's & children's underwear.
Butteville Lumber (Co.)	Onalaska, WA	05/22/2000	NAFTA–3, 923	Lumber.
Howden Buffalo (Co.)	Buffalo, NY	05/15/2000	NAFTA–3, 924	Heavy duty fans & blowers.
Applied Sewing Resources (Wkrs).	Orland, CA	05/04/2000	NAFTA–3, 925	Luggage.
Glove Corporation (The) (Co.).	Calico Rock, AR	05/17/2000	NAFTA–3, 926	Work gloves.
Mediacopy (Co.)	San Leandro, CA	05/22/2000	NAFTA–3, 927	Video cassettes.
T and S Sewing (Wkrs)	Hialead Gardens, FL	04/11/2000	NAFTA–3, 928	Women's clothing.
Oshkosh B'Gosh (Wkrs)	Jamestown, TN	05/23/2000	NAFTA–3, 929	Boy's & girl's knit shirts.
Cupples Rubber (Co.)	St. Louis, MO	05/17/2000	NAFTA–3, 930	Rubber inner tubes.
Hoff Forest Products (Co.)	Meridian, ID	05/26/2000	NAFTA–3, 931	Wood mouldings.
Condor D.C. Power Supplies (Co.).	McAllen, TX	05/24/2000	NAFTA–3, 932	Oem switching power supplies.
Sommers (Co.)	Stroudsburg, PA	05/25/2000	NAFTA–3, 933	Narrow fabrics.
Thomson Industries (USWA).	Lancaster, PA	05/26/2000	NAFTA–3, 934	Steel shafting.
Lefever Plastics (Wkrs)	Huntsville, OH	05/15/2000	NAFTA–3, 935	Wiring harness.
Goodyear Tire and Rubber (USWA).	Green, OH	05/25/2000	NAFTA–3, 936	Air springs.
Eaton Corporation (IAMAW).	Milwaukee, WI	05/25/2000	NAFTA–3, 937	Resistors.
Schlegel Construction (Co.).	Kalispell, MT	05/24/2000	NAFTA–3, 938	Transport lumber.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Stanley Works (The) (Co.)	Shelbyville, TN	05/23/2000	NAFTA–3, 939	Hand tools hammers.
Fruit of the Loom (Wkrs)	Frankfort, KY	05/16/2000	NAFTA–3, 940	Decorated garments.
PCS Nitrogen (Wkrs)	Memphis, TN	05/04/2000	NAFTA–3, 941	Ammonium nitrate.
Glacier Gold Compost (Co.).	Olney, MT	05/19/2000	NAFTA–3, 942	Compost, potting soil and mulch.
L. Peter Larson (Co.)	Olney, MT	05/19/2000	NAFTA–3, 943	Raw logs.
Holmes Group — Rival Co. (Wkrs).	Warrensburg, MO	05/11/2000	NAFTA–3, 944	Crock pots & can openers.
Doe Run Resources (The) (Co.).	Vibumum, MO	05/25/2000	NAFTA–3, 945	Lead metal.
Nestle (Co.)	Elizabeth City, NC	06/01/2000	NAFTA–3, 946	Pet treats.
K.P.T. (Wkrs)	Bloomfield, IN	06/02/2000	NAFTA–3, 947	Floor tile.
Spray Cotton Mills (Wkrs)	Eden, NC	05/30/2000	NAFTA–3, 948	Twisted yarn.
AGRI Sales (Wkrs)	DeCauter, IL	05/02/2000	NAFTA–3, 949	Dry edible beans.
Peal Brewing (Wkrs)	San Antonio, TX	06/02/2000	NAFTA–3, 950	Malt beverages.
Rexworks (USWA)	Milwaukee, WI	05/30/2000	NAFTA–3, 951	Frames, rear frames, chute, ladders.
Invensys Best Power (Wkrs).	Necedah, WI	06/02/2000	NAFTA–3, 952	Power modular systems.
Ceng (Co.)	Dexter, GA	06/01/2000	NAFTA–3, 953	Ladies, men's and boy's slacks & uniform.
Honeywell Allied Signal (Wkrs).	Frankfort, KY	06/05/2000	NAFTA–3, 954	Valve machining, air compressors.
Dallco Industries (Co.)	York, PA	06/05/2000	NAFTA–3, 955	Women's & girl's apparel.
H.H. Rosinsky (Wkrs)	Philadelphia, PA	06/05/2000	NAFTA–3, 956	Women's garments.
J.F. Sportswear (UNITE)	Scranton, PA	06/05/2000	NAFTA–3, 957	Men's suit dress & sport coats.
Destination Films (Wkrs)	Santa Monica, CA	05/28/2000	NAFTA–3, 958	Motion picture.
Celestica Corporation (Co.).	Campton, KY	06/06/2000	NAFTA–3, 959	Printed circuit boards.

[FR Doc. 00–15140 Filed 5–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–03942]

Glacier Gold Compost, Incorporated Olney, MT; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Public Law 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on May 19, 2000 in response to a petition filed by a company official on behalf of workers at Glacier Gold Compost, Incorporated, Olney, Montana.

In a letter dated June 5, 2000, the petitioner requested that the petition for NAFTA–TAA be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 5th day of June, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–15142 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Pension and Welfare Beneifts Administration

Working Group on Phased Retirement; Advisory Council on Employee Welfare and Pension Benefits Plans, Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issue of phased retirement with hold an open public meeting on Monday, July 17, 2000, in Room N–5437 A–D, U.S. Department of Labor, Second and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to hear testimony regarding macroeconomic trends on workforce availability, experience with phased retirement programs and regulations concerning implementation of phased retirement plans.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before July 10, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by July 10, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 10.

Signed at Washington, DC this 12th day of June 2000.

Leslie B. Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–15148 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Long-Term Care: Issues and Solutions, Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Monday, July 17, 2000, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group studying Long-Term Care; Issues and Solutions.

The session will take place in Room N–5437, A–D, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210. The purpose of the open meeting, which will run from 2 p.m. to approximately 4:30 p.m. is for working group members to take testimony focusing on long-term care policies in the marketplace, policy initiatives that might be undertaken to expand long-term indemnification and future Medicaid expenditures and the Federal Employees Health Benefit Plan intitiative to expand LTC indemnification for federal workers.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before July 10, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by July 10, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 10.

Signed at Washington, DC, this 12th day of June 2000.

Leslie B. Kramerich,

Acting Assistant Secretary, Pension and Benefits Welfare Administration.

[FR Doc. 00–15149 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Benefit Continuity After Organizational Restructuring, Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Tuesday, July 18, 2000, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study benefit continuity after organizational restructuring.

The session will take place in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210. The purpose of the open meeting, which will run from 2 p.m. to approximately 4:30 p.m., is for working group members to continue taking testimony from plan sponsors who will describe their experiences during restructuring and the issues they faced in any effort to maintain continuity of benefits during their organization's restructuring.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before July 10, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by July 10, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 10.

Signed at Washington, D.C., this 12th day of June 2000.

Leslie B. Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–15150 Filed 6–14–00; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting of Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: Proposed rule, ''Interim Storage for Greater Than Class C Waste'' which would amend 10 CFR part 72, Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Applications for new licenses and amendments may be submitted at any time. Applications for renewal of licenses would be required every 20 years for an Independent Spent Fuel Storage Installation (ISFSI) and every 40 years for a Monitored Retrievable Storage (MRS) facility. Required recordkeeping would be conducted on a continuing basis.

5. Who will be required or asked to report: Licensees and applicants for a license to possess power reactor-related waste classified for disposal under 10 CFR part 61 as greater than class C (GTCC) in an ISFSI, and the Department of Energy for licenses to receive, transfer, package and possess power reactor-related GTCC waste storage in an MRS.

6. An estimate of the number of responses: 3.

7. The estimated number of annual respondents: 1.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 120 (an average of approximately 115 hours per response for applications plus approximately 5 hours per recordkeeper).

9. An indication of whether section 3507(d), Pub. L. 104–13 applies: Not applicable.

10. Abstract: 10 CFR part 72 establishes requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, and requirements for the issuance of licenses to the Department of Energy to receive, transfer, package, and possess power reactor spent fuel and high-level radioactive waste, and other associated radioactive materials, in an MRS. This proposed rulemaking would add the ability for licensees to request a specific license to allow the interim storage of reactor-related GTCC waste within an ISFSI or MRS to 10 CFR part 72. GTCC waste is low-level radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in 10 CFR 61.55. The information will be used by the NRC staff in the licensing process to review applications requesting storage of GTCC waste within an ISFSI or MRS. This rulemaking does not preclude licensees from licensing the storage of GTCC waste under the existing provisions of 10 CFR parts 30 and/or 70. However, the NRC believes that licensing under 10 CFR part 72 would simplify the licensing process and reduce the potential burden on licensees, the NRC, and Agreement States with no adverse affect on public health and safety, or the environment. The revised estimate of burden reflects the time necessary for licensees to amend application request for storage of spent fuel under 10 CFR part 72 to also include GTCC waste.

Submit, by July 17, 2000, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. The proposed rule indicated in ''The title of the information collection'' is or has been published in the **Federal Register** within several days of the publication date of this Federal Register Notice. Instructions for accessing the electronic OMB clearance package for the rulemaking have been appended to the electronic rulemaking. Members of the public may access the electronic OMB clearance package by following the directions for electronic access provided in the preamble to the titled rulemaking.

Comments and questions should be directed to the OMB reviewer by July 17, 2000: Erik Godwin, Office of Information and Regulatory Affairs (3150–0132), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 1st day of June 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–15193 Filed 6–14–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corporation; Vermont Yankee Nuclear Power Station Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering amending, pursuant to 10 CFR 20.2002, the previously granted approvals to dispose of slightly contaminated septic waste and cooling tower silt on-site by expanding the allowable waste stream to include slightly contaminated soil generated as a residual by-product of on-site construction activities as requested by Vermont Yankee Nuclear Power Corporation (the licensee), for operation of the Vermont Yankee Nuclear Power Station (Vermont Yankee), located in Windham County, Vermont.

Environmental Assessment

Identification of the Proposed Action

The proposed action would amend the previously granted approvals to dispose of slightly contaminated septic waste and cooling tower silt on-site by expanding the allowable waste stream to include low-levels of radioactively contaminated soil generated as a residual by-product of on-site construction and other activities.

The proposed action is in accordance with the licensee's request dated June 23, 1999, as supplemented on January 4, 2000.

The Need for the Proposed Action

The proposed action is needed to dispose of slightly contaminated soil on-site. The licensee identified 25.5 cubic meters of soil to be disposed of on-site immediately, and approximately 28.3 cubic meters of soil/sand material on an annual basis until the expiration of the plant's operating license in 2013. The 25.5 cubic meters of contaminated soil was generated as a result of on-site construction activities. The anticipated 28.3 cubic meters of soil/sand material will be generated from the annual winter spreading of sand on roads and walkways at the plant site.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed action will be bound by the conditions for the on-site disposals previously reviewed and approved by the NRC. The licensee will continue to use the designated and approved areas of their property (approximately 1.9 acres in size) that currently receives the septic waste and cooling tower silts. Determination of the radiological dose impact of the new material has been made based on the same dose assessment models and pathway assumptions used in the previously approved submittals. The licensee's proposal was evaluated against the NRC staff's guidelines for on-site disposal and found to be acceptable. The potential exposure to members of the general public from the radionuclides in material was determined to be less than 1 mrem/year, and meets the NRC staff's guidelines. Accordingly, the potential exposures are acceptable.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation

exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. As an additional alternative, the material could be shipped to an off-site low-level radioactive waste disposal facility. The costs associated with off-site disposal greatly exceeds the cost of on-site disposal without a compensating improvement in the environmental impacts. The environmental impacts of the proposed action and the alternative actions are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Vermont Yankee Nuclear Power Station.

Agencies and Persons Consulted

In accordance with its stated policy, on June 8, 2000, the staff consulted with the Vermont State Official, William Sherman, of the Department of Public Service, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated June 23, 1999, as supplemented on January 4, 2000, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington DC. Publicly available records will be accessible electronically from the ADAMS Public Library component on this NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 8th day of June 2000.

For the Nuclear Regulatory Commission.

Richard P. Croteau,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–15192 Filed 6–14–00; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in June 2000. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in July 2000.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in June 2000 is 5.23 percent (*i.e.,* 85 percent of the 6.15 percent yield figure for May 2000).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between July 1999 and June 2000.

For premium payment years beginning in	The assumed interest rate is
July 1999	5.13
August 1999	5.08
September 1999	5.16
October 1999	5.16
November 1999	5.32
December 1999	5.23
January 2000	5.40
February 2000	5.64
March 2000	5.30
April 2000	5.14
May 2000	4.97
June 2000	5.23

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in July 2000 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 8th day of June 2000.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 00–15119 Filed 6–14–00; 8:45 am]

BILLING CODE 7708–01–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meeting

Notice is hereby given that the Railroad Retirement Board will hold a

meeting on June 21, 2000, 9 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Report on the Quality Audit of the Railroad Retirement Board Occupational Disability Process
(2) Medicare Transition

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: June 12, 2000.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 00–15244 Filed 6–13–00; 10:25 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42912; File No. SR–DTC–99–6]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to the Establishment of a Matured Book-Entry Only Certificate Destruction Service

June 8, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 25, 1999, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–DTC–99–6) 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 from interested persons.

I. Self-Regulatory Organization's Statement of the Term of Substance of the Proposed Rule Change

DTC proposes to establish a matured book-entry-only (''BEO'') certificate destruction service.

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 that 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 such statements.[2]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under DTC's current practices, shortly before a debt security held by DTC matures DTC sends to the redemption agent:[3] (i) A DTC ''letter of transmittal;'' (ii) a DTC ''redemption payment summary form;'' and (iii) the certificate(s) that represent the maturing issue. This procedure is in place for issues that are evidenced both by non-engraved certificates (typically, BEO securities) and by engraved certificates. In 1998, DTC shipped to redemption agents certificates representing over $100 billion in almost 40,000 maturing BEO debt issues.

Under its current process, DTC removes the securities certificate(s) from its vault and delivers the certificate(s) to a commercial courier service that in turn delivers the certificates to the redemption agent. There, the certificates are processed in accordance with the redemption agent's individual policies and practices. Historically, some agents have contracted with commercial vendors for the physical destruction of such certificates.

Under DTC's proposed rule change, DTC will offer a new optional service to redemption agents under which DTC will destroy the BEO certificates in lieu of shipping the certificates to the redemption agent.[4] Redemption agents that wish to use this new service will delivery to DTC an executed ''matured BEO certificate destruction request.''[5] DTC will continue to present the DTC ''letter of transmittal'' and the DTC ''redemption payment summary form'' but not the BEO certificate(s) to the redemption agent in advance of the issue's maturity. In addition, DTC will present to the agent a ''notice of destruction''[6] stating that DTC intends to destroy the BEO certificate(s) in accordance with the procedures set forth in this rule filing as they may be amended from time to time. If the redemption agent requests in writing in a timely manner that DTC not destroy the certificates, DTC will honor the agent's request.

The matured BEO securities certificates will be physically destroyed on DTC's premises only after: (i) DTC has received the redemption proceeds in full and (ii) an additional thirty days has expired subsequent to DTC's receipt of such proceeds. Authorized DTC personnel will oversee and witness the destruction of the canceled certificates. DTC will maintain detailed ledger control over the BEO certificates through the point of destruction. An accurate record of all canceled certificates will be maintained, searchable by date of cancellation. Prior to destruction, the maturing securities certificates will be microfilmed or imaged by DTC. DTC will retain the microfilm or computer images of these BEO certificates for ten years following destruction of the certificates, and for the first six months DTC will maintain the microfilm or computer images in a place that is easily accessible by authorized DTC personnel.[7] Copies of the microfilm (at no fee) or eventually images (at a fee) will be available to the redemption agent during the ten years following destruction. DTC will be liable for gross negligence and willful misconduct.

As a result of this new service, once deposited in DTC, such BEO securities certificates will never have to be physically removed from DTC's vault. They would, therefore, be maintained in a secure location that does not allow access to the public or unauthorized personnel. Additionally, by centralizing the destruction of matured BEO debt securities certificates, DTC will provide uniform and consistent controls and procedures (as well as physical safeguards) for all such certificates in the U.S. capital market.

DTC believes that this new service will also reduce expenses and risks to

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] For the majority of maturing debt securities, the transfer agent is also the redemption agent. Sometimes the issuer itself will serve as the redemption agent or will appoint a third party other than the transfer agent to serve as the redemption agent.

[4] At this time, DTC will offer this service only for non-engraved BEO certificates.

[5] A copy of the ''matured BEO certificate destruction request'' is set forth as Exhibit B of DTC's proposed rule change, which is available through the Commission's Public Reference Branch or through DTC.

[6] A copy of the ''notice of destruction'' is set forth as Exhibit C of DTC's proposed rule change, which is available through the Commission's Public Reference Branch or through DTC.

[7] DTC has informed the Commission's staff that for the time period that such microfilm records must be maintained, whether by DTC or by a third party on behalf of DTC, such records will: (1) Be available at all times for examination by the Commission and the appropriate regulatory agency for immediate, easily readable projection/enlargement of the microfilm; (2) be arranged and indexed in a manner that permits immediate location of any particular record; (3) be immediat4ely provided upon request by the Commission or appropriate regulatory agency; and (4) be copied and stored separately from the original microfilm records.

DTC and to the industry. DTC will eliminate the shipping cost, insurance cost, and risk associated with shipping these certificates via commercial couriers from DTC to the redemption agent. In addition, DTC's destruction of the matured BEO certificates will provide the industry with economies of scale for destruction and recordkeeping related to matured BEO certificates.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(A) of the Act and the rules and regulations thereunder applicable to DTC in that it promotes the safeguarding of securities and funds in DTC's custody or control or for which it is responsible.

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, in the public interest, and for the protection of investors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has discussed this rule change proposal in its current form orally with various DTC participants and transfer agents. A number of those consulted have expressed interest in the proposed service.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register**, or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which DTC consents, the Commission will:

(a) By order approve such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the File No. SR–DTC–99–6 and should be submitted by July 6, 2000.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42911; File No. SR–GSCC–00–06]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Suspension of the Discount in Fee Structure

June 8, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on June 5, 2000, the Government Securities Clearing Corporation (''GSCC'') 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 GSCC. 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 filing suspends GSCC's discount for comparison and netting fees for buy-sell transactions.

[1] 15 U.S.C. 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, GSCC 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. GSCC 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

Recently, GSCC's Board and Management reviewed the results of a study of GSCC's fee structure, the fundamental part of which has remained unchanged since the inception of netting in 1989. In response to this review, GSCC has determined it appropriate to temporarily suspend its discount for comparison and netting fees for buy-sell transactions, effective as of July 3, 2000.

The current discount was implemented in 1995 and resulted in a 10 percent reduction in the fees charged to members for comparison and netting of their buy-sell transactions. At that time, GSCC was focusing its management and technological resources on the imminent introduction of comparison and netting services for repo transactions. Because those services are income-earning and self-funding, GSCC was in a position to effectively return to its members the surplus generated by its core services for buy-sell transactions. The Board of Directors had approved the discount in 1995 based on GSCC's financial strength and continued projections for profitability with the intent that the discount appropriateness be monitored and reassessed periodically.

Since 1995, GSCC has continued to steadily expand both the variety and scope of the services it provides to members. This trend will accelerate in 2000 and beyond as GSCC gradually moves to a real-time messaging, risk management, and settlement environment and achieves other important initiatives such as establishing cross-margining arrangements with multiple clearing organizations.

The determination to temporarily suspend the discount allows GSCC to

[2] The Commission has modified the text of the summaries prepared by GSCC.

position itself to ensure continued service enhancements and the achievement of various business initiatives without deterioration of its capital base. GSCC's costs to develop, implement, and support these new services will be considerable. For example, real-time messaging will involve extensive systems development as well as the costs associated with maintaining multiple imput environments. Moreover, many of these services, such as the shift to real-time comparison and risk management, will, in and of themselves, not generate any additional revenues for GSCC.

Assuming that current net income levels are sustained, it is GSCC's intention to reinstate a discount methodology as a business incentive for members to move to real-time messaging. The reinstated discount would be applied to both buy-sell and repo transactions; currently, the discount lowers fees only for buy-sell transactions, which creates inequities in the manner in which it applies to members.

GSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to GSCC and in particular with Section 17A(b)(3)(F) of the Act because it will permit GSCC to cover the high costs involved in providing its members with new and important services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an 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

Written comments relating to the proposed rule change have not yet been solicited or received. Members will be notified of the rule change filing, and comments will be solicited, by an Important Notice. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Act

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 GSCC. 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, 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 GSCC. All submission should refer to File No. SR–GSCC–00–06 and should be submitted by July 6, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15088 Filed 6–14–00; 8:45 am]

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[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] 17 CFR 200.30–39A)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42913; File No. SR–NYSE–00–18]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to NYSe Direct+, the Exchange's Automatic Execution Facility for Certain Limit Orders of 1099 Shares or Less

June 8, 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 May 1, 2000, the New York Stock Exchange, Inc. (''NYSE'' 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 proposed rule change consists of new Exchange Rules 1000 through 1005 governing trading through NYSe Direct+ ™, a new Exchange facility to provide automatic execution of limit orders of a specified size. The proposed rule change also amends Exchange Rule 13 to define an ''auto ex'' order and Exchange Rule 476A to include proposed Rules 1000 through 1005 in the list of rules subject to summary fine procedures. The Exchange is also submitting for Commission approval interpretations of Exchange Rules 104, 123A.40, and 91, and it will request separately that the Commission issue the appropriate relief from Commission Rule 10a–1.[3] The text of the proposed rule change is set forth below. All language is being added.

Rule 1000: Automatic Execution of Limit Orders Against Orders Reflected in NYSE Published Quotation

Only straight limit orders without tick restrictions are eligible for entry as auto ex orders. Auto ex orders to buy shall be priced at or above the price of the published NYSE offer. Auto ex orders to sell shall be priced at or below the price of the NYSE bid. An auto ex order shall receive an immediate, automatic execution against orders reflected in the Exchange's published quotation and shall be immediately reported as NYSE transactions, unless:

(i) The NYSE's published quotation is in the non-firm quote mode;

(ii) The NYSE's published quotation has been gapped for a brief period because of an influx of orders on one side of the market, and the NYSE's published quotation size is one hundred shares at the bid and/or offer;

(iii) With respect to a single-sided auto ex order, a better price exists in another ITS participating market center;

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.10a–1.

(iv) With respect to a single-sided auto ex order, the NYSE's published bid or offer is 100 shares;

(v) A transaction outside the NYSE's published bid or offer pursuant to Rule 127 is in the process of being completed, in which case the specialist should publish a 100-share bid and/or offer;

(vi) Trading in the subject security has been halted.

Auto ex orders that cannot be immediately executed shall be displayed as limit orders in the auction market.

Rule 1001: Execution of Auto Ex Orders

(a) Subject to Rule 1000, auto ex orders shall be executed automatically and immediately reported. The contra side of the execution shall be orders reflected in the Exchange's published quotation, as follows:

(i) The first contra side bid or offer at a particular price shall be entitled to time priority, but after a trade clears the Floor, all bids and offers at such price shall be on parity with each other;

(ii) All bids or offers on parity shall receive a split of executions in accordance with Rule 72;

(iii) The specialist shall be responsible for assigning the number of shares to each contra side bidder and offeror, as appropriate, in accordance with Rule 72, with respect to each automatic execution of an auto ex order;

(iv) The specialist shall be the contra party to any automatic execution of an auto ex order where interest reflected in the published quotation against which the auto ex order was executed is no longer available;

(v) A universal contra shall be reported as the contra to each automatic execution of an auto ex order.

(b) If the depth of the published bid or offer is not sufficient to fill an auto ex order in its entirety, the unfilled balance of the order shall be routed to the Floor and shall be displayed in the auction market.

(c) If at any time automatic executions of auto ex orders result in the execution of all trading interest reflected in the Exchange's published quotation at the bid or offer price, the Exchange shall disseminate a bid or offer at that price of 100 shares until the specialist re-quotes the market. Auto ex orders shall not be automatically executed against any 100 share bid or offer, whether a default bid or offer or otherwise, but shall be routed to the Floor and shall be displayed in the auction market. The specialist shall be the contra party to any auction market transaction at such default bid or offer price.

(d) No published bid or offer shall be entitled to claim precedence based on size with respect to executions against auto ex orders.

Rule 1002: Availability of Automatic Execution Feature

Orders designated as ''auto ex'' in a particular stock shall be eligible to receive an automatic execution if entered after the Exchange has disseminated a published bid or order in that stock until 3:59 p.m. or within one minute of any other closing time of the Exchange's floor market. Orders designated as ''auto ex'' in a particular stock that are entered prior to the dissemination of a bid or offer in that stock, or after 3:59 p.m. or within one minute of any other closing time, shall be displayed as limit orders in the auction market.

Rule 1003: Application of Tick Tests

If a transaction is being completed in the auction market, and an automatic execution involving auto ex orders is reported at a different price before the auction market transaction is reported, any tick test applicable to such auction market transaction shall be based on the last reported trade prior to such execution of auto ex orders.

Rule 1004: Election of Stop Orders and Percentage Orders

Automatic executions of auto ex orders shall elect stop orders and percentage orders electable at the price of such executions. Any stop orders so elected shall be executed pursuant to the Exchange's auction market procedures, and shall not be guaranteed an execution at the same price as subsequent automatic executions of auto ex orders.

Rule 1005: Orders May Not be Broken Into Smaller Amounts

Orders of greater than 1099 shares many not be broken up into smaller amounts for the purpose of receiving an automatic execution. An auto ex order for any account in which the same person is directly or indirectly interested may only be entered at intervals of no less than 30 seconds between entry of each such order.

* * * * *

Rule 13: Definitions of Orders

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Auto Ex Order

An auto ex order is a limit order of 1099 shares or less priced at or above the Exchange's published offer (in the case of an order to buy) or at or below the Exchange's published bid (in the case of an order to sell), which a member or member organization has entered for automatic execution in accordance with, and to the extent provided, by Exchange Rules 1000–1005.

* * * * *

List of Exchange Rule Violations and Fines Applicable Thereto Pursuant to Rule 476A

* * * * *

- Failure to adhere to procedures for automatic execution of orders under the NYSe Direct+™ facility (Rules 1000–1005)

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and bases for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide for the automatic execution of limit orders of 1099 shares or less (''auto ex'' orders) against trading interest reflected in the Exchange's published quotation. It would not be mandatory that all limit orders of 1099 shares be entered as auto ex orders; rather, the member organization entering the order, or its customer if enable by the member organization, can choose to enter an auto ex order when such member organization (or customer) believes that the speed and certainty of an execution at the Exchange's published bid or offer price is in its customer's best interest. In such a case, the member organization would enter an auto ex order priced at or above the Exchange's published offer price (in the case of an auto ex order to buy), or an auto ex order priced at or below the Exchange's published bid price (in the case of an auto ex order to sell). The auto ex order would then receive an automatic execution without being exposed to the auction market, provided

the bid or offer is still available.[4] In any instance where, as specified in Rule 1000, the automatic execution feature is not available, the auto ex order will be entered for execution in the Exchange's auction market. Auto ex transactions would be identified on the Consolidated Tape with a unique identifier. The Exchange's published bid or offer would be automatically decremented to the extent of the size of the auto ex order to reflect the automatic execution. The contra side of the auto ex order execution would be the trading interest reflected in the Exchange's bid or offer, with such interest participating in the execution in accordance with the Exchange's auction market principles of priority and parity as codified in Exchange Rule 72.

Any member organization or a customer, if enabled by the member organization, that believed in any particular case that the customer's interests would be best served by affording the customer's order the opportunity for price improvement may enter a limit or market order by means of the SuperDOT system for representation in the auction market, rather than an auto ex order.

The Exchange's proposal would be implemented in a new series of rules, Rules 1000 through 1005 and a proposed amendment to Rule 13. In addition, to facilitate the Exchange's ability to induce compliance with proposed Rules 1000 through 1005, the Exchange is proposing to amend Exchange Rule 476A to include these rules in the list of rules subject to summary fine procedures.

The proposal would be implemented at the outset as a pilot program in a limited number of stocks prior to being made available in all stocks.[5]

Rule 13

The Exchange proposes to amend Rule 13 to define the term ''auto ex order.'' An auto ex order is a limit order of 1099 shares or less priced at or above the Exchange's published offer (in the case of an order to buy) or at or below the Exchange's published bid (in the case of an order to sell) that will receive an automatic execution against the interest reflected in the published quotation, provided the size of the published quotation is greater than 100 shares. An auto ex order or any portion thereof that cannot be immediately executed shall be displayed as a limit order in the Exchange's auction market. The new rules provide as follows:

Rule 1000

Rule 1000 states the basic operative principles providing for automatic execution of limit orders of 1099 shares or less against the Exchange's published quotation. The Rule lists six instances in which the automatic feature would not be available due to market situations, lack of depth in the published quotation, or inappropriate pricing of the auto ex order, as follows:

(i) The NYSE's published quotation is non-firm (pursuant to Exchange Rule 60);

(ii) The NYSE's published quotation has been gapped (pursuant to the Exchange's usual procedures for such situations) for a brief period because of an influx of orders on one side of the market, and the Exchange's published quotation size is 100 shares at the bid and/or offer;

(iii) A better price exists in another Intermarket Trading System participating market center for a single-sided auto ex order;

(iv) The NYSE's published bid or offer is 100 shares (see Exchange Rule 1001(c));[6]

(v) A transaction outside the Exchange's published quotation pursuant to Exchange Rule 127 is in the process of being completed, in which case the specialist should publish a 100-share bid and/or offer; or

(vi) Trading in the subject security has been halted.

Rule 1000 provides that an auto ex order that cannot be immediately executed for any of the above reasons shall be automatically entered for execution in the Exchange's auction market.

Rule 1001

Rule 1001(a) provides that the contra side of an auto ex execution will be trading interest reflected in the Exchange's published quotation, consistent with the principles of priority and parity as codified in Exchange Rule 72.

Rule 1001(a) also provides that it shall be the specialist's responsibility, after receiving a report that an auto ex order has been executed, to assign the appropriate number of shares to each bidder or offeror, consistent with the principles of Exchange Rule 72, with a universal contra being reported as the contra to each auto ex execution. Rule 1001(a) also provides that the specialist shall take the contra side of an auto ex execution where the interest in the published quotation against which the auto ex order was executed is no longer available.

Rule 1001(b) provides that if the published bid or offer is not of sufficient depth to fill an auto ex order in its entirety, the unfilled balance of the order shall be displayed in the auction market.

Rule 1001(c) provides that if executions of auto ex orders have traded with all trading interest reflected in the Exchange's published bid or offer, the Exchange will disseminate a bid or offer at that price of 100 shares until the specialist requotes that market. Auto ex orders will not receive an automatic execution against any 100 share bid or offer, whether a default bid or offer or otherwise, but rather will be displayed in the auction market. Rule 1001(c) provides that the specialist shall be the contra party to any auction market interest seeking to trade against the 100 share default bid or offer.

Rule 1001(d) provides that the concept of precedence based on size, which is codified in Exchange Rule 72, shall not apply with respect to the contra side of an auto ex execution, with such contra side interest being assigned, as noted above, in accordance with the principles of priority and parity in Rule 72.

Rule 1002

Rule 1002 provides that auto ex orders may be entered on any day in a particular stock from the time the Exchange has published a bid or offer in that stock until 3:59 p.m., at which time the specialist is preparing the closing transaction in the security. If orders designated as auto ex are entered before a quote is published or after 3:59 p.m., the orders will be treated as limit orders in the auction market.

[4] To be exposed or entered in the ''Exchange's auction market'' means that the order would be treated like orders received through the SuperDOT system. Phone call between Donald Siemer Director, Market Surveillance, NYSE, Brian McNamara, Vice President, Market Surveillance, NYSE, Rebekah Liu, Special Counsel, Division of Market Regulation (''Division''), Commission, and Sonia Patton, Attorney, Division, Commission (June 7, 2000).

[5] The Exchange has discussed with Commission staff the possibility of limiting the duration of the pilot to a one year period. The Exchange has not determined which stocks will be eligible for automatic execution under the pilot. Phone call between Donald Siemer, Director, Market Surveillance, NYSE, Brian McNamara, Vice President, Market Surveillance, NYSE, Rebekah Liu, Special Counsel, Division, Commission, and Sonia Patton, Attorney, Division, Commission (June 7, 2000).

[6] The situations discussed in subparagraphs (ii) and (v) of proposed Rule 1000 provide examples of instances where the Exchange's published bid or offer would be 100 shares. Phone call between Donald Siemer, Director, Market Surveillance, NYSE, Brian McNamara, Vice President, Market Surveillance, NYSE, Rebekah Liu, Special Counsel, Division, Commission, and Sonia Patton, Attorney, Division, Commission (June 7, 2000).

Rule 1003

Rule 1003 provides that if a transaction is being completed in the auction market, and an execution involving auto ex orders is reported at a different price before the auction market transaction is reported, any tick test applicable to the auction market transaction shall be based on the last reported trade prior to the execution of the auto ex order.

For example, assume the Exchange's published quotation is 20 bid for 5000 shares, with 5000 shares offered at 20 and 2/16. The last reported sale is 20 and 1/16, which is a plus tick. A broker in the crowd bids 20 and 1/16 for 5000 shares, and another broker, representing a short sale order, agrees to trade at the 20 and 1/16 bid price. Before the trade at 20 and 1/16 is reported, an auto ex order to buy is automatically executed at the 20 and 2/16 published offer price, making the trade at 20 and 1/16 a minus tick, which would preclude execution of the order to sell short. Rule 1003 provides that in this instance, the short sale tick test would be based on the last reported sale of 20 and 1/16, a plus tick, at the time the crowd brokers agreed to trade.[7]

Rule 1004

Rule 1004 provides that executions of auto ex orders shall elect stop orders [8] and percentage orders electable at the price of such executions. The rule also provides that stop orders so elected shall be executed pursuant to Exchange's auction market procedures, and shall not be guaranteed executions at the prices of subsequent auto ex executions.

Rule 1005

Rule 1005 provides that orders of greater than 1099 shares may not be broken down into smaller orders in order to receive an automatic execution. The rule also provides that auto ex orders for the same customer may be entered at time intervals of no less than 30 seconds between entry of each such order.[9]

Rule 476A

The Exchange is also proposing to add Rules 1000 through 1005, which implement the Exchange's NYSe Direct+™ facility, to the List of Rules subject to imposition of fines under Rule 476A for minor violations of Exchange rules. Rule 476A provides that the Exchange may impose a fine, not to exceed $5,000, or any member, member organization, allied member, approved person, or registered or non-registered employee of a member or member organization for a minor violation of certain specified Exchange rules.

The purpose for the proposed rule change to Rule 476A is to facilitate the Exchange's ability to induce compliance with all aspects of Rules 1000 through 1005. The Exchange believes failure to comply with the requirements of these rules and procedures should be addressed with an appropriate sanction and seeks Commission approval to add violations of these requirements to the Rule 476A List so as to have a broad range of regulatory responses available. The Exchange believes that this would more effectively encourage compliance by enabling a prompt, meaningful and heightened regulatory response (*e.g.,* the issuance of a fine rather than a cautionary letter) to a minor violation of these rules.

The Exchange wishes to emphasize the importance it places upon compliance with Rules 1000 through 1005. While the Exchange, upon investigation, may determine that a violation of any of these rules is a minor violation of the type which is properly addressed by the procedures adopted under Rule 476A, in those instances where investigation reveals a more serious violation, the Exchange will provide an appropriate regulatory response. This includes the full disciplinary procedures available under Rule 476.

Interpretive Issues

The Exchange is also submitting herein for Commission approval the following interpretations of several NYSE rules, and will submit under separate cover a request for the appropriate relief from Commission Rule 10a–1.[10] These matters concern situations pursuant to proposed Rule 1001(a)(iv) where the specialist may be required to take the contra side of an auto ex execution against the published quotation, even though the specialist's interest was not part of such quotation. For example, the published quotation may reflect the interest of a broker in the crowd whose interest is then executed in an auction market transaction. Before the published quotation can be updated to reflect the execution in the auction market, an auto ex order is executed against such quotation. In such instance, the specialist would be required to take the contra side of the auto ex execution. In other instances, the crowd broker might cancel his or her interest as reflected in the published quotation, but an auto ex order might be executed against such quotation before the published quotation can be updated. Again, in such instance, the specialist would be required to take the contra side of the auto ex execution.

Exchange Rule 123A.40. The specialist shall not be required to fill any stop orders elected by an auto ex execution at the price of the electing sale in any instance where the specialist was required by Rule 1001(a)(iv) to take the contra side of an auto ex execution.

Exchange Rule 91. As the specialist does not accept an auto ex order for execution or act as agent for such order, the transaction confirmation requirements of Rule 91 will not apply in any instance where the specialist is the contra party to an auto ex execution.

Exchange Rule 104. Exchange Rule 104 contains the specialist's affirmative and negative obligations, and restricts the specialists' ability to purchase stock on direct plus ticks, or sell stock on direct minus ticks. The Exchange is proposing that any instance in which the specialist is effecting such a direct tick transaction only because he or she has been required to assume the contra side of an auto ex execution as described above shall be deemed to be a ''neutral'' transaction for purposes of Rule 104, and shall be deemed not to be in violation of the rule. The Exchange believes that this interpretation is appropriate because the specialist is not setting the price, but is simply being required to trade at a price set by other market participants.[11]

[7] Commission staff notes that proposed Rule 1003 does not comply with Commission Rule 10a–1 under the Act or Exchange Rule 440B. Accordingly, the Exchange is submitting to the Commission under separate cover a request for appropriate relief from Commission Rule 10a–1. Phone call between Donald Siemer, Director, Market Surveillance, NYSE, Brian McNamara, Vice President, Market Surveillance, NYSE, Rebekah Liu, Special Counsel, Division, Commission, Sonia Patton, Attorney, Division, Commission, and Mike Trocchio, Attorney, Division, Commission (June 7, 2000).

[8] Although the text of proposed Rule 1004 refers only to stop orders, the Exchange has indicated that they also intend to apply the provisions of the rule to stop limit orders. Phone call between Donald Siemer, Director, Market Surveillance, NYSE, Brian McNamara, Vice President, Market Surveillance, NYSE, Rebekah Liu, Special Counsel, Division, Commission, and Sonia Patton, Attorney; Division, Commission (June 7, 2000).

[9] This 30 second time frame applies on a per stock basis (*i.e.,* a single customer may enter multiple orders for different stocks, in intervals of less than 30 seconds). Phone call between Donald Siemer, Director, Market Surveillance, NYSE, Brian McNamara, Vice President, Market Surveillance, NYSE, Rebekah Liu, Special Counsel, Division, Commission, and Sonia Patton, Attorney, Division, Commission (June 7, 2000).

[10] 17 CFR 240.10a–1.

[11] The Exchange has represented that these interpretations of Rules 123A.40, 91, and 104 will be included in the ''Supplementary Material'' section of the appropriate rules upon application by the Exchange for permanent approval of the pilot program. Phone call between Donald Siemer, Director, Market Surveillance, NYSE, Brian McNamara, Vice President, Market Surveillance,

Commission Rule 10a–1. Commission staff notes that Commission Rule 10a–1 and Exchange Rule 440B do not permit the execution of short sales on a minus or zero minus tick. The Exchange believes that the specialist should be exempted from Commission Rule 10a–1 when he or she is taking the contra side of an auto ex execution on a minus or zero minus tick because of Exchange Rule 1001(a)(iv), and has an existing short position, or would be creating a short position by virtue of such execution. In such instance, the specialist should be granted an exemption from Commission Rule 10a–1 because the specialist is required to trade at a price set by other market participants. Accordingly, the Exchange will be submitting under separate cover a request for the appropriate relief from Rule 10a–1 under these circumstances.

2. Statutory Basis

The Exchange believes the basis for this proposed rule change is the requirement under section 6(b)(5) of the Act [12] that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1) of the Act [13] in that it seeks to assure economically efficient execution of securities transactions, make it practicable for brokers to execute investors' orders in the best market, and provide an opportunity for investors' orders to be executed without the participation of a dealer.

With respect to the addition to the summary fine list under NYSE Rule 476A, the proposed rule change will also advance the objectives of section 6(b)(6) of the Act [14] by providing a procedure whereby member organizations can be ''appropriately disciplined'' in those instances when a rule violation is minor in nature, but a sanction more serious than a warning or cautionary letter is appropriate. In addition, the proposed rule change provides a fair procedure for imposing such sanctions, in accordance with the requirements of sections 6(b)(7) [15] and 6(d)(1) [16] of the Act.

NYSE, Rebekah Liu, Special Counsel, Division, Commission, and Sonia Patton, Attorney, Division, Commission (June 7, 2000).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78k–1(a)(1).

[14] 15 U.S.C. 78f(b)(6).

[15] 15 U.S.C. 78f(b)(7).

[16] 15 U.S.C. 78f(d)(1).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited or received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

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. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the File No. SR–NYSE–00–18 and should be submitted by July 6, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15127 Filed 6–14–00; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 3334]

Bureau of Educational and Cultural Affairs: Program Title: Israel-Arab Peace Partners Program; Request for Proposals

SUMMARY: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs of the United States Department of State announces an open competition for grants under the Israel-Arab Peace Partners Program. U.S. public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to develop and implement exchange programs involving participants from both Israel and one or more Arab countries/entities in the Middle East or North Africa. Four grant awards are anticipated, as outlined below.

Program Information

Overview

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs, U.S. Department of State, consults with and supports American public and private nonprofit organizations in developing and implementing multi-phased, often multi-year, exchanges of professionals, academics, youth leaders, public policy advocates, etc. These exchanges are focused on issues crucial to both the United States and the foreign countries involved, they represent focused, substantive, and cooperative interaction among counterparts, and they entail both theoretical and experiential learning for all participants. A primary goal is the development of sustained, international institutional and individual linkages. In addition to providing a context for professional development and cooperative, international problem-solving, these projects are intended to introduce participants to one another's political, social, and economic structures. Desirable components of an exchange may be local citizen involvement and activities that orient foreign participants to American society and culture.

[17] 17 CFR 200.30–3(a)(12).

The Israel-Arab Peace Partners Program is based on the premise that people-to-people exchanges—particularly those that are youth oriented and that focus on cooperative efforts in community and institutional development—will contribute to enhanced mutual understanding and will increase the prospect for peaceful co-existence among Middle Eastern societies, specifically between Israel and its Arab neighbors. Participants should include college and graduate students as well as leaders and public policy advocates in various professions. In response to the aspirations of this program, the Office of Citizen Exchanges solicits proposals for four exchange projects that respond to the project foci and guidelines suggested below.

1. Dispute Resolution/Conflict Prevention

This exchange should focus on pre-emotive dispute resolution, peer mediation, and conflict prevention and management in the context of school, community, and youth organization activities. Participants might be teacher trainers, mediators, secondary school teachers, youth organization leaders, and older students. The focus should be on initiatives and programs that have been found to be effective in defusing or managing conflict based on, or exacerbated by, communal differences. The role played by the media in communal conflict, the destructive effects of stereotyping and scapegoating, and the positive potential for youth initiative and activism are all topics that might be addressed. The project should entail two to three phases of international travel, and it should directly involve, in the course of its several phases, 15 to 20 foreign participants. Grant requests that do not exceed $135,000 will receive priority consideration.

2. Environmental Concerns and Civic Responsibility

This exchange should engage teachers, trainers, project leaders, and youth, and it should focus on environmental concerns, civic responsibility, and activism/volunteerism. Community or school-based, non-governmental organizations that have engaged in grass-roots educational efforts and have mobilized local schools and youth groups to undertake projects to conserve/protect the environment, perhaps including or overlapping with grassroots lobbying efforts or the initiation of public-private cooperative projects, are a model. The project should entail two to three phases of international travel, and it should directly involve, in the course of its several phases, 15 to 20 foreign participants. Grant requests that do not exceed $135,000 will receive priority consideration.

3. Strengthening Non-Governmental Organizations

This exchange should focus on developing, strengthening, and managing community service-oriented, youth-based, non-governmental organizations. The development of a sense of community service/responsibility and a feeling of efficacy among the successor generations of the Middle East may nurture a broader sense of responsibility for cooperative efforts between/among communities. This project may focus on leadership and management training as well as on such organizational needs as education, recruitment, fundraising, public relations, and program development. The project should entail two to three phases of international travel, and it should directly involve, in the course of its several phases, 15 to 20 foreign participants. Grant requests that do not exceed $135,000 will receive priority consideration.

4. A Community-Based Exchange

The applicant should propose a community-based exchange which would bring together, in a sustained series of discussions and site visits, young civic activists, organizational leaders, and public policy advocates in various professions from five communities: One American community, one Israeli community, and at least three communities selected from potential partners: Egypt, Jordan, the West Bank/Gaza, Morocco, Tunisia, Qatar, the United Arab Emirates, Kuwait, or Oman. This project should focus on a general theme of mutual importance to the participating communities, such as conflict resolution, primary and high school education, administration of justice, preventing corruption in government, social welfare, urban environment, *etc.* This exchange would involve a greater number of participants than the three projects suggested above. Grant requests that do not exceed $161,000 will receive priority consideration.

Suggested activities for the above projects might include:

1. Initial needs assessment/orientation travel (if necessary) by American organizers to develop contacts and relationships with both American Mission officers and counterpart organizations/individuals in the countries with which the exchange will be conducted.

2. A U.S.-based program, including orientation to program purposes and to U.S. society, discussions, site visits, limited shadowing or internship opportunities.

3. A return visit by selected American professionals/youth to collaborate with participants in the U.S.-based program in conducting workshops, seminars, on-site training, networking.

4. Longer (two-week), intensive, joint internship in the U.S. for two or three selected youth leaders—one Israeli; one or more Arab—from the Middle East.

The Office of Citizen Exchanges encourages applicants to be creative in planning project implementation. Activities may include both theoretical orientation and experiential, community-based initiatives designed to achieve concrete objectives.

Applicants should, in their proposals, identify any partner organizations and/or individuals in the U.S. with which/whom they are proposing to collaborate and justify on the basis of experience, accomplishments, *etc.*

Selection of Participants

Successful applications should include a description of an open, merit-based participant selection process. Applicants should anticipate working closely with the Public Affairs Sections of U.S. Embassies (PAS) abroad in selecting participants, with Embassies retaining the right to nominate participants and to advise the grantee regarding participants recommended by other entities.

Public Affairs Section Involvement

The Public Affairs Sections of the U.S. Embassies play an important role in project implementation. Posts evaluate project proposals, coordinate planning with the grantee organization and in-country partners, facilitate in-country activities, nominate participants and vet grantee nominations, observe in-country activities, debrief participants, and evaluate project impact. U.S. Missions are responsible for issuing IAP–66 forms in order for foreign participants to obtain the necessary J–1 visas for entry to the United States. They also serve as a link to in-country partners and participants.

Though project administration and implementation are the responsibility of the grantee, the grantee is expected to inform the PAS in participating countries of its operations and procedures and to coordinate with and involve PAS officers in the development of project activities. The PAS should be consulted regarding country priorities,

current security issues, and related logistic and programmatic issues.

Visa Regulations

Foreign participants on programs sponsored by ECA are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

Applicants must submit a comprehensive line item budget based on guidance provided in the Proposal Submission Instructions (PSI) of the Solicitation Package. Maximum award amounts are cited above. Grants awarded to organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Applicants must submit a comprehensive budget for the entire program. Awards may not exceed the amounts cited in the guidelines above. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Proposals that present evidence of cost sharing—in cash or in kind—representing 33% or more of the total cost of the exchange project will receive priority consideration.

Allowable costs include the following:

(1) Direct program expenses

(2) Administrative expenses, including indirect costs

Please refer to the Solicitation Package for budget guidelines and formatting instructions.

Announcement Title and Number

All correspondence with the Bureau concerning this RFP should reference the above title and number ECA PE/C–00–68.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, ECA/PE/C, Room 224, U.S. Department of State, 301 4th Street, SW, Washington, DC 20547, attention: Thomas Johnston. Telephone number 202/260–0299 or 202/619–5325; fax number 202/619–435; Internet address to request a Solicitation Package, tjohnsto@pd.state.gov. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Thomas Johnston on all inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at http://exchanges.state.gov/education/rfps. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, September 8, 2000. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and ten copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C–00–68, Program Management, ECA/EX/PM, Room 336, 301 4th Street, SW, Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs section at the US Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with the Bureau. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

The Bureau therefore requires all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be forwarded to panels of Bureau officers for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Under Secretary for Public Diplomacy and Public Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should be substantive, well thought out, focused on issues of demonstrable relevance to all proposed participants, and responsive, in general, to the exchange suggestions and guidelines provided above.

2. Implementation Plan and Ability to Achieve Objectives: A detailed project implementation plan should establish a clear and logical connection between the interest, the expertise, and the logistic capacity of the applicant and the objectives to be achieved. The plan should discuss, in concrete terms, how the institution proposes to achieve the objectives. Institutional resources—including personnel—assigned to the project should be adequate and appropriate to achieve project objectives. The substance of workshops and site visits should be included as an attachment, and the responsibilities of U.S. participants and in-country partners should be clearly described.

3. Institution's Record/Ability: Proposals should include an institutional record of successful exchange programs, with reference to responsible fiscal management and full compliance with reporting requirements. The Bureau will consider the demonstrated potential of new applicants and will evaluate the performance record of prior recipients of Bureau grants as reported by the Bureau grant staff.

4. Follow-on Activities: Proposals should provide a plan for sustained follow-on activity (building on the linkages developed under the grant and the activities initially funded by the grant, after grant funds have been depleted), ensuring that Bureau-supported projects are not isolated events.

5. Project Evaluation/Monitoring: Proposals should include a plan to monitor and evaluate the project's implementation, both as the activities unfold and at the end of the program. Reports should include both accomplishments and problems encountered. A discussion of survey methodology or other disclosure/measurement techniques, plus a description of how outcomes are defined in terms of the project's original objectives, is recommended. Successful applicants will be expected to submit a report after each project component is concluded or semi-annually, whichever is less frequent.

6. Impact: Proposed projects should, through the establishment of substantive, sustainable individual and institutional linkages and through encouraging maximum sharing of information and cross-boundary cooperation, enhance mutual understanding among communities and societies.

7. Cost Effectiveness and Cost Sharing: Administrative costs should be kept low. Proposal budgets that provide evidence of cost sharing comprised of cash or in-kind contributions, representing 33 percent or more of the total cost of the exchange will be given priority consideration. Cost sharing may be derived from diverse sources, including private-sector contributions and/or direct institutional support.

8. Support for Diversity: Proposals should demonstrate support for the Bureau's policy on diversity. Features relevant to this policy should be cited in program implementation (selection of participants, program venue, and program evaluation), program content, and program administration.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: June 5, 2000.

Evelyn S. Lieberman,

Under Secretary for Public Diplomacy and Public Affairs, U.S. Department of State.

[FR Doc. 00–14666 Filed 6–14–00; 8:45 am]

BILLING CODE 4710–11–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Public Comments on Proposed United States-Jordan Free Trade Agreement

ACTION: Notice and request for comments.

SUMMARY: This publication gives notice that United States intends to conduct negotiations with the Hashemite Kingdom of Jordan to conclude a free trade agreement. The Trade Policy Staff Committee (TPSC) is requesting written comments from the public to assist the United States Trade Representative (USTR) in formulating negotiating objectives for the agreement and to provide advice on how specific goods and services and other matters should be treated under the agreement. This publication also provides notice that USTR, through the TPSC, will perform an environmental review of the agreement.

DATES: Public comments are due by noon July 17, 2000.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 600 17th Street, NW., Washington, DC 20508 (202) 395–3475. All other questions regarding the negotiations should be addressed to Adam Shub, Director for Middle Eastern Affairs, Office of the USTR (202) 395–3320.

SUPPLEMENTARY INFORMATION: On June 6, 2000, President Clinton agreed with Jordan's King Abdullah II to negotiate a bilaterial free trade agreement. In the negotiations, the United States and Jordan will seek to eliminate duties and commercial barriers to bilateral trade in U.S.- and Jordanian-origin goods and also expect to address trade in services, trade-related aspects of intellectual property rights, trade-related

environmental and labor matters, and other issues.

Written comments with as much specificity as possible, including data, views and arguments, are invited on:

(a) General and commodity-specific negotiating objectives for the agreement.

(b) Economic costs and benefit to U.S. producers and consumers of removal of tariffs and non-tariff barriers to U.S.-Jordan trade.

(c) Treatment of specific goods (described by Harmonized System tariff numbers) under the agreement, including comments on (1) product specific import or export interests or barriers, (2) experience with particular measures that should be addressed in the negotiations, and (3) in the case of articles for which immediate elimination of tariffs is not appropriate, recommended staging schedule for such elimination.

(d) Adequacy of existing customs measures to ensure Jordanian origin of imported goods, and appropriate rules of origin for goods entering the United States under the agreement.

(e) Proposals for service sectors to be addressed in the agreement, existing barriers to trade in those sectors, and economic costs and benefits of removing such barriers.

(f) Relevant trade-related intellectual property rights issues that should be addressed in the negotiations.

(g) Relevant trade-related environmental and labor issues that should be addressed in the negotiations.

(h) Possible environmental effects of the agreement.

USTR, through the TPSC, will perform an environmental review of the proposed agreement pursuant to Executive order 13141, 64 FR 63169.

Comments identifying as present or potential trade barriers laws or regulations that are not primarily trade-related should address the economic, political and social objectives of such regulations and the degree to which they discriminate against producers of the other country.

Written Comments

Persons submitting written comments should provide twenty (20) copies no later than noon, July 17, 2000, to Gloria Blue at address listed above. Where possible, please supplement written comments with a computer disk of the submission containing as much of the technical details as possible either in spreadsheet or word processing table format, with each tariff line/services sector in a separate cell. The disk should have a label identifying the software used and the submitter.

Written comments submitted in connection with this request, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6, will be available for public inspection in the USTR Reading Room (Room 101) at the address noted above. An appointment to review the file may be made by calling Brenda Webb at (202) 395–6186. The Reading Room is open to the public from 10:00 a.m. to 12 noon, and from 1 p.m. to 4 p.m. Monday through Friday.

Business confidential information, including any information submitted on disks, will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof. If the submission contains business confidential information, twenty copies of a public version that does not contain confidential information, must be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked ''Confidential'' at the top and bottom of the cover page (or letter) and each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential.''

Nancy A. LeaMond,

USTR, Chief of Staff.

[FR Doc. 00–15060 Filed 6–14–00; 8:45 am]

BILLING CODE 3901–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D–175]

WTO Dispute Settlement Proceeding Regarding Indian Measures Affecting Trade and Investment in the Motor Vehicle Sector

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (''USTR'' is providing notice of the request for the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (''WTO''), by the United States, to examine Public Notice No. 60 ((PN)/97–02) of the Indian Ministry of Commerce, published in the Gazette of India Extraordinary, effective 12 December 1997 (''Public Notice 60''); the Foreign Trade (Development and Regulation) Act 1992; the Export and Import Policy, 1997–2002; memoranda of understanding signed by the Government of India with manufacturing firms in the motor vehicle sector pursuant to Public Notice No. 60; and certain related Indian legislative and administrative measures. In this dispute, the United States alleges that these measures are inconsistent with the obligations of India under Articles III:4 and XI:1 of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and Articles 2.1 and 2.2 of the Agreement on Trade-Related Investment Measures. The USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted by July 28, 2000, to be assured of timely consideration by the USTR in preparing its first written submission to the panel.

ADDRESSES: Submit comments to Sandy McKinzy, Monitoring and Enforcement Unit, Office of the General Counsel, Room 122, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC, 20508, Attn: India Motor Vehicle Dispute. Telephone: (202) 395–3582.

FOR FURTHER INFORMATION CONTACT: Steven F. Fabry, Associate General Counsel, telephone: (202) 395–3582; Christopher Rosettie, Director for Multilateral Services and Investment Affairs, telephone: (202) 395–7271; or Joseph Damond, telephone: (202) 395–6813.

SUPPLEMENTARY INFORMATION: Pursuant to section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the USTR is providing notice that on May 15, 2000, the United States submitted a request for the establishment of a WTO dispute settlement panel to examine the United States' claim that certain Indian measures affecting trade and investment in the motor vehicle sector are inconsistent with India's obligations under the GATT 1994 and the Agreement on Trade-Related Investment Measures. The WTO Dispute Settlement Body is likely to establish a dispute settlement panel no later than the end of July, 2000. Under normal circumstances, the panel, which will

hold its meetings in Geneva, Switzerland, would be expected to issue a report detailing its findings and recommendations within six to nine months after it is established.

Major Issues Raised and Legal Basis of the Complaint

The United States claims that Public Notice 60; the Foreign Trade (Development and Regulation) Act 1992; the Export and Import Policy, 1997–2002; memoranda of understanding signed by the Government of India with manufacturing firms in the motor vehicle sector pursuant to Public Notice No. 60; and certain related Indian legislative and administrative measures are inconsistent with India's obligations under the WTO Agreement. The foregoing measures require manufacturing firms in the motor vehicle sector to achieve specified levels of purchase or use of domestic content; to achieve a neutralization of foreign exchange and to balance the value of certain imports with the value of exports of cars and components over a stated period; and to limit imports to a value based on previous exports. These requirements are enforceable under Indian law and rulings, and manufacturing firms in the motor vehicle sector must comply with these requirements in order to obtain certain Indian import licenses. The United States claims that the Indian measures in question are therefore inconsistent with India's obligations under Article III:4 and XI:1 of the GATT 1994 and Articles 2.1 and 2.2 of the Agreement on Trade-Related Investment Measures.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Comments must be in English and provided in fifteen copies to Sandy McKinzy at the address provided above. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitting person. Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by the USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitting person believes that information or advice may qualify as such, the submitting person—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE'' in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537)e)), the USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508. The public file will include a listing of any comments received by the USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding, the submissions, or non-confidential summaries of submissions, to the panel received from other parties in the dispute, as well as the report of the dispute settlement panel, and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D–175, India Motor Vehicle Dispute) may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant United States Trade Representative.

[FR Doc. 00–15138 Filed 6–14–00; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D–195]

WTP Consultations Regarding Certain Measures in the Philippines' Motor Vehicle Development Program

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on May 23, 2000, the United States requested consultations with the Government of the Philippines under the Marrakesh Agreement Establishing the World Trade Organization (WTO), regarding tariff advantages to motor vehicle manufacturers located in the Philippines who meet certain requirements, including a requirement to use parts and components produced in the Philippines and a requirement to earn a percentage of the foreign exchange needed to import those parts and components by exporting finished vehicles. The US alleges that these measures are inconsistent with Articles III:4, III:5 and XI:1 of the General Agreement on Tariffs and Trade 1994 (''GATT 1994''), Articles 2.1 and 2.2 of the Agreement on Trade-Related Investment Measures, and Article 3.1(b) of the Agreement on Subsidies and Countervailing Measures. Pursuant to Article 4.3 of the WTO Dispute Settlement Understanding (''DSU''), such consultations are to take place within a period of 30 days from the date of the request, or within a period otherwise mutually agreed between the United States and the Philippines. USTR invites written comments from the public concerning the issues raised in the dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before July 28, 2000, to be assured of timely consideration by USTR.

ADDRESSES: Submit comments to Sandy McKinzy, Monitoring and Enforcement Unit, Office of the General Counsel, 122, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC, 20508, Attn: Philippines Motor Vehicle Dispute. Telephone: (202) 395–3582.

FOR FURTHER INFORMATION CONTACT: Steven F. Fabry, Associate General Counsel, telephone: (202) 395–7271; or Sean Murphy, Director for ASEAN Affairs, telephone: (202) 395–6813.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding. If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

Major Issues Raised by the United States

The Philippines' Motor Vehicle Development Program (the ''MVDP'') provides tariff advantages to motor vehicle manufacturers located in the Philippines who meet certain requirements, including at least the following. First, manufacturers are required to use parts and components produced in the Philippines; the amount required varies by type and size of vehicle. Second, manufacturers are required to earn a percentage of the foreign exchange needed to import those parts and components by exporting finished vehicles; again, the percentage varies by type and size of vehicle. Compliance with these requirements entitles manufacturers to import parts, components and finished vehicles at a preferential rate. The United States also understands that foreign manufacturers' import licenses for parts, components and finished vehicles are conditioned on compliance with these requirements.

The MVDP appears to require outright that manufacturing firms in the motor vehicle sector must achieve specified levels of purchase or use of domestic content, and that they must achieve a neutralization of foreign exchange and balance the value of certain imports with the value of exports of motor vehicles and components. Moreover, it appears that manufacturing firms in the motor vehicle sector must comply with these requirements in order to obtain import licenses for certain motor vehicle parts and components; to obtain foreign exchange for those imports; and to obtain the right to import at preferential rates. Finally, it appears that the Philippines is providing a subsidy that is contingent upon the use of domestic over imported goods.

The Philippines notified the WTO in 1995 that it was applying these measures. The Philippines made that notification pursuant to Article 5.1 of the Agreement on Trade-Related Investment Measures, which allowed WTO Members to notify measures that were not in conformity with the provisions of that Agreement and thereby obtain an additional five years (until January 1, 2000) to bring such measures into conformity with that Agreement.

On May 23, 2000, the United States requested consultations with the Philippines under certain WTO agreements regarding those provisions of the MDVP. The U.S. consultation request alleged that these MVDP provisions are inconsistent with the Philippines' obligations under Articles III:4, III:5 and XI:1 of the GATT 1994, Articles 2.1 and 2.2 of the Agreement on Trade-Related Investment Measures, and Article 3.1(b) of the Agreement on Subsidies and Countervailing Measures.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be English and provided in fifteen copies. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE'' in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508. The public file will include a listing of any comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submission, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate body. An appointment to review the public file (Docket WTO/D–195, Philippines Motor Vehicle Dispute) may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 00–15137 Filed 6–14–00; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending June 2, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–7434.
Date Filed: May 30, 2000.
Parties: Members of the International Air Transport Association.
Subject: CTC COMP 0284 dated 26 May 2000, Expedited Resolution 002kk, Special Amending Resolution (Except USA/US Territories), Intended effective date: 1 August 2000.

Docket Number: OST–2000–7435.
Date Filed: May 30, 2000.
Parties: Members of the International Air Transport Association.
Subject: PTC31 SOUTH 0084 dated 26 May 2000, Expedited TC31 South Pacific Resolutions r1–r7, Intended effective date: 1 July 2000.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 00–15085 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending June 2, 2000

The following applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures.

Such procedures may consist of the adoption of a show-cause order, a tentative order or, in appropriate cases, a final order without further proceedings.

Docket Number: OST–2000–7446

Date Filed: May 30, 2000

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 20, 2000.

Description: Application of Oneida Airlines, Inc. pursuant to 49 U.S.C. 41101 and subpart B, applies for a Certificate of Public Convenience and Necessity authorizing interstate scheduled air transportation of persons, property and mail under 49 U.S.C. 41102.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 00–15084 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The *Federal Register* Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 4, 2000 [65 FR 17704]. No comments were received.

DATES: Comments must be submitted on or before July 17, 2000.

FOR FURTHER INFORMATION CONTACT: John Wiegand, Maritime Administration, MAR–611, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202–366–2627 or FAX: 202–366–3702. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title: Maintenance and Repair Cumulative Summary.

OMB Control Number: 2133–0007.

Type of Request: Extension of currently approved collection.

Affected Public: Ship Owner Operators.

Form (s): MA–140.

Abstract: The collection consists of form MA–140 to which are attached invoices and other supporting documents for expenses claimed for subsidy. Subsidized operators submit form MA–140 to the appropriate MARAD region office for review within 60 days of the termination of a subsidized voyage.

Annual Estimated Burden Hours: 300 hours.

Addressee: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention MARAD Desk Officer.

Comments Are Invited On: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, D.C. on June 12, 2000.

Joel C. Richard,

Secretary, Maritime Administration .

[FR Doc. 00–15171 Filed 6–14–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–564]

Camas Prairie RailNet, Inc.—Abandonment—In Lewis, Nez Perce, and Idaho Counties, ID (Between Spalding and Grangeville, ID)

On May 26, 2000, Camas Prairie RailNet, Inc. (CSPR) filed with the Surface Transportation Board, Washington, DC 20423, an application for permission for the abandonment of a line of railroad known as the 2nd Subdivision or Grangeville Line extending from railroad milepost 0.00 near Spalding, ID, to railroad milepost 66.8 (end of track) near Grangeville, ID, a distance of 66.8 miles, in Lewis, Nez Perce, and Idaho Counties, ID. The line includes the stations of Lapwai (MP 3.3), Sweetwater (MP 5.3), Culdesac (MP 12.1), Nucrag (MP 19.5), Ruebens (MP 26.1), Craigmont (MP 34.3), Ferdinand (MP 42.3), Cottonwood (MP 51.0), Fenn (MP 59.5), and Grangeville (MP 66.8), and traverses United States Postal Service ZIP Codes 83501, 83522, 83523, 83524, 83526, 83530, 83531, 83548, and 83640.

The line contains federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The applicant's entire case for abandonment (case-in-chief) was filed with the application.

This line of railroad has been included in the railroad's system diagram map or has been included in its narrative in category 1 since December 28, 1999.[1]

The interest of railroad employees will be protected by conditions imposed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

Any interested person may file with the Surface Transportation Board written comments concerning the proposed abandonment or protests (including the protestant's entire opposition case), by July 10, 2000. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (§ 1152.28 of the Board's rules) and any request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules) must also be filed by July 10, 2000. The due date for applicant's reply to protests and its response to trail use requests is July 25, 2000. Persons who may oppose the abandonment or discontinuance but who do not wish to participate fully in the process by submitting verified statements of witnesses, containing detailed evidence, should file comments. Persons interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment who wish to participate actively and fully in the process should file a protest.[2]

[1] Applicant inadvertently neglected to furnish a copy of its system diagram map (SDM) or narrative to the Idaho Transportation Department on December 28, 1999. Applicant corrected this omission by faxing and mailing a copy to that agency on January 27, 2000, 120 days before filing its abandonment application. The SDM or narrative contained a *de minimis* mistake indicating that the line terminates at milepost 66.5 rather than at the end of the track at milepost 66.8.

[2] By decision served June 9, 2000, requests for oral hearing in this proceeding were denied. The

In addition, a commenting party or protestant may provide:

(i) An offer of financial assistance pursuant to 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner);

(ii) Recommended provisions for protection of the interests of employees;

(iii) A request for a public use condition under 49 U.S.C. 10905; and

(iv) A statement pertaining to prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and § 1152.29.

Parties seeking information concerning the filing of protests should refer to § 1152.25.

Written comments and protests, including all requests for public use and trail use conditions, must indicate the proceeding designation STB Docket No. AB–564 and should be filed with the Secretary, Surface Transportation Board, Washington, DC 20423, no later than July 10, 2000. Interested persons may file a written comment or protest with the Board to become a party to this abandonment proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant, John D. Heffner, Rea, Cross & Auchincloss, 1707 L Street, NW, Suite 570, Washington, DC 20036, telephone: 202–785–3700. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a). The line sought to be abandoned will be available for subsidy or sale for continued rail service, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is John D. Heffner, 1707 L Street, NW, Suite 570, Washington, DC 20036.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Decided: June 9, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–15049 Filed 6–14–00; 8:45 am]

BILLING CODE 4915–00–P

abandonment application will therefore be decided based upon written presentations.

DEPARTMENT OF THE TREASURY

Departmental Offices: Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for revision approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form S, Purchases and Sales of Long-term Securities by Foreigners.

DATES: Written comments should be received on or before August 14, 2000.

ADDRESSES: Direct all written comments to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 MT, 1500 Pennsylvania Avenue NW, Washington DC 20220.

FOR FURTHER INFORMATION CONTACT: Copies of the proposesd revised form and instructions are available at the Related Links section of Treasury's TIC Capital Movements website: http://www.ustreas.gov/tic/. Requests for additional information should be directed to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 MT, 1500 Pennsylvania Avenue NW, Washington, DC 20220, phone (202) 622–1276, FAX (202) 622–7448.

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital Form S, Purchases and Sales of Long-term Securities by Foreigners.

OMB Control Number: 1505–0001.

Abstract: Form S is part of the Treasury International Caiptal (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128), and is designed to collect timely information on international portfolio capital movements. Form S is a monthly report used to cover transactions in long-term marketable securities undertaken *directly* with foreigners by banks, other depositiory institutions, brokers, dealers underwriting groups and other individuals and institutions. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for formulating U.S. international financial and monetary policies.

Current Actions: The exemption level for reporting will be raised from $2 million to $50 million in either gross purchases or gross sales during a month. The geographic detail will increase slightly by adding lines for Luxembourg, the combined Channel Islands & Isle of Man, New Zealand, the Caribbean region, and the European Central Bank. The British West Indies line will be replaced with Cayman Islands line. The form will be redesigned so it will be available for downloading from the TIC web site. These changes will be effective as of January 31, 2001.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form S (1505–0001.)

Estimated Number of Respondents: 240.

Estimated Average Time per Respondent: 5 hours per respondent per respondent per filing.

Estimated Total Annual Burden Hours: 14,400 hours, based on 12 reporting periods per year.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is

invited to submit written comments concerning: whether Form S is necessary for the proper performanace of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or startup costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment System

[FR Doc. 00–15063 Filed 6–14–00; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Departmental Offices: Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on two information collections that are due for revision approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BC/BC(SA), Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners, Denominated in Dollars; and Treasury International Capital Form BL–1/BL–1(SA), Reporting Bank's Own Liabilities, and Selected Liabilities of Broker or Dealer, to Foreigners, Denominated in Dollars.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 MT, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed revised forms and instructions are available at the Related Links section of Treasury's TIC Capital Movements website: http://www/ustreas.gov/tic/. Requests for additional information should be directed to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 MT, 1500 Pennsylvania Avenue NW, Washington, DC 20220, phone (202) 622–1276, FAX (202) 622–7448.

SUPPLEMENTARY INFORMATION:

Titles: Treasury International Capital Form BC/BC(SA), Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners, Denominated in Dollars; and Treasury Capital Form BL–1/BL–1(SA), Reporting Bank's Own Liabilities, and Selected Liabilities of Broker or Dealer, to Foreigners, Denominated in Dollars.

OMB Control Numbers: 1505–0017 and 1505–0019.

Abstracts: Forms BC/BC(SA) and BL–1/BL–1(SA) are part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128), and is designed to collect timely information on international portfolio capital movements. Form BC is a monthly report (with a semiannual supplement) that covers own U.S. dollar claims of banks, other depository institutions, brokers and dealers vis-a-vis foreign residents. Form BL–1 is a monthly report (with a semiannual supplement) that covers own U.S. dollar liabilities of banks, other depository institutions, brokers and dealers vis-a-vis foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for formulating U.S. international financial and monetary policies.

Current Actions: (a) The exemption level for reporting positions will be raised from $15 million at end-month; institutions will be exempt from reporting if they had both; (1) less than $50 million at end-month to report; and (2) they had less than $25 million at end-million to report vis-a-vis all counterparties in any one country; (b) There will be a reduction in the reporting of International Banking Facilities (IBFs) so that banking organizations will report on a consolidated basis. An addendum row will be added to the bottom of the forms to report total IBF assets and total IBF liabilities by sector/instrument; (c) The geographic detail will increase slightly by adding lines for Luxembourg, the combined Channel Islands & Isle of Man, New Zealand, the Caribbean region, and the European Central Bank. The British West Indies line will be replaced with a Cayman Islands line; (d) One memorandum column and one memorandum row will be added to the BC/BC(SA) and BL–1/BL–1(SA) forms to collect the dollar amount of positions collateralized through repurchase or reverse repurchase agreements (''repos''). The forms will be redesigned so they will be available for downloading from the TIC web site. These changes will be effective as of January 31, 2001.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form BC/BC(SA) (1505–0017).

Estimated Number of Respondents: 355 (semiannual 110).

Estimated Average Time per Respondent: Eight (8) hours per respondent per filing.

Estimated Total Annual Burden Hours: 35,840 hours, based on 12 reporting periods per year.

Form BL–1/BL–1(SA) (1505–0019).

Estimated Number of Respondents: 415 (semiannual 175).

Estimated Average Time per Respondent: Eight (8) hours per respondent per filing.

Estimated Total Annual Burden Hours: 42,640 hours, based on 12 reporting periods per year.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: whether Forms BC/BC(Sa) and BL–1/BL–1(SA) all necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhanced the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 00–15064 Filed 6–14–00; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Department Offices: Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for revision approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BL–2/BL–2(SA), Custody Liabilities of Reporting Banks, Brokers and Dealers to Foreigners, Denominated in Dollars.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 MT, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed revised form and instructions are available at the Related Links section of Treasury's TIC Capital Movements website: http://www.ustreas.gov/tic/. Requests for additional information should be directed to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 MT, 1500 Pennsylvania Avenue NW, Washington, DC 20220, phone (202) 622–1276, FAX (202) 622–7448.

SUPPLEMENTARY INFORMATION:

Titles: Treasury International Capital Form BL–2/BL–2(SA), Custody Liabilities of Reporting Banks, Brokers and Dealers to Foreigners, Denominated in Dollars.

OMB Control Number: 1505–0018.

Abstract: Form BL–2/BL–2(SA) is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128), and is designed to collect timely information on international portfolio capital movements. Form BL–2 is a monthly report (with a semiannual supplement) that covers the U.S. dollar custody liabilities of banks, other depository institutions, brokers and dealers, vis-a-vis foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for formulating U.S. international financial and monetary policies. Current Actions: (a) The exemption level for reporting positions will be raised from $15 million at end-month; institutions will be exempt from reporting if they had both: (1) Less than $50 million at end-month to report; and (2) they had less than $25 million at end-month to report vis-a-vis all counterparties in any one country; (b) The geographic detail will increase slightly by adding lines for Luxembourg, the combined Channel Islands & Isle of Man, New Zealand, the Caribbean region, and the European Central Bank. The British West Indies line will be replaced with a Cayman Islands line; (c) Columns will be added on the BL–2 form for the reporting of short-term U.S. Government agency securities by sector of counterparty. The form will be redesigned so it will be available for downloading from the TIC web site. These changes will be effective as of January 31, 20001.

Type of Review : Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form BL–2/BL–2(SA) (1505–0018).

Estimated Number of Respondents: 110 (semiannual 30).

Estimated Average Time per Respondent: Five and one/half (5.5) hours per respondent per filing.

Estimated Total Annual Burden Hours: 7,590 hours, based on twelve reporting periods per year.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: Whether BL–2/BL–2(SA) is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 00–15065 Filed 6–14–00; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for revision approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BQ–1, Part 1: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners; and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Dollars.

DATES: Written comments should be received on or before August 14, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, Administrator, Treasury International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 MT, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed revised form and instructions are available at the Related Links section of Treasury's TIC Capital Movements website: http://www.ustreas.gov/tic/. Requests for additional information should be directed to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 MT, 1500 Pennsylvania Avenue NW., Washington, DC 20220, phone (202) 622–1276, FAX (202) 622–7448.

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital Form BQ–1. Part 1: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners; Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Dollars.

OMB Control Number: 1505–0016

Abstract: Form BQ–1 is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128) and is designed to collect timely information on international portfolio capital movements. This quarterly report covers the U.S. dollar claims of banks, other depository institutions, brokers and dealers, and of their domestic customers vis-a-vis foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for formulating U.S. international financial and monetary policies.

Current Actions: (a) The exemption level for Part 2 for reporting positions will be raised from $15 million at end-quarter; institutions will be exempt from reporting if they had both: (1) Less than $50 million at end-quarter to report; and (2) they had less than $25 million at end-quarter to report vis-a-vis all counterparties in any one country; (b) there will be a reduction in the reporting of International Banking Facilities (IBFs) so that banking organizations will report on a consolidated basis. An addendum row will be added to the bottom of Part 1 of the form to report total IBF assets by sector/instrument; (c) the geographic detail will increase slightly by adding lines for Luxembourg, the combined Channel Islands & Isle of Man, New Zealand, the Caribbean region, and the European Central Bank. The British West Indies line will be replaced with a Cayman Islands line; (d) the form will be redesigned so it will be available for downloading from the TIC web site. These changes will be effective as of January 31, 2001.

Type of Review: Revision of a currently approved collection.

Affected Public: Business of other for-profit organizations.

Form BQ–1 (1505–0016)

Estimated Number of Respondents: 340.

Estimated Average Time per Respondent: Four (4) hours per respondent per filing.

Estimated Total Annual Burden Hours: 5,440 hours, based on four reporting periods per year.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: Whether Form BQ–1 is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 00–15066 Filed 6–14–00; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Departmental Offices, Proposed Collections; Comment Requests

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for revision approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BQ–2, Part 1; Liabilities to, and Claims on, Foreigners of Reporting Bank, Broker or Dealer, and Part 2: domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Denominated in Foreign Currencies.

DATES: Written comments should be received on or before August 14, 2000.

ADDRESSES: Direct all written comments to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 Mt, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed revised form and instructions are available at the Related Links section of Treasury's TIC Capital Movements web site: http://www.ustreas.gob/tic/. Requests for additional information should be directed to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 M, 1500 Pennsylvania Avenue NW., Washington, DC 20220, phone (202) 622–1276, FAX (202) 622–7448.

SUPPLEMENTARY INFORMATION:

Titles: Treasury International Capital Form BQ–2, Part 1: Liabilities to, and Claims on, Foreigners of Reporting Bank, Broker or Dealer, and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Denominated in Foreign Currencies.

OMB Control Number: 1505–0020

Abstract: Form BQ–2 is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128) and is designed to collect timely information on international portfolio capital movements. Form BQ–2 is a quarterly report that covers the liabilities to and claims on foreigners of banks, brokers and dealers, and the custody claims on foreigners of banks, brokers and dealers, that are denominated in foreign currencies. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for formulating U.S. international financial and monetary policies.

Current Actions: (a) The exemption level for reporting positions will be raised from $15 million at end-quarter; institutions will be exempt from reporting if they had both: (1) Less than $50 million at end-quarter to report; and (2) they had less than $25 million at end-quarter to report vis-a-vis all counterparties in any one country; (b) There will be a reduction in the reporting of International Banking Facilities (IBFs) so that banking organizations will report on a consolidated basis. An addendum row will be added to the bottom of Part 1 of the form to report total IBF liabilities and total IBF assets by sector/instrument; (c) The geographic detail will increase slightly by adding lines for Luxembourg, the combined Channel Islands & Isle of Man, New Zealand, the Caribbean region, and the European Central Bank. The British West Indies line will be replaced with a Cayman Islands line; (d) Memorandum rows will be added on the BQ–2 form for the reporting of foreign currency transactions by sector/instrument for the following currencies: Euro, Pound Sterling, Yen, and Canadian Dollar. The form will be redesigned so it will be available for downloading from the TIC web site. Theses changes will be effective as of January 31, 2001.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form BQ–2 (1505–0020)

Estimated Number of Respondents: 90.

Estimated Average Time per Respondent: Four and one/half (4.5) hours per respondent per filing.

Estimated Total Annual Burden Hours: 1,620 hours, based on four reporting periods per year.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: Whether Form BQ–2 is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 00–15067 Filed 6–14–00; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Pacific-Northwest District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Pacific-Northwest Citizen Advocacy Panel will be held in Medford, Oregon.

DATES: The meeting will be held Saturday, June 24, 2000.

FOR FURTHER INFORMATION CONTACT: Judi Nicholas at 1–888–912–1227 or 206–220–6096.

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 Saturday, June 24, 2000, 9 a.m. to Noon at the Metropoliton Convention Center, 2500 Crater Lake Highway, Medford, OR 97504. 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 206–220–6096, or write Judi Nicholas, CAP Office, 915 2nd Avenue, Room 442, Seattle, WA 98174. Due to limited conference space, notification of intent to attend the meeting must be made with Judi Nicholas. Ms. Nicholas can be reached at 1–888–912–1227 or 206–220–6096.

The Agenda will include the following: various IRS issue updates.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: May 26, 2000.

M. Cathy Vanhorn,

Director, CAP, Communications & Liaison.

[FR Doc. 00–15046 Filed 6–14–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0074]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine eligibility for continued educational assistance for veterans, individuals on active duty, and reservists who change their programs of education or places of training.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 14, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0074'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Change of VA Education Program or Place of Training For Veterans, Servicepersons, and members of the Selected Reserve, VA Form 22–1995.

OMB Control Number: 2900–0074.

Type of Review: Revision of a currently approved collection.

Abstract: VA pays educational benefits to eligible veterans and persons on active duty, and to persons in the Selected Reserve. Each veteran, person on active duty, or person in the Selected Reserve must be pursuing an approved program of training to be eligible for benefits. The eligible student must complete VA Form 22–1995 to identify and request approval for a supplementary educational objective or place of training. VA uses the information to determine continued eligibility for educational benefits, and to monitor the number of times a veteran, person on active duty, or person in the Selected Reserve has changed his or her educational objectives.

Affected Public: Individuals or households.

Estimated Annual Burden: 24,060 hours.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: On occasion.

Estimated Annual Responses: 120,300.

Estimated Number of Respondents: 120,300.

Dated: June 2, 2000.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–15069 Filed 6–14–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0112]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 17, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0112.''

SUPPLEMENTARY INFORMATION:

Title: Statement of Holder or Servicer of Veteran's Loan, VA Form Letter 26–559.

OMB Control Number: 2900–0112.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: Veteran-borrowers may sell their homes subject to the existing VA-guaranteed mortgage lien without prior approval of VA if the commitment for the loan was made prior to March 1, 1988. However, if they request release from personal liability to the Government in the event of a subsequent default by a transferee, VA must determine that (1) loan payments are current; (2) the transferee will assume the veteran's legal liabilities in connection with the loan; and (3) the purchaser qualifies from a credit standpoint. A veteran-borrower also may sell his or her home to a veteran-transferee. However, eligible transferees must meet all the requirements in addition to having sufficient available loan guaranty entitlement to replace the amount of entitlement used by the seller in obtaining the original loan.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 27, 2000, at page 16245.

Affected Public: Individuals or households, Business or other for-profit.

Estimated Annual Burden: 1,167 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 7,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 12035, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0112'' in any correspondence.

Dated: May 26, 2000.

By direction of the Secretary:

Donald L. Nelson,

Director, Information Management Service.

[FR Doc. 00–15070 Filed 6–14–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0171]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 17, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0171.''

SUPPLEMENTARY INFORMATION:

Title: Application and Enrollment Certification for Individualized Tutorial Assistance (38 U.S.C. Chapters 30, 32 or 35 and 10 U.S.C. Chapter 1606), VA Form 22–1990t.

OMB Control Number: 2900–0171.

Type of Review: Extension of a currently approved collection.

Abstract: VA uses the information collected to determine eligibility for tutorial assistance. The form is sent by the applicant to the school for certification and transmission to VA. The school will transmit the form to the appropriate VA regional office (*i.e.,* Atlanta, Buffalo, Muskogee, or St. Louis) with jurisdiction over the area where the school is located. VA is authorized to pay tutorial assistance under 38 U.S.C. chapters 30, 32 and 35, and under 10 U.S.C. chapter 1606. Tutorial assistance is a supplementary allowance payable on a monthly basis for up to 12 months. The student must be training at one-half time or more in a post-secondary degree program, and must have a deficiency in a unit course or subject that is required as part of, or prerequisite to, his or her approved program. The student uses VA Form 22–1990t, Application and Enrollment Certification for Individualized Tutorial Assistance, to apply for the supplemental allowance. On the form the student provides information such as: name; Social Security Number; mailing address; telephone number; program and enrollment information; the course or courses for which he or she requires tutoring, the name of the tutor; and the date, number of hours and charges for each tutorial session. The tutor must verify that he or she provided the tutoring at the specified charges, and that he or she is not a close relative of the student. The Certifying Official at the student's school must verify that the tutoring was necessary for student's pursuit of a program, that the tutor was qualified, and that the charges for the tutoring did not exceed the customary charges for other students.

An agency may not conduct or sponsor, and a person is not required to

respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 16, 2000 at pages 7923–7924.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,000.

Number of Responses Annually: 2,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0171'' in any correspondence.

Dated: May 18, 2000.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–15071 Filed 6–14–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0565]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 17, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8135 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0565.''

SUPPLEMENTARY INFORMATION: Title: State Application for Interment Allowance Under 38 U.S.C., Chapter 23, VA Form 21–530a.

OMB Control Number: 2900–0565.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA Form 21–530a is used to gather information from a State seeking payment of benefits for plot-interment allowances for the burial of an eligible veteran in a cemetery owned by that State and used solely for the interment of persons eligible for burial in a national cemetery.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 30, 2000 at pages 17006–17007.

Affected Public: State, Local or Tribal Government.

Estimated Annual Burden: 20,000 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 40,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0565'' in any correspondence.

Dated: May 26, 2000.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–15072 Filed 6–14–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974, Addition of Routine Use to System of Records Compensation, Pension, Education Rehabilitation Records–VA

AGENCY: Department of Veterans Affairs.

ACTION: Notice; addition of routine use.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), notice is hereby given that the Department of Veterans Affairs (VA) proposes to add a routine use to the system of records ''VA Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22).''

DATES: The proposed routine use will be effective July 17, 2000, unless comments are received before this date which would result in a contrary determination.

ADDRESSES: Written comments concerning the proposed amendment to the routine use may be mailed to the Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Compensation and Pension Service, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273–7218.

SUPPLEMENTARY INFORMATION: There is an ongoing computer matching program between the Department of Veterans Affairs (VA) and the Internal Revenue Service (IRS) to provide VA with tax return information as it relates to unearned income. VA uses the data to update the master records of VA beneficiaries receiving income dependent benefits and to adjust VA income dependent benefits. As a condition of continuing the computer matching agreement after December 31, 2000, IRS is requiring that VA publish a routine use stating that disclosure of tax returns and return information received from IRS may be made only as provided by 26 U.S.C. 6103.

VA proposes to add this routine use to the following system of records which is contained in the **Federal Register:** VA Compensation, Pension, Education and Rehabilitation Records–VA (58 VA 21/22)'' first published at 41 FR 924 (March 3, 1976), and last amended at 63 FR 37941 (7/14/98), with other amendments as cited therein.

A ''Report of Altered System'' and an advance copy of the revised system have been sent to the chairmen and ranking minority members of the Committee on Governmental Reform of the U.S. House of Representatives and the Committee on Governmental Affairs of the U.S. Senate, and to the Office of Management and Budget, as required by 5 U.S.C. 552a(o) and guidelines issued by the Office of Management and Budget.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amended routine use statement to the Director, Office of Regulations Management (02D), Department of

Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420. All relevant material received before (insert date 30 days after publication in the **Federal Register** will be considered. All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:30 am and 4:30 pm, Monday through Friday, except holidays.

If no public comment is received during the 30-day review period allowed for public comment, or otherwise published in the **Federal Register** by VA, the new routine use is effective July 17, 2000.

Dated: Approved: May 26, 2000.

Togo D. West Jr.,

Secretary of Veterans Affairs.

58 VA21/22

SYSTEM NAME:

Compensation, Pension, Education and Rehabilitation Records—VA.

1. In the system identified as 58 VA21/22 ''Compensation, Pension, Education, and Rehabilitation Records'' first published at 41 FR 924 (March 3, 1976), and last amended at 63 FR 37941 (7/14/98), with other amendments as cited therein, the following routine use is added:

SYSTEM NAME:

Compensation, Pension, Education and Rehabilitation Records.

* * * * *

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

* * * * *

62. Disclosure of tax returns and return information received from the Internal Revenue Service may be made only as provided by 26 U.S.C. 6103 (an IRS confidentiality statute), also covering any IRS tax return information provided as part of an ongoing computer matching program.

* * * * *

[FR Doc. 00–15073 Filed 6–14–00; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Thursday,
June 15, 2000

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 319
Importation of Grapefruit, Lemons, and Oranges From Argentina; Final Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 319

[Docket No. 97–110–5]

RIN 0579–AA92

Importation of Grapefruit, Lemons, and Oranges From Argentina

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the citrus fruit regulations by recognizing a citrus-growing area within Argentina as being free from citrus canker. Surveys conducted by Argentine plant health authorities in that area of Argentina since 1992 have shown the area to be free from citrus canker, and Argentine authorities are enforcing restrictions designed to protect the area from the introduction of that disease. We are also amending the fruits and vegetables regulations to allow the importation of grapefruit, lemons, and oranges from the citrus canker-free area of Argentina under conditions designed to prevent the introduction into the United States of two other diseases of citrus, sweet orange scab and citrus black spot, and other plant pests. These changes will allow grapefruit, lemons, and oranges to be imported into the continental United States from Argentina subject to certain conditions.

EFFECTIVE DATE: June 15, 2000. The incorporation by reference provided for by this rule is approved by the Director of the Federal Register as of June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne D. Burnett, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56 through 319.56–8, referred to below as the fruits and vegetables regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests, including fruit flies, that are new to or not widely distributed within the United States.

The regulations in ''Subpart—Citrus Fruit'' (7 CFR 319.28, referred to below as the citrus fruit regulations), restrict the importation of the fruit and peel of all genera, species, and varieties of the subfamilies *Aurantioideae, Rutoideae,* and *Toddalioideae* of the family *Rutaceae* into the United States from specified countries in order to prevent the introduction of citrus canker disease (*Xanthomonas campestris* pv. *citri* (Hasse) Dye). The citrus fruit regulations also restrict the importation of the fruit and peel of all species and varieties of the genus *Citrus* into the United States from specified countries, including Argentina, in order to prevent the introduction of the citrus diseases sweet orange scab (*Elsinoe australis* Bitanc. and Jenkins) and the B strain of citrus canker, which is referred to in the citrus fruit regulations as ''Cancrosis B.''

On August 12, 1998, we published a proposed rule in the **Federal Register** (63 FR 43117–43125, Docket No. 97–110–1) to amend the citrus fruit regulations by recognizing a citrus-growing area within Argentina as being free from citrus canker. In that document, we also proposed to amend the fruits and vegetables regulations to allow the importation of grapefruit, lemons, and oranges from the citrus canker-free area of Argentina under conditions designed to prevent the introduction into the United States of two other diseases of citrus, sweet orange scab and citrus black spot, and other plant pests.

The proposed rule was followed by three notices regarding the comment period and public hearings for the proposed rule. Specifically, on October 16, 1998, we published in the **Federal Register** (63 FR 55559, Docket No. 97–110–2) a notice advising the public that we were extending the comment period for the proposed rule by 120 days and that we had scheduled a public hearing in Thousand Oaks, CA, to give interested persons the opportunity for the oral presentation of data, views, and arguments regarding the proposed rule. On December 4, 1998, we published in the **Federal Register** (63 FR 67011, Docket No. 97–110–3) a notice advising the public that we had changed the date and location of the public hearing in Thousand Oaks, CA. Finally, on January 13, 1999, we published in the **Federal Register** (64 FR 2151, Docket No. 97–110–4) a notice advising the public that we had scheduled an additional public hearing to be held in Orlando, FL.

With the extension granted in the October 16, 1998, notice, we solicited comments for a total of 180 days ending on February 11, 1999. We received 332 comments by that date, including 63 comments received at the public hearings held in Orlando, FL, and Thousand Oaks, CA. The comments were from foreign and domestic producers, handlers, packers, and processors of citrus fruit; Members of the U.S. Congress and elected representatives of State and local governments; State plant protection officials and officials from Argentine's national plant protection organization, the Servicio Nacional de Sanidad y Calidad Agroalimentaria (SENASA); and representatives of the U.S. Citrus Science Council (USCSC), a group formed specifically to respond to the proposed rule.

Seventeen of the comments were letters requesting that we extend the comment period for the proposed rule, and 3 comments simply stated that any decision should be based on sound science. Two hundred and fifty comments, 148 of which were form letters offering support for the position of the USCSC, raised concerns or made suggestions regarding the proposed rule. Those comments are addressed in detail later in this document. The remaining 62 comments offered support for the proposed rule as it was written. Those commenters who supported the proposed rule noted the mutual benefits of trade, recognized the scientific basis of the proposed rule, stated that Argentine imports would provide competition for citrus imports from other countries, saw an opportunity to increase citrus exports to Argentina, noted that Argentine citrus has been exported to markets in other countries—including citrus-producing countries—without incident, and noted the positive economic effects that Argentine citrus imports would have on consumers, wholesalers, distributors, and ports of entry.

The comments that we received in opposition to the proposed rule focused largely on the scientific basis and support for the proposed mitigation measures and on the execution and conclusions of the risk assessment that was used by the Animal and Plant Health Inspection Service (APHIS) in reaching the decision to initiate the proposed rule. These comments, as well as the numerous comments that we received on other particular aspects of the proposed rule and its supporting documentation, are reported and addressed in this final rule.

With regard to the proposed mitigation measures, several commenters questioned whether the systems approach to phytosanitary security explained in the proposed rule would provide an adequate measure of protection against the introduction of the diseases and insect pests of concern, especially given their understanding that APHIS had never before used a

systems approach to mitigate the risks presented by a pest complex that included both insects and pathogens. Other commenters questioned the volume, adequacy, and accuracy of the scientific data provided by Argentina to support the efficacy of the proposed mitigation measures contained in the systems approach. As we discuss in detail below in response to specific comments, we believe that the information furnished by Argentina, when considered in conjunction with the body of information available in the scientific literature regarding the insects and diseases of concern, provides the necessary rational basis for our determination that individual and cumulative mitigative effects of the systems approach serve to reduce the risks presented by Argentine grapefruit, lemons, and oranges produced and imported in accordance with this rule to a negligible level.

With regard to the pest risk assessment prepared by APHIS, several commenters disagreed with the manner in which we prepared the risk assessment, questioning basic choices made by the risk assessors concerning issues such as independence in the model and our use of a shipping box as the risk unit. Other commenters questioned whether APHIS offered sufficient justification for the estimates used in section II.8 (Likelihood of Introduction) of the risk assessment. In this final rule, we discuss, in our responses to specific comments on these and other related issues, the manner in which we prepared the risk assessment and how we arrived at our estimates. Our experience in examining the risks presented by agricultural commodities produced around the world has led us to select the model that we used as the framework for estimating those risks. This model has proven itself over the years and for several commodity/pest combinations to be an efficient means of estimating phytosanitary risk, and we (and others, including the Harvard Center for Risk Analysis) believe our guidelines are valid. While we acknowledge that there are alternative ways of estimating this type of risk, we do not believe that using a different model would result in a substantively different outcome.

Distribution Limitations

In the proposed rule, we discussed the importation of grapefruit, lemons, and oranges into the entire United States. However, the risk assessment that was prepared prior to the preparation of the proposed rule only examined the risks presented by the importation of that fruit into the continental United States (the 48 contiguous States, Alaska, and the District of Columbia). Although we have no reason to believe that the risk associated with importing Argentine citrus into Hawaii, Guam, the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands would differ in any significant way from the risks associated with the importation of that fruit into the continental United States, the fact remains that the risk assessment did not consider the risks associated with the importation of Argentine citrus into destinations outside the continental United States. Therefore, in this final rule we have narrowed the area into which the grapefruit, lemons, and oranges may be imported by limiting the distribution of the fruit to the continental United States. If we were requested to do so by Argentina or other interested parties, we would undertake to assess the risks associated with the entry of Argentine citrus into areas outside the continental United States and initiate rulemaking to provide for the entry of the fruit into those additional areas if our risk assessment supported such an action.

We continue to have confidence in the efficacy of the systems approach for Argentine citrus and in the conclusions of our pest risk assessment, which found that the risk presented by grapefruit, lemons, and oranges imported in accordance with that systems approach is negligible. However, in response to comments from the domestic citrus industry and others voicing concern over the use of a systems approach in a situation where both diseases and insect pests exist in a foreign production area, we will institute a limited distribution plan that will delay the entry of Argentine citrus into citrus-producing areas in the continental United States until 2004. This delay will provide an opportunity for the efficacy of the systems approach to be demonstrated under actual production and distribution conditions before Argentine citrus imports are allowed to enter citrus-producing areas of the continental United States. The limited distribution plan would involve a three-stage phase-in of Argentine citrus imports:

- *Stage 1 (the 2000 and 2001 shipping seasons).* Upon the effective date of this final rule, fruit that meets the requirements of the export program will be eligible for entry into 34 States in the continental United States that are neither buffer States nor commercial citrus-producing States.
- *Stage 2 (the 2002 and 2003 shipping seasons).* When Argentina begins shipping fruit in May or June of 2002, the fruit will be eligible for entry into the 34 ''Stage 1'' States as well as the 10 buffer States (Alabama, Arkansas, Colorado, Georgia, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, and Utah) that share borders with one or more commercial citrus-producing States, leaving only 5 commercial citrus-producing States (Arizona, California, Florida, Louisiana, and Texas) as prohibited destinations in the continental United States.
- *Stage 3 (the 2004 shipping season).* When Argentina begins shipping fruit in May or June of 2004, the fruit will be eligible for entry into all areas of the continental United States.

These ''rolling effective dates'' are built into the final rule, which precludes the need for APHIS to initiate rulemaking in 2002 and 2004 to expand the area into which the fruit may be imported. If it is determined that the requirements of the export program are not being observed routinely or uniformly, APHIS will be able to act quickly to suspend the rolling effective dates or even the entire program, if warranted. The export program provides for the detection of diseased fruit at any point in the pathway, with that detection leading to the rejection of the shipment containing the diseased fruit and the removal of the grove that produced the fruit from the export program for the remainder of the shipping season. Thus, the detection of diseased fruit will not, by itself, result in the suspension of all or part of the export program.

To determine whether the requirements of the export program are being observed routinely or uniformly and to ensure that the distribution restrictions of this rule are being observed, APHIS personnel will be involved in monitoring activities in both the United States and Argentina:

Monitoring—United States. To help ensure that importers and distributors of Argentine citrus are aware of the distribution limitations of this rule, those limitations will be included as one of the conditions of the permit that importers must obtain in order to import grapefruit, lemons, or oranges from Argentina. APHIS personnel, as well as personnel with State regulatory agencies and the Department's Agricultural Marketing Service, will be enlisted to enforce the distribution limitations of the rule. This will be accomplished through market visits, inspections, and outreach efforts directed at importers, shippers, distributors, and retailers. The infrastructure needed to support these efforts is already in place.

Monitoring Argentina. The rule does not require direct APHIS involvement in

the supervision of the export program in Argentina; that direct supervision is the responsibility of SENASA, Argentina's national plant protection organization, which is regarded by APHIS (and internationally) as an efficient and capable organization. A recent (April 24 to 28, 2000) site visit to citrus groves and packinghouses in Argentina by APHIS bears out this perception. In order to evaluate whether it is appropriate to allow each stage of the phased-in distribution plan to occur as scheduled, and to provide for the ongoing evaluation of the export program, APHIS will be conducting inspection visits to the Argentine production area and will maintain contact with SENASA throughout each year to monitor their administration of the export program. Further, APHIS and SENASA are currently finalizing the details of the annual operational work plan that will address the administration of the program during the current season and that will serve as the basis for future annual work plans. That work plan will include provisions for active and direct monitoring of the export program by APHIS personnel who will conduct frequent oversight visits to the growing areas and packinghouses. APHIS' monitoring activities will include:

- Inspections of groves following the removal of leaves and other litter,
- Review of the timing and application of fungicidal sprays,
- Accompanying SENASA inspectors as they conduct preharvest grove inspections and collect samples of fruit for laboratory examination,
- Visits to the SENASA-approved laboratories that will be examining the sampled fruit to review the procedures for, and results of, the fruit incubation protocol,
- Observing the harvesting of fruit, its transport to the packinghouses, and the entry control systems in place at the packinghouses, and
- Ensuring that the required handling, treatment, inspection, identification, and packing requirements of this rule are being observed in the packinghouses.

These monitoring activities carried out by APHIS and SENASA personnel will provide us with a clear confirmation of the practicability of the systems approach under actual production conditions, its efficacy in preventing disease in export groves, and the ability of the required inspections and laboratory examinations to detect diseased fruit. Additional evidence of the success or failure of the export program will be gained through the inspections that will be conducted at U.S. ports of entry following the arrival of the fruit and the application of any required cold treatments. Should APHIS, as a result of these activities or any other assessments of the program, conclude that the requirements of the export program are not being observed uniformly and routinely, the program will be reviewed; should APHIS determine that there are deficiencies in the program that cannot be remedied, the phased-in expansion of distribution, or even the export program itself, may then be suspended or terminated.

Specific Regulatory Changes Regarding Limited Distribution

To implement the limited distribution plan, we have made several changes to this final rule. These changes are explained below and pertain to the distribution limitations themselves, box marking, stickering, and ports of entry.

Limitations on Distribution.

We have added a new § 319.56–2f(g) to this final rule to incorporate the distribution limitations into the requirements of the rule. That paragraph states that the distribution of the grapefruit, lemons, and oranges is limited to the continental United States (the 48 contiguous States, Alaska, and the District of Columbia.). That paragraph also states that during the 2000 through 2003 shipping seasons, the distribution of the grapefruit, lemons, and oranges is further limited as follows:

- During the 2000 and 2001 shipping seasons, the fruit may be distributed in all areas of the continental United States except Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, and Utah.
- During the 2002 and 2003 shipping seasons, the fruit may be distributed in all areas of the continental United States except Arizona, California, Florida, Louisiana, and Texas.

For the 2004 shipping season and beyond, the fruit may be distributed in all areas of the continental United States.

Box Marking

As was presented in the proposed rule, § 319.56–2f(c)(6) of this final rule requires the boxes in which the fruit is packed to be marked with the SENASA registration number of the grove that produced the fruit. This final rule requires that the boxes also be marked with a statement indicating that the fruit may not be distributed in Hawaii, Guam, the Northern Mariana Islands, Puerto Rico the U.S. Virgin Islands (*i.e.,* destinations outside the continental United States), or in any State (each of which must be individually listed) into which the distribution of the fruit is prohibited under the limited distribution plan. To account for the possibility that the fruit might have to be repackaged following its entry into the United States, new paragraph § 319.56–2f(i) states that any new boxes in which the fruit is packed must also be marked with the limited distribution statement required under § 319.56–2f(c)(6).

Stickering

APHIS has found that the marking of individual fruit is necessary for the limited distribution scheme to be enforceable; otherwise it would be difficult to distinguish Argentine grapefruit, lemons, or oranges from domestically produced fruit or fruit imported from other sources. Therefore, we have amended § 319.56–2f(c)(5) in this final rule to require that the grapefruit, lemons, and oranges be individually labeled with a sticker that identifies the packinghouse in which they were packed. We understand that Argentina's citrus producers routinely label their fruit with stickers identifying the packinghouses in which the fruit was prepared for distribution, and we believe that those packinghouse labels would serve to adequately identify the fruit since we would be able to provide examples of each packinghouse's sticker to our inspectors and cooperators. Therefore, we do not believe that this stickering requirement will impose a significant additional burden on Argentine growers, packers, or exporters.

Ports of Entry

New § 319.56–2f(h) states that the grapefruit, lemons, and oranges may enter the United States only through a port of entry located in a State where the distribution of the fruit is authorized under § 319.56–2f(g), which, as explained above, is the section of the regulations that provides for the limitations on the distribution of the fruit. The port-of-entry restrictions of § 319.56–2f(h) apply to both the limited distribution plan's staged phase-in of imports into the continental United States and the prohibition on the distribution of the fruit outside the continental United States.

As noted above, we believe that this limited distribution plan will provide an opportunity for the efficacy of the systems approach to be demonstrated under actual production and distribution conditions before Argentine citrus imports are allowed to enter

citrus-producing areas of the continental United States.

Miscellaneous Comments

Comment: In 1995, APHIS denied Argentina's petition to export citrus to the United States due to the risks that were posed by the fruit. The proposed rule does not set forth the information and experimentation that transpired between 1995 and 1996 that led APHIS to reverse its position. It is only appropriate that the U.S. citrus industry have the opportunity to evaluate the basis for APHIS' decision to reverse its position.

Response: In our proposed rules, we usually focus on describing and justifying the specific regulatory changes or additions that we are proposing, so we do not routinely provide the sorts of historical or evolutionary details that the commenter mentions. In the case of the Argentine citrus proposed rule, we concentrated on explaining the proposed citrus export program set forth in the regulatory text of the proposed rule; we did not believe it was necessary to examine the differences between that program and any earlier Argentine petitions that we had rejected. However, the process of data gathering, experimentation, and negotiation that led to the proposed rule is documented in the material contained in the rulemaking record, and we provided that material to several interested parties who requested it, including representatives of the U.S. citrus industry.

Comment: Two documents in the rulemaking record—a trip report prepared after APHIS' 1994 trip to northwestern Argentina and a memorandum dated May 27, 1994, that discusses the status of Argentina's request to export citrus both raise questions and concerns regarding the Argentine petition. The May 1994 memorandum recommended two actions: (1) That the Government of Argentina request a thorough risk assessment be completed, and (2) that an expert group of pathologists from APHIS and the Agricultural Research Service determine what research was needed before a regulatory decision was made, establish tolerances for diseased fruit in an export program and how these can be measured, and make an assessment of Argentina's citrus canker survey. While the call for a risk assessment in point number one may have been addressed by APHIS' original 1995 risk assessment, the recommendations on point number two appear to have gone unaddressed. We believe that all those questions must be answered before APHIS takes any further action on Argentina's petition. To that end, the proposed rule should be withdrawn to allow for a full scientific discussion of the questions found in those documents.

Response: Both of the actions recommended in the May 1994 memorandum were completed prior to the development of the proposed rule. As noted by the commenter, APHIS did prepare a preliminary qualitative pest risk assessment in 1995, and that 1995 assessment was followed up by the 1997 quantitative pest risk assessment used as support for the proposed rule.

In September 1994, our expert group of pathologists identified to Argentina the areas in which we believed additional research was needed and requested another year's worth of data to substantiate their proposed mitigation measures; that data was received in the spring of 1996. Further, as evidenced by the provisions of the proposed rule and this final rule, we established tolerances for diseased fruit in the export program (*i.e.,* the detection of a single diseased fruit will result in the grove in which the fruit was grown being removed from the export program, and the fruit from that grove being prohibited entry into the United States, for the remainder of that year's growing and harvest season). We have also included inspection provisions to detect diseased fruit and prevent its entry into the United States. Finally, we completed our review of Argentina's citrus canker survey program and have full confidence in the efficacy of its methodology and the accuracy of its findings. Given that all the issues raised in the May 1994 memorandum were addressed prior to the preparation of the proposed rule, we do not believe it is necessary to withdraw the proposed rule for the reasons stated by the commenter.

Comment: In 1994, Argentina proposed a systems approach to suppress citrus black spot and sweet orange scab that was based on individual farms performing the suppression treatment. At the time, APHIS stated that individual farms were too small a unit for sufficient disease suppression and that a larger area with clearly defined geographic boundaries encompassing all citrus grown in the region would be necessary. Why is APHIS now proposing a system based on individual farms performing the suppression treatment?

Response: The original Argentine proposal did not include several of the aspects of the systems approach required by this rule, such as the preharvest surveys, laboratory analysis of sampled fruit, and post-harvest treatments. When those aspects of the systems approach were included in later proposals and data were made available to support their efficacy, we concluded that a grove-level approach to the plant pests of concern would be appropriate.

Comment: The 1994 trip report posits that one possible step that could be taken in order to permit Argentine citrus to enter the United States would be to limit exports to Northeastern ports. A limited distribution requirement similar to the restrictions on the importation of avocados from Mexico would not be a sufficient or enforceable mitigation measure for Argentine citrus. If the market provides an economic reason to ship the citrus to other States, parties with an economic motivation to do so will find a way to make that happen. It is not realistic to say that APHIS has sufficient resources to ''police'' this requirement. The result would be the spread of devastating diseases to citrus growing regions. Indeed, APHIS has had recent experience in dealing with illegal shipments of Mexican avocados by a large retailer. Once Argentine citrus enters the United States, it must be assumed that the fruit will reach every market in the continental United States. Thus, any potential restriction on where the fruit can be shipped is unrealistic.

Response: That suggestion was indeed offered during discussions that preceded the preparation of the proposed rule, but the proposed rule did not include limitations on distribution. This final rule does, however, limit the importation of the fruit to the continental United States and incorporates a three-stage phase-in of imports that limits the distribution of the fruit during the 2000 through 2003 shipping seasons. These aspects of this final rule are explained above under the heading ''Distribution Limitations.'' As noted in that section, we continue to have faith in the efficacy of the systems approach and in the findings of the risk assessment, thus we continue to believe that citrus fruit imported from Argentina in accordance with this rule presents a negligible risk of introducing diseases or insect pests into any area of the continental United States.

APHIS personnel, as well as personnel with State regulatory agencies and the Department's Agricultural Marketing Service, will be enlisted to enforce the distribution limitations of the rule. This will be accomplished through market visits, inspections, and outreach efforts directed at importers, shippers, distributors, and retailers, and the infrastructure and resources needed to support these efforts are already in place. Given the experience we have gained through the Mexican avocado

program and through the implementation of our expanded smuggling interdiction program, we believe that we have the ability to enforce the distribution restrictions of this rule.

Comment: We requested a 1-year extension of the comment period for the proposed rule, then shortened the requested length of the extension to 6 months. By granting only a 4-month comment period extension and subsequently denying our request for a 2-month postponement of the scheduled public hearing, APHIS has denied the affected public a fair opportunity to comment on the proposed rule.

Response: With the original 60-day comment period and the 120-day extension noted by the commenter, the proposed rule was open for public comment from August 12, 1998, through February 11, 1999, a total of 6 months. We believe that this 180-day comment period afforded the affected public a fair opportunity to comment on the proposed rule. Further, in denying the commenter's request for a 2-month postponement of the California public hearing, which we had already postponed once, the Department made it clear that it was willing to review any new information that might surface following the close of the comment period. Specifically, the APHIS hearing officer at the Thousand Oaks, CA, hearing—which was attended by the commenter—read the following statement from Deputy Secretary Richard Rominger: ''Following the close of the comment period, we will thoroughly analyze and review the available material and all comments in the record to determine how best to proceed in the rulemaking process. However, if any new scientific information comes to light after the close of the comment period on February 11, 1999, which has a material and significant bearing on this rulemaking proceeding, such information will be thoroughly considered by the Department, and the Department will take such further action as is appropriate.''

Comment: We informed APHIS on October 2, 1998, that our group was organizing to comment on the proposed rule and had selected a delegation of university scientists from California, Texas, and Florida to travel to Argentina in order to gather information. By failing to provide timely assistance to our group in arranging that trip, APHIS has denied our group and other interested parties a meaningful opportunity to conduct critical scientific analysis.

Response: We believe that the correspondence exchanged between APHIS and the commenter concerning a site visit indicates that APHIS cooperated with the commenter's group in its efforts to arrange a visit to Argentina:

- After receiving the commenter's letter dated October 2, 1998, APHIS informed the Argentine Ministry of Agriculture of the commenter's desire for a site visit by university scientists. Argentine officials responded by requesting APHIS' endorsement of the visit prior to granting their consent for a site visit.
- In a letter dated November 6, 1998, APHIS informed the commenter of Argentina's response. In that letter, we stated that we were prepared to endorse the visit and asked for a specific description of its objectives so that we could pass that information along to Argentina.
- In a letter dated December 1, 1998, the commenter responded with the requested information and indicated its eagerness to work with APHIS to arrange the trip.
- In a letter dated December 7, 1998, we informed the commenter that we would endorse the visit and attempt to arrange a visit in the second week of January 1999.
- In a letter dated December 17, 1998, the commenter rejected the idea of a January visit, stating that the notice was too short and that January was not a ''biologically relevant'' time for a visit. In that letter, the commenter's group informed APHIS that it wished to make a visit in April or May, and perhaps make another visit in July or August.
- No further progress was made on the issue of a site visit following that December 17, 1998, letter. In subsequent correspondence, the commenter's group informed us that they would attempt to ensure that the comment period was extended or the record otherwise held open in order to provide for APHIS' consideration of any information collected during possible future site visits by their scientists.

We believe that the timeline provided above shows that APHIS did in fact provide timely assistance to the commenter, and we disagree with the commenter's assertion that APHIS denied interested parties a meaningful opportunity to conduct critical scientific analysis.

Comment: On September 22, 1998, we filed a Freedom of Information Act (FOIA) request with APHIS in which we asked for any background materials and correspondence relating to the 1997 risk assessment. APHIS' FOIA office acknowledged that request on September 29, 1998, but did not provide any material or acknowledge our follow-up request before the end of the comment period. APHIS has, therefore, withheld or failed to disclose relevant information that would allow the public to interpret and understand the findings in the risk assessment.

Response: Due to our FOIA staff's large workload, we were unable to fulfill the commenter's FOIA request before the February 11, 1999, close of the comment period. However, we did forward the requested documents to the commenter shortly after the close of the comment period. As indicated in the response to a previous comment, we informed the commenter prior to the close of the comment period that we are willing to thoroughly consider, and address as appropriate, any new scientific information that comes to light that has a material and significant bearing on this rulemaking proceeding.

Comment: At the February 5, 1999, public hearing, a member of the APHIS panel stated that APHIS was relying on a 1986 Plant Protection and Quarantine (PPQ) study to support its position that it was highly unlikely that citrus black spot would become established by the spores produced on infected fruit. We believe that APHIS is using this PPQ study as the pivotal foundation for the proposed rule. APHIS' failure to disclose its reliance on this pivotal 1986 study until extremely late in the proposed rule's comment period is a violation of proper administrative procedures. APHIS has denied the affected public the opportunity to comment on the Agency's rationale for the proposal; the lack of disclosure of this one study, in and of itself, is a compelling reason why this proposal must be withdrawn by APHIS.

Response: APHIS did not use the cited 1986 study as ''the pivotal foundation for the proposed rule.'' Most of the APHIS employees involved in the preparation of the proposed rule were either unaware of or had forgotten the 1986 study. It was not until the panel that represented APHIS at the two public hearings was preparing for the February 5, 1999, hearing in Orlando, FL, that one of the panel members recalled the existence of that study; this was more than 5 months after the proposed rule was published. Further, the official transcript of the February 5, 1999, hearing indicates that the APHIS panel member simply quoted from the 1986 study; she did not state that APHIS was ''relying on'' the study. Because we did not rely on the study or its findings in the preparation of the proposed rule, we do not believe the fact that it was not mentioned until late in the comment period is grounds for the withdrawal of the proposed rule.

Comment: APHIS did not comply with its obligations under Executive Order 12866 in developing the proposed rule. In particular, section 6(a) of the Executive Order provides that each agency should engage the impacted public with an opportunity for informal dialogue prior to issuing a proposed rule. For this reason alone, APHIS should withdraw the proposed rule to permit the required consultations to begin.

Response: The portion of the executive order cited by the commenter reads in part: ''Each agency shall (consistent with its own rules, regulations, or procedures) provide the public with meaningful participation in the regulatory process. In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by a regulation.'' Consistent with our standard procedures, APHIS did in fact informally contact representatives of the domestic citrus industry regarding the Argentine proposal in October 1997, and indications at that time were that the domestic citrus industry supported the concept of Argentine citrus imports. Further, a new pest list based on the 1995 risk assessment and updated with information provided by Argentina was sent for comment to the State plant regulatory officials (SPRO's) in the citrus-producing States of Florida, Louisiana, Texas, Arizona, and California in the fall of 1996, and a draft of the 1997 quantitative pest risk assessment was sent to those SPRO's in the spring of 1997. Each of the SPRO's was encouraged by APHIS to circulate those documents as they saw fit. We do not believe, therefore, that the proposed rule must be withdrawn in order to comply with Executive Order 12866.

Comment: If APHIS allows Argentine citrus to enter the United States without adequate protective measures in place, and the U.S. citrus industry is then economically injured, APHIS' actions would rise to the level of a ''taking'' of private property by an arm of the U.S. Government.

Response: Because this rule places no limitations or restrictions whatsoever on the U.S. citrus industry or individual U.S. growers or their property, we do not believe that this rule constitutes a regulatory taking.

Comment: In failing to establish quarantine-level treatments for citrus black spot and sweet orange scab in the proposed rule, APHIS is failing to meet its responsibilities for pest exclusion under the Plant Quarantine Act and the Federal Plant Pest Act, which clearly charge the Secretary of Agriculture with the responsibility for preventing the entry of pests that are new to or not widely established in the United States.

Response: Neither the Plant Quarantine Act nor the Federal Plant Pest Act state that quarantine-level treatments are the only means through which the Secretary may meet his responsibilities for pest exclusion under those acts. Rather, 106 of the Federal Plant Pest Act (7 U.S.C. 150ee) authorizes the Secretary to promulgate regulations requiring the inspection of articles imported into the United States and may impose ''other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests * * *.'' Quarantine-level treatments are not available for all commodity/pest combinations; in the absence of such treatments, we must consider whether alternative measures are available that will provide a comparable level of quarantine security, and we expect other nations to do the same with respect to U.S. agricultural exports. In this rule, we require the use of tiered and overlapping measures that, when combined with specified cold treatments or host resistance, will reduce the pest risks associated with the importation of Argentine citrus to a negligible level. We believe, therefore, that we have met our responsibilities under the acts cited by the commenter.

Comment: APHIS' fruits and vegetables regulations only address the importation of fruits and vegetables from countries where insect pests are present; diseases are not addressed. It appears that APHIS does not have the authority under its regulations to permit the entry of fruits or vegetables from countries where one or more diseases exist. Therefore, given that citrus diseases exist in Argentina, it appears that APHIS does not have the authority under its regulations to promulgate a regulation that allows the importation of grapefruit, lemons, and oranges from that country.

Response: Our regulations are not the source of our authority to regulate the importation of fruits and vegetables; rather, they are a means through which we exercise the authority derived from statutes such as the Federal Plant Pest Act and the Plant Quarantine Act. The Secretary of Agriculture is provided with the authority in the Plant Quarantine Act to restrict the importation of fruits and vegetables because of ''injurious plant diseases or insect pests'' or to prohibit such importation because of any ''disease or of any injurious insect'' (7 U.S.C. 159, 160). Therefore, we have clear statutory authority to regulate the importation of fruits and vegetables because of diseases as well as insect pests. With respect to our regulations implementing the Secretary's authority under those acts, the commenter is correct in noting that the fruits and vegetables regulations contain no general provisions regarding diseases. However, the regulations in ''Subpart—Citrus Fruit'' (§ 319.28), which we are amending in this rule and which was discussed in the proposed rule, do in fact contain specific restrictions on the importation of fruit of citrus and citrus relatives from specified countries due to the presence of citrus diseases in those countries.

Comment: The April 1992 pest risk analysis that APHIS completed for its rulemaking regarding the importation of citrus from South Africa states that ''[i]mportation of all plant parts, except seed, of *Citrus* spp. should be prohibited from countries where the disease [black spot] occurs'' (Pest Data Sheet on Black Spot of Citrus, p. 62). Yet, neither the risk assessment nor the proposed rule for Argentine citrus mentions that serious concern that the Agency had so recently expressed about citrus black spot. It appears that APHIS is now proposing to make an abrupt change in its position regarding this disease and the danger that it poses without either articulating the reasons for this change or including in the record substantial evidence that could support such a divergence from longstanding agency policy.

Response: We disagree with the commenter's contention that we are making an abrupt change in policy with regard to the risks presented by citrus black spot. More importantly, our position regarding the phytosanitary significance of citrus black spot has not changed as drastically as the commenter suggests. We still consider citrus nursery stock and plant parts other than fruit to pose a high risk as pathways for the introduction of citrus black spot. It is only our position relative to citrus fruit—specifically, citrus fruit that has been subjected to the measures required by this rule—that has changed since the April 1992 pest risk analysis for South African citrus. The pest data sheet cited by the commenter was completed more than 5 years before we prepared the Argentine citrus analysis and did not consider the tiered and overlapping measures used in the systems approach to mitigate the risk of citrus black spot; thus, the data sheet's recommendations were made in the context of an importation scenario in which no measures short of prohibition were offered to mitigate the risk of citrus black spot.

APHIS' reading of the relative risks presented by citrus plants, fruit, and other plant parts is consistent with the current research into the epidemiology and control of citrus black spot and the evolving scientific understanding of the disease. For example, Professor J.M. Kotze of the University of Pretoria (South Africa) reports in a Department of Microbiology and Plant Pathology summary of plant pathology research focus areas that: ''We have shown that the disease [citrus black spot] spreads to new areas through leaves of nursery trees. The importance of the inoculum sources was already demonstrated, especially the fact that fruit presents no danger to importers of citrus in Europe.'' Fruit has been shown to be a poor pathway for the introduction of citrus black spot, and, as explained in the proposed rule, the required systems approach acts to reduce any remaining risk to a negligible level.

Trade-Related Issues

Comment: In the proposed rule, APHIS stated: ''Maintaining a prohibition on the importation of grapefruit, lemons, and oranges from the Argentine States of Catamarca, Jujuy, Salta, and Tucuman in light of those State's [sic] demonstrated freedom from citrus canker would run counter to the United States' obligations under international trade agreements and would likely be challenged through the World Trade Organization'' (WTO). This is simply not true. Even if the four involved Argentine States are free from citrus canker, there are other potentially devastating citrus diseases and pests present. Under the Uruguay Round WTO agreement, the United States has no obligation to permit the introduction and spread of quarantine diseases and pests in this country. Any country is free to adopt a ''zero risk'' standard as its appropriate level of protection; we submit that the current U.S. prohibition on fruit that is infected with sweet orange scab and citrus black spot is entirely consistent with the Uruguay Round's ''Agreement on the Application of Sanitary and Phytosanitary Measures'' (the ''S&P Agreement''). Argentina has not shown that the importation of fruit from an indisputably infected region poses no risk that sweet orange scab, citrus black spot, or both, may be introduced into the United States.

Response: We understand that we are not required to allow diseased or infested fruit to be imported into the United States; indeed, this rule does nothing to alter the ''current U.S. prohibition on fruit that is infected with sweet orange scab and citrus black spot'' noted by the commenter. However, we also recognize that we are obliged to use health requirements only to the extent necessary to meet our ''appropriate level of protection.'' In the case of grapefruit, lemons, and oranges from Argentina, we believe that the tiered and overlapping safeguards contained in this final rule will reduce the pest risk associated with their importation to a negligible level. If the United States had deemed ''zero risk'' to be its appropriate level of protection, then it is unlikely that Argentine citrus—and many other commodities, for that matter—would ever be approved for importation into the United States. There will always be some degree of pest risk associated with the movement of agricultural products; APHIS' goal is to reduce that risk to a negligible level.

While the one sentence quoted by the commenter from the proposed rule mentioned only citrus canker, we believe that it is evident from the content of the entire proposed rule that we did indeed consider the presence of other diseases and insect pests in Argentina. It should be noted that the sentence quoted by the commenter was preceded by another sentence in the proposed rule: ''We have rejected that alternative [*i.e.,* to make no changes in the regulations and continue to prohibit the importation of grapefruit, lemons, and oranges from Argentina] because we believe that Argentina has demonstrated that the citrus-growing areas of the States of Catamarca, Jujuy, Salta, and Tucuman are free from citrus canker and because we believe that the systems approach offered by Argentina to prevent the introduction of other plant pests reduces the risks posed by the importation of grapefruit, lemons, and oranges to a negligible level.''

Comment: We submit that APHIS should consult with the U.S. Congress on the issue of the ''appropriate level of protection'' in this situation, especially given that the world trading community has yet to settle the issue of what constitutes an appropriate level of protection. The citrus industry is far too important to the United States economy and trade interests for APHIS to make critical economic and foreign policy decisions on its own, particularly when no international standard dictates a particular result.

Response: The provisions of the WTO SPS Agreement provide that it is the sovereign right of each member to set its own level of protection, thus it would be inappropriate for the ''world trading community'' to make such a determination. In this instance, APHIS, as the recognized regulatory authority, is establishing a system of phytosanitary measures that reflect the level of protection deemed appropriate. It is our intent to allow fresh grapefruit, lemons, and oranges to be imported into the continental United States from Argentina only if they are grown, packed, and shipped under specified phytosanitary conditions designed to mitigate the risk of plant pest introduction. We are confident that the phytosanitary measures required by this rule will mitigate the risk presented by Argentine citrus. Given that confidence, we do not believe that the level of protection afforded by this rule is a departure from the level of protection we demand in other commodity import situations.

Comment: Article 6 of the S&P Agreement recognizes that countries can have regions that are pest- or disease-free or have areas of low pest or disease prevalence. However, it is envisioned that each country claiming to have such regions has the burden of proving that such areas have no pests or diseases or have low levels of pests or disease. Argentina has not provided any information to APHIS as to the levels of pests or diseases that are present in the four States that are proposed for export.

Response: Argentina claims that the citrus-growing regions identified in this rule are free from citrus canker, and we believe that they have provided sufficient documentation to support that claim. We also believe that Argentina submitted sufficient documentation to support its position that the remaining pests and diseases were of low enough prevalence that the chemical, cultural, and other controls of the systems approach would prevent their introduction into the United States on fruit imported under the requirements of this rule.

Comment: APHIS' regulations in § 319.56–2 refer to ''without risk,'' yet the proposed rule seems to have a standard on ''negligible risk.'' Even if APHIS does have the statutory authority to adopt a ''negligible risk'' standard, the standard is undefined and impossible to determine. This is not acceptable. The standard should be capable of being independently validated and should be set only after rigorous peer review, in accord with standards and guidelines adopted by WTO with the advice of International Plant Protection Convention (IPPC).

Response: The ''without risk'' provision selected by the commenter is found in § 319.56–2(e) and is used in the context of importing a fruit or vegetable from a definite area or district of a country that is free from some or all of the injurious insects that attack the fruit or vegetable when that area or

district meets the criteria for pest freedom found in § 319.56–2(f). Section 319.56–2(e) is not applicable to this rulemaking because the Argentine Government has made no claims with regard to the freedom of northwestern Argentina with regard to injurious insects *i.e.*, fruit flies in this case. The risk of diseases is addressed under the regulations in § 319.28 (Subpart—Citrus Fruit), which contains no such ''without risk'' standard. In any event, we do not believe that a policy of requiring imports to be ''without risk'' or to present ''zero risk'' could be sustained by any country that wishes to engage in international trade. There will always be some degree of pest risk associated with the movement of agricultural products; APHIS' goal is, and always has been, to reduce that risk to a negligible level. This goal is entirely consistent with the standards and guidelines of the WTO and the IPPC.

Comment: In the proposed rule, APHIS does not offer any ''reasoned analysis'' for departing from its longstanding policy of not permitting the importation of fruit from diseased regions. In its two recent rulemakings regarding the importation of citrus from South Africa and Australia, APHIS stated that it would deny the entry of citrus from each of those countries if the citrus was found to be infected with citrus black spot. It appears that it was clear to APHIS in those cases that citrus black spot was so troubling and dangerous that the only way to protect the United States against importation of this disease was to disallow the importation of any fruit from diseased areas. The inconsistency of APHIS' proposed approach to Argentine fruit with its prior, recent positions regarding fruit from South Africa and Australia is never mentioned or explained in the proposed rule or the risk assessment. Further, the differences in the approaches applied to Argentine citrus on one hand, and Australian and South African citrus on the other, leaves the United States open to challenges from Australia and South Africa under article 2.3 of the S&P Agreement, which requires that member countries do not discriminate with respect to other member countries where ''similar conditions prevail.''

Response: In the two rulemakings cited by the commenter regarding the importation of citrus from Australia and South Africa, the freedom of the production areas from citrus black spot formed part of the basis for allowing the importation of citrus from those countries. Because the importation protocols were based largely on that area freedom, it follows that we would prohibit the importation of citrus from either country if it was found to be infected with citrus black spot. In the case of Argentine citrus, no such claim of area freedom is made, which is why this rule requires control and detection measures for citrus black spot. Because of these differences in the bases for the three rules in question, we do not believe that this final rule arbitrarily or unjustifiably discriminates between countries where similar or identical conditions prevail. Further, it is important to note that this final rule, like the Australian and South African citrus fruit regulations, prohibits the importation of any fruit found to be infected with citrus black spot.

Comment: The rate of importation of fruit into the United States should be consistent with the rate of production of a normal lemon farm as if trees were planted today. If I planted a lemon tree today, I wouldn't receive any production for 3 years, and then production would increase gradually through the tenth year. Regardless of current Argentine production available for importation, no lemons should be allowed into the United States during the first 3 years, and then only 15 percent the fourth year, 30 percent in the fifth year, *etc.*, until full production is allowed.

Response: APHIS has no authority to impose the quotas suggested by the commenter.

Comment: APHIS should calculate the cost per field box to the American farmer of the cost of U.S. Government regulation and adopt a temporary tariff in that amount on all imported Argentine fruit. The amount collected by the temporary tariff would be distributed to the American lemon farmer based on each farmer's field box production until Argentina adopts the same laws and regulations that the American farmer must obey. The minimum-wage law, Labor Standards Act, and all environmental and health safety laws are examples of such laws and regulations.

Response: APHIS has no authority to impose the tariff suggested by the commenter.

Comment: APHIS has no regulations that govern the procedure and standards for consideration of import petitions filed by foreign governments. Nor does the website maintained by APHIS provide any information on the process for, or standards which are applied to, such petitions. We submit that APHIS has an obligation to establish its procedures and standards when dealing with plant diseases in such a way as to provide the affected industry with confidence that agency decisionmaking is being conducted in a ''reasoned'' way based upon substantial evidence in the record and meaningful opportunity for public comment.

Response: Foreign governments most often broach the subject of exporting new fruits or vegetables to the United States through formal negotiations or informal contacts with APHIS officials. These requests and any subsequent detailed proposals are reviewed by APHIS staff experts. After that review, APHIS staff may either recommend approval of the petition or contact the petitioning government with a request for additional research, proposed safeguards, etc. As noted by the commenter, this government-to-government contact is not the subject of any procedural regulations in part 319. However, the public is provided the opportunity to review the Agency's basis for any change in the regulations proposed as a result of a foreign government's import petition. Each time we propose to amend our regulations to address an import request that involves a new commodity/region combination, we prepare a proposed rule that is commented upon by the public. In each case, the proposed import program, including mitigation measures, is clearly described in the proposed rule, and the rationale underlying the proposed import program is explained. The public, which includes any potentially affected industry, then has the opportunity to review the proposed rule and its supporting information and may provide comments that must be considered and addressed by APHIS before any final action on a foreign government's import petition may be taken.

Systems Approach

Comment: APHIS' regulations contain no discussion, definition, or description of what constitutes a ''systems approach,'' or what treatment or treatments will qualify as an acceptable systems approach. There are no standards in APHIS regulations that permit affected parties to understand or judge the Agency's actions to approve or disapprove such an approach. This is unacceptable. An agency is obligated to set forth the standard the agency is applying or how it is applying that standard to the factual situation.

Response: The standard that we apply to any potential import situation is clear and has been well-established over the course of numerous APHIS rulemakings dealing with the importation of agricultural commodities: Does the importation of a particular commodity from a particular region present a risk of introducing pests into the United States,

and, if so, can that risk be reduced to a negligible level through the application of phytosanitary measures? These considerations are addressed each time we propose to amend our regulations to address an import request that involves a new commodity/region combination. In each case, the proposed mitigation measures, which can range from something as basic as inspection at the port of entry to a more complicated systems approach of tiered and overlapping measures, are clearly stated in the proposed rule, and the rationale for their proposed use is explained. So, while the general provisions of our regulations do not discuss, define, or describe what constitutes a systems approach or what treatment or treatments qualify as an acceptable systems approach, we do not believe that the lack of such a discussion in the regulations detracts from the public's ability to understand, assess, and comment upon the mitigation measures proposed for a particular commodity/region combination.

Comment: Applying a systems approach to disease suppression for the purpose of allowing imports from a region with a disease that does not exist in the United States is a fundamental change in APHIS policy. Previously, APHIS has always demanded that the area in which the crop is grown be completely free of disease and geographically separated from regions with the disease. This principle is applied to citrus canker in the northwestern region of Argentina, but is not the case with sweet orange scab or citrus black spot. There has not been a full scientific discussion of the principles that need to be fulfilled before moving forward with such a fundamental change in the standards for U.S. quarantine pest protection. Therefore:

- APHIS should identify and cite the studies that have been used to determine that a systems approach provides sufficient safety from all kinds of plant pests when importing fresh produce into the United States;
- APHIS should establish basic standards for the kind of data and experiments that are needed to provide confidence in applying the systems approach to disease control;
- APHIS should establish standards by which the information used to determine the effectiveness and practicality of the systems approach are to be judged; and
- There needs to be a public discussion of what level of risk is appropriate.

Response: We believe that the commenter is incorrect in asserting that APHIS is fundamentally changing its policy by not demanding that a growing area be completely free of disease and geographically separated from regions where disease exists. A long-standing precedent for the local freedom concept is found in the citrus fruit regulations in § 319.28(b)(1), which allow Unshu variety oranges to be imported into certain areas of the United States from Japan and South Korea if the oranges are grown in citrus-canker-free export areas that are surrounded by 400-meter buffer zones. While the Unshu orange program differs from the Argentine citrus program in many respects, the fact remains that the Unshu orange program stands as an example of a successful approach to importing fruit from regions where a disease exists.

As noted in the response to the previous comment, it is true that the general provisions of our regulations do not discuss, define, or describe what constitutes a systems approach or what treatment or treatments qualify as an acceptable systems approach. However, we do not believe that the lack of such a discussion in the regulations detracts from the public's ability to understand, assess, and comment upon the mitigation measures proposed for a particular commodity/region combination because, in each case where we propose to allow the entry of a new commodity, we explain the proposed mitigation measures and provide the scientific rationale underlying their proposed use. Thus, the public has the opportunity to judge each proposed importation according to the criteria suggested by this commenter.

The commenter states that ''APHIS should identify and cite the studies that have been used to determine that a systems approach provides sufficient safety from all kinds of plant pests when importing fresh produce into the United States.'' We are unaware of any studies that examine the use of systems approaches as broadly or definitively as the commenter suggests; there are simply too many possible combinations of pests and hosts on one hand, and biological, physical and operational factors that could be integrated into a systems approach on the other, to allow for such a conclusive determination. Thus, while it is acknowledged that systems of practices and procedures can be assembled to provide quarantine security in many cases, each proposed use of a systems approach must be evaluated individually. We will, however, consider the commenter's suggestion that we establish, to the extent possible, general standards for the preparation and evaluation of data that serve to support the establishment of systems approaches. Finally, the commenter states that there needs to be a public discussion of what level of risk is appropriate; we believe that the comments received in response to our proposed rule are one indication that such a discussion of the level of risk that APHIS has determined to be approporiate is already open and ongoing. Given the numerous, evolving, and unpredictable factors affecting the perception of, and tolerance for, risk, it appears that the ''public discussion of what level of risk is appropriate'' will, by necessity, be an ongoing exchange rather than a discrete deliberation.

Comment: APHIS has never before proposed using a systems approach for a combination of diseases and insect pests. What is particularly troubling about the approach APHIS is proposing in the Argentine rule is that the Agency has issued this proposal with no specific discussion of its rationale; its only stated justification is the previous use of system approaches. However, previous systems approaches are similar in only the most remote of ways and are not at all similar in execution or in impact. Thus, the Agency must set forth a detailed justification supported by sound scientific evidence for this fundamental shift in regulatory approach. Further, we submit that APHIS should have adopted this expanded use of a systems approach only after conducting a notice and comment process, with rigorous scientific peer review to determine whether a systems approach can be an effective tool when addressing diseases.

Response: It is not true that we sought to justify the use of a systems approach for Argentine citrus by pointing to previous uses of systems approaches; indeed, the proposed rule did not mention the use of a systems approach in any context other than that of Argentine citrus. Further, we disagree with the commenter's contention that we issued the proposed rule ''with no specific discussion of its rationale.'' Our rationale for the use of a systems approach for Argentine citrus was stated early in the proposed rule, at the end of the first paragraph under the heading ''Importation of Grapefruit, Lemons, and Oranges,'' where we stated ''To prevent the introduction into the United States of those diseases [*i.e.,* sweet orange scab and citrus black spot] and fruit flies, the Government of Argentina, with the cooperation of APHIS, has formulated a systems approach of tiered and overlapping measures that, when combined with specified cold treatments, would reduce the risks presented by those pests to a negligible

level.'' The proposed rule then explains in detail each of the phytosanitary measures that would be required in order for citrus to be exported to the United States from Argentina. That explanation, we believe, constitutes the ''detailed justification'' requested by the commenter. We do not believe that our application of systems approach principles to the importation of Argentine citrus is in any way a departure from our policy of allowing the importation of fruits and vegetables when the risks presented by those commodities can be mitigated to a negligible level.

Comment: The systems approach is premised upon the layering of several risk reduction measures. An effective verification and enforcement system is essential for the layering of risk reduction measures to result in the desired outcome. What will be done when one or more of these layers beaks down? APHIS should have a response plan for action when a risk reduction measure fails.

Response: The systems approach contained in this rule, as is the case with all systems approaches contained in APHIS' regulations, is indeed premised upon the layering of several risk reduction measures. The tiered and overlapping nature of any systems approach ensures that even if any one of the elements of the systems approach is omitted or fails, and that omission or failure remains undetected, adequate measures will remain to provide the necessary level of phytosanitary security. Further, we agree that an effective verification and enforcement system is essential to the success of any systems approach. To achieve that success, this rule requires that SENASA actively participate in or supervise each step of the process in Argentina to verify and document each step's successful completion or application, and the required documentation must be made available to APHIS. Further, as discussed earlier in this document in the paragraph titled ''Monitoring—Argentina,'' the operational work plan that addresses the administration of the export program will include provisions for active and direct monitoring of the program by APHIS personnel who will conduct frequent oversight visits to the growing areas and packinghouses in order to observe each step of the program in Argentina. Further, each shipment of fruit must be accompanied by a phytosanitary certificate issued by SENASA that verifies that the fruit was produced and handled in accordance with the requirements of § 319.56–2f(a) through (c) and that the fruit is apparently free from citrus black spot and sweet orange scab. Fruit that fails to meet those requirements will not be eligible for importation into the United States. At the port of entry in the United States, APHIS will inspect the fruit and its accompanying phytosanitary certificate and will confirm that any required cold treatment has been properly applied. Finally, the detection of citrus black spot or sweet orange scab on any grapefruit, lemons, or oranges at any time in Argentina, during transport, or in the United States will result in the grove in which the fruit was grown or is being grown being removed from the SENASA citrus export program for the remainder of that year's growing and harvest season, and the fruit harvested from that grove being ineligible for importation into the United States from the time of detection through the remainder of that shipping season.

Comment: For a systems approach to be effective, it is essential to know the biological interactions between the pest and its host to understand how these interactions affect production, shipment, and marketing of commodities. There is very little current knowledge about citrus black spot or sweet orange scab, and virtually no work has been done on the question of how the diseases would respond if brought into the United States. Thus, there is a substantial threshold question of whether a systems approach can even be designed to deal with citrus black spot or sweet orange scab.

Response: As neither of those diseases is present in the United States, it is not unusual that most researchers in this country who study citrus crops and their pests have directed their efforts to other, more immediate concerns. However, in countries where citrus black spot or sweet orange scab is present and where citrus is an economically important crop, those diseases have been, and continue to be, the subject of focused research. We believe that the information on the prevention, control, and detection of these diseases that has been collected over the years, combined with the results of the field trials conducted in Argentina, provides the necessary degree of scientific support for the systems approach described in this rule.

Comment: APHIS has not used a systems approach previously in a situation where the intended result of the treatments is simply suppression of the symptoms of the disease(s) in a proposed export area. Thus, proposing to rely on an approach which admittedly only results in suppression of the symptoms of the diseases is a fundamental policy shift by APHIS. The proposal also stands in stark contrast to the goal of complete eradication of a disease, which has been and remains the objective in every situation in the United States where a plant disease or pest does exist. As such, any contemplated use of such an approach should be subjected to the most rigorous, exhaustive, and comprehensive level of scientific peer review.

Response: The intended result of the treatments, particularly the oil-copper oxychloride sprays during the growing season, as well as measures such as grove cleaning to remove inoculum, is the prevention of infection, and not simply the suppression of symptoms as stated by the commenter. Other required measures are specifically designed to detect the presence of diseased fruit and prevent its importation into the United States. Given that the goal of this rule is to provide for the importation of disease—free and not simply asymptomatic—grapefruit, lemons, and oranges, we do not believe that this rule represents a departure from our policy of allowing the importation of fruits and vegetables when the risks presented by those commodities can be mitigated to a negligible level.

Comment: A publication titled *Quarantine Treatment for Pests of Food Plants* (edited by Jennifer L. Sharp and Guy J. Hallman, Westview Press, 1994), includes a discussion of systems approaches that stresses the importance of determining the level at which a pest or disease exists in order to design an effective systems approach. Nothing on the record of the Argentine proposed rule indicates the ''level of infestation'' of the host fruit by any of the diseases or pests at issue. This infestation information must be known before APHIS can even consider the possibility of designing a systems approach. Only when this infestation level is known can the efficacy of the proposed system be judged. Without this information, interested parties are unable to conduct any meaningful review of the proposed systems approach.

Response: The ''level of infestation'' passage noted by the commenter is found on page 226 of the cited publication and states ''* * * [S]ystems recognize that the commodity in question is a host, the level of infestation in the host being the key component in the design of the overall system. Systems rely on knowledge of the infestation level of the host and measure the impact of the various operational procedures on removing infested hosts, thereby reducing the risks that infested hosts will be shipped.''

For the fruit flies of concern in Argentina, a single quarantine treatment—cold treatment—is available and is required by this rule, which leaves citrus black spot and sweet orange scab as the ''diseases or pests at issue.'' Surveys produced by Argentina show that disease incidence—*i.e.,* the ''level of infestation'' referred to in the cited publication—varies from season to season, depending on the prevailing environmental conditions, and can be high in untreated groves. The results of those surveys were reported in the risk assessment that accompanied the proposed rule, so there is in fact information on the record indicating our knowledge of disease incidence in Argentina. Because of the known seasonal variations in disease incidence, the design of the systems approach for Argentine citrus began with the assumption of a potentially high ''level of infestation'' and set out, through biological and operational factors such as buffer zones, inoculum removal, inspections, testing, and treatments, to reduce the risks of infected fruit being shipped to the United States.

Comment: It is not possible to properly assess the adequacy of a systems approach in preventing the introduction of pests into an importing nation without detailed knowledge of the circumstances under which a pest occurs, and the frequency with which it occurs, in the export region. APHIS' current risk assessment is based on a poor body of knowledge of insect species present or potentially present in Argentina, particularly the *Anastrepha* species present in northwestern Argentina. Further, the level of pesticide use there could be masking the presence of lesser-known pests that could emerge as a problem if newer, more specific pesticides are used in Argentina. Therefore, extensive taxonomic research and population surveys on fruit flies and other insect species present in northwestern Argentina, as well as data on other potential hosts in that region, are necessary in order for a proper risk assessment to be completed on Argentine citrus and for the systems approach to be fully evaluated.

Response: Citrus is an economically important crop in Argentina, and as such has been, and continues to be, the subject of well-supported and vigorously pursued research into its production and factors affecting that production, including pests. We are confident, therefore, that the pest list produced by SENASA, which was reviewed by APHIS and by agricultural officials in the four main citrus-producing States of this country and compared against reports from various international sources and the scientific literature, accurately addressed the range of citrus pests present in Argentina. Further, we believe that the risks posed by those pests were adequately considered in the risk assessment and addressed by the provisions of this rule.

Comment: What is the goal of the systems approach for citrus black spot and sweet orange scab? Some of the statements in the rulemaking record imply that the goal is to have disease-free groves, while the proposed rule seems to seek the suppression of disease symptoms in export groves. Recent statements by APHIS imply that it would be acceptable for diseased fruit to enter the United States.

Response: The goal of the systems approach is to reduce the plant pest risks associated with the importation of Argentine citrus to a negligible level. With regard to citrus black spot and sweet orange scab, the systems approach is designed to accomplish that goal through both prevention and detection; the grove cleaning and growing season spraying requirements are designed specifically to prevent fruit from becoming infected in the first place, and subsequent surveys, inspections, and testing provide multiple opportunities for the detection of infected fruit. If a single infected fruit is found at any point in the process, including inspections conducted after the fruit has arrived in the United States, the grove in which that fruit was grown will be removed from the SENASA citrus export program and the fruit harvested from that grove may not be imported into the United States from the time of detection through the remainder of the shipping season. Thus, the commenter's impression that we would find it acceptable for diseased fruit to enter the United States is incorrect.

Comment: The record of data supplied by Argentina, as provided to the public by APHIS, is completely inadequate to assess the efficacy of the individual measures, let alone the systems approach, for citrus black spot and sweet orange scab. Either APHIS has not maintained a complete record of the information Argentina supplied, or the Agency is basing its risk estimates on ambiguous data because of inadequate reporting by Argentina.

Response: We have, in fact, maintained a complete record of the information supplied by Argentina, and we did share that information with the commenter, although we were unable to provide the information that was the subject of the commenter's FOIA request until after the close of the comment period. Further, it is important to note that our assessment of the risks presented by Argentine citrus and of the efficacy of specific measures was not based solely on the material provided by Argentina; information gathered from other sources and the expert judgment of subject matter specialists also played a role. This is the norm when conducting probabilistic assessments to inform decisions regarding importation of agricultural commodities. When data that represent ''direct evidence'' do not exist, which is often the case in probabilistic risk assessments, available information is reviewed and applied through the use of professional judgment. APHIS bases the estimates needed for its probabilistic commodity risk assessments on pest interception records, the known biology of the organism being assessed (or the known biology of related taxa) as represented in the scientific literature, expert judgment based on laboratory experience with the pest or related organisms, expert judgment based on field experience with the pest or related organisms, expert judgment based on experience conducting commodity inspections at ports of entry or in the exporting country, and experience working with export programs and export-quality commodities. Thus, we believe that the entire body of information available is, in fact, sufficient to support the efficacy of the measures required by this rule and our analysis of the risks associated with Argentine citrus.

Comment: The following items are examples of the type of data or information that appear to be missing from the rulemaking record. No information is provided as to what the climatic conditions were in the tested groves during the spraying program. Similarly, no information is provided on how the spraying program would be affected by different climatic conditions in different growing areas, such as the northwestern versus the southern part of Tucuman, and Tucuman as compared to Salta, etc. Accordingly, it was impossible to answer many critical questions: Was it a year of light incidence of the disease, and thus the spraying was very effective? What would happen in a year of heavy incidence? What were the ages and varieties of the trees in the program? What was the protocol that was followed? How would different climatic conditions affect the spraying program? Would the same results have been achieved if the trees had been 10 years older? Neither the risk assessment nor the rulemaking record addresses or answers any of these questions. APHIS must require much more extensive tests

covering multiple variables before further considering the Argentine petition. Variables that should have been included in tests before approving the Argentine petition would include, but are not limited to: Multiple and differing climatic situations (*i.e.,* drier versus more humid areas; more humid years versus drier years); differing ages of trees, since citrus black spot is more often seen in older trees and in ripe fruit; differing sizes of groves; whether the grove was virtually surrounded by untreated groves; whether the trees had been under any type of stress; etc.

Response: The bioecological factors affecting citrus black spot development that were considered in the design of the field testing conducted in Argentina, the protocols for the field tests, and the results of those tests are among the material provided to the commenter in Note S.P. 338 of December 5, 1995, and its three annexes (''Bioecology of Black Spot in Citrus,'' ''Field Assays for the Control of Black Spot in Citrus,'' and ''Results of the Postharvest Assays Carried Out up to the Present''). These documents demonstrate that Argentina recognized, and took into account, that factors such as climate, humidity, fruit susceptibility, and the presence of inoculum have an effect on the presence of the disease. The Argentine field tests were conducted during growing seasons marked by both dry conditions with light disease incidence in control trees and prolonged rainy conditions with a heavy incidence of disease in control trees. This information, which was used in the design of the systems approach, was also considered by the experts who prepared the risk assessment. As noted elsewhere in this document, the systems approach is designed to mitigate the risk of citrus black spot during years in which the disease is likely, which is why this rule requires in part that the timing of the fungicidal sprays be determined by SENASA using an expert system that takes climatic data, as well as fruit susceptibility and the presence of disease inoculum, into account. We believe that the body of information contained in the rulemaking record, including the research and testing data provided by Argentina, provides the necessary scientific and rational basis for our regulatory decisionmaking.

Comment: The evidence that APHIS has made available to date is inadequate to support the proposed rule. The Secretary should appoint an independent scientific team to travel to the proposed Argentine production area when climatic conditions are appropriate, and that team should be given access to the production and packing facilities, as well as to the transportation and port operations that would be utilized for the export program. The Secretary should direct that team to report its findings to the Department and Congress.

Response: APHIS, under the authority of the Plant Quarantine Act and the Federal Plant Pest Act, has reviewed the Argentine petition and has made the determination that phytosanitary measures that comprise the systems approach reduce the pest risk to a negligible level. The systems approach that is the subject of this rule was developed in Argentina by that country's plant health officials and citrus interests and was presented, along with its supporting data, to APHIS for review. APHIS rejected Argentina's initial proposal on the grounds that it did not sufficiently mitigate the pest risk presented by Argentine citrus. It was only after Argentina included additional phytosanitary measures in its systems approach and provided what we determined to be an adequate amount of additional efficacy data that APHIS accepted the Argentine proposal. The Secretary is not required to appoint an independent scientific team as suggested by the commenter, nor do we believe that one is needed in light of the review already conducted by APHIS.

Comment: The 1997 risk assessment states that the level of visible incidence of citrus black spot can be extremely high in Argentina—as high as 82 percent and can vary greatly year to year. This level of disease incidence is disturbingly high. Further, this data does not address the phenomenon of symptoms that remain latent. Based on the current state of science, we submit that no fruit from such highly diseased areas should be allowed to enter the United States.

Response: The section of the risk assessment cited by the commenter stated that in untreated export-area orange groves, field surveys for citrus black spot in 1994 and 1995 found 14 percent and 82 percent, respectively, of sampled fruit were infected with the citrus black spot fungus, and a similar 1996 survey found that 56 percent of the sampled trees in an untreated lemon grove bore fruit with citrus black spot symptoms. The risk assessment further states, however, that in the 1994 survey, citrus black spot incidence was reduced from 14 percent in control groves to 0 percent in treated orange groves; in the 1995 survey, citrus black spot incidence was reduced from 82 percent to 11 percent; and in the 1996 lemon survey, none of the trees sampled in treated groves bore fruit with citrus black spot symptoms. These tests show that the incidence of citrus black spot can be significantly reduced by orchard treatments, which is just one aspect of the systems approach, even when the level of disease in the area is high. The issue of asymptomatic, latently infected fruit is addressed by the rule's requirement that a sample of fruit collected according to a statistically valid sampling protocol be held for 20 days under conditions that are ideal for producing symptoms in infected fruit. We believe that this rule provides an array of effective measures to reduce to a negligible level the risk of introducing citrus black spot into the United States.

APHIS Involvement

Comment: The proposed rule does not provide for APHIS personnel to perform any of the required inspections in Argentina. APHIS personnel should inspect all groves according to a detailed protocol, and the Argentines should pay all costs associated with such inspections.

Response: APHIS routinely relies upon the national plant protection organizations of exporting countries to provide the supervision or certification of phytosanitary measures that might be required for specific agricultural commodities, just as other countries rely upon APHIS to provide such services. We have had the opportunity to work with SENASA on numerous phytosanitary issues in the past and, as a result, we have every confidence in SENASA's ability to administer and supervise the citrus export program established by this rule. SENASA, as the national plant protection organization of Argentina, has a well-established infrastructure in place throughout the country. Also, SENASA personnel were involved at every step in the development of the systems approach, so they are as familiar as APHIS with its requirements. Further, SENASA personnel possess a level of familiarity with Argentine groves, growers, and citrus production that APHIS personnel do not. Given these considerations, we do not believe that any appreciable advantage would be gained, from a plant protection/risk reduction perspective, by requiring Argentina to pay for APHIS to establish a new operational presence in that country. However, as discussed earlier in this document in the paragraph titled ''Monitoring—Argentina,'' the operational work plan that addresses the administration of the export program will include provisions for active and direct monitoring of the program by APHIS personnel who will conduct frequent oversight visits to the growing areas and packinghouses in order to observe each step of the program in Argentina.

Comment: APHIS does not have a sufficient number of employees stationed in Argentina to provide an adequate level of monitoring for the proposed export program.

Response: As noted in the response to the previous comment, we have every confidence in SENASA's ability to administer and supervise the citrus export program established by this rule. Accordingly, this rule does not require direct APHIS supervision of the activities of the citrus export program carried out in Argentina, so APHIS staffing in that country is not an issue. While APHIS personnel will travel to the production areas in order to monitor the progress of the export program, especially during the first season, this rule provides for the direct supervision of the measures required in Argentina to be carried out by SENASA.

Origin Requirement

Comment: The proposed rule does not provide for annual surveys on citrus canker. Such surveys should be made, records should be kept, and audits should be required.

Response: Argentina has an ongoing monitoring program, as well as quarantine protection systems, for citrus canker that have been in place since 1992. Because Argentina's monitoring program is conducted in accordance with United Nations' Food and Agriculture Organization (FAO) standards, which include reporting and recordkeeping requirements, we do not believe that it is necessary for this rule to impose additional or redundant requirements regarding citrus canker surveys.

Comment: If APHIS allows the importation of Argentine citrus, it should impose movement restrictions on Argentine citrus similar to those of its domestic citrus canker regulations.

Response: Our domestic citrus canker regulations apply to fruit grown or packed in areas that are quarantined due to the presence of citrus canker. Because it has been established in accordance with international standards that northwestern Argentina is free of citrus canker, such movement restrictions are neither necessary nor justifiable.

Comment: According to the risk assessment, the median chance of citrus canker becoming established in the United States with no pest mitigation program is estimated as 1 chance in 4 trillion per year. The extremely low value for this risk estimate can partially be attributed to the fact that northwestern Argentina is assumed to be free of citrus canker. However, even if it is assumed that 100 percent of the boxes of fruit were initially infected (instead of the average of 0.05 percent assumed in the risk assessment), the likelihood of citrus canker establishing itself in the United States would be 1 in 2 billion per year, according to the analysis performed by APHIS. If it is really this improbable that citrus canker will become established in the United States, why does the risk assessment even address citrus canker? Why does the United States currently prohibit the importation of citrus fruit from countries where citrus canker occurs and regulate the interstate movement of citrus fruit from infested areas of the United States? On the one hand, APHIS states that no outbreak of citrus canker has ever been traced to the importation of fruit, and hence estimates a very low probability that citrus canker will occur. In contrast, the risk assessment's pest data sheet indicates that citrus canker can potentially move long distances on diseased fruit, that at least three outbreaks of citrus canker have occurred in the United States within the past 100 years, and that there is currently citrus canker in Florida. This information seems to indicate a risk greater than 1 in 2 billion per year, and suggests that the quantitative estimate is incorrect.

Response: The fact that northwestern Argentina has been demonstrated to be free of citrus canker in accordance with international standards was an important factor in our assigning an ''extremely low value for this risk estimate.'' Another important factor in that risk estimate is the evidence that the long-distance spread of citrus canker has occurred primarily through the movement of infected planting and propagating materials. The commenter reports that the pest data sheet indicates that the pathogen could potentially move long distances on diseased fruit, but omits the second half of the sentence in which that statement appears, wherein we report that there is no authenticated example of a disease outbreak that initiated from diseased fruit. Given the preponderance of evidence and expert opinion that long-distance spread occurs primarily through the movement of infected planting and propagating materials, and given the absence of documented cases of citrus canker outbreaks attributable to the movement of infected fruit, we believe that the probability calculated by the commenter is actually not unreasonable and our assessment of the risk posed by citrus fruit from the citrus-canker-free States of northwestern Argentina is appropriate. The larger question of whether citrus canker may be spread long distances on diseased fruit has not been answered to the satisfaction of some in the citrus production and research communities, which accounts for our continuing restrictions on the importation and interstate movement of citrus fruit from areas where the disease occurs.

Comment: If the fruit from northwestern Argentina passes through that country's eastern regions, which are not free from citrus canker, it is possible that the fruit could be contaminated by airborne citrus canker bacteria during transport.

Response: As stated in the pest data sheet for citrus canker provided in the risk assessment, short-distance dispersal of the pathogen in groves occurs primarily by wind-driven rain (rain and wind in excess of 6—8 m/sec) that causes the water soaking in leaves necessary for infection and causes entrance wounds when shoots are injured by wind whipping. The pest data sheet also notes that overhead irrigation may also play a role in short distance spread, as may mechanical equipment used in grove maintenance (Ferguson, *et al.*, 1985; Swings & Civerolo, 1993). Given that citrus fruit traveling from the packinghouses in the production areas will be boxed, with those boxes being protected from the elements to prevent damage, we do not believe that there is any appreciable risk of the fruit being contaminated by airborne citrus canker bacteria during transport.

Comment: In a 1994 report that is part of the rulemaking record, APHIS personnel who visited Argentina stated that they had concerns regarding an apparent lack of inspection at the local airports with regard to citrus canker. Has this issue been satisfactorily addressed?

Response: This issue was addressed following APHIS' 1994 trip. Argentina has established quarantine control stations at all main entrances to the citrus-canker-free States, including quarantine checkpoints at local airports.

Comment: Although it is claimed that the four States of northwestern Argentina listed in the proposed rule are free from citrus canker, it may be that citrus canker does actually exist in those States but is inhibited by warm temperatures and dry climate.

Response: Argentina's monitoring system for citrus canker consists of inspections and systematic sampling carried out annually in all production areas as well as in urban areas and nurseries. The collected samples are analyzed at university and research center laboratories using a high-sensitivity immunofluorescence serologic technique. Since this monitoring system was implemented in

1992, no evidence of citrus canker has been found. We are, therefore, confident that citrus canker is not present in the four northwestern Argentine States.

Grove Requirements

Comment: The 150-meter buffer zone appears to be inadequate for mitigating the spread of citrus black spot spores dispersed long distances by the wind.

Response: The buffer zone is designed to reduce to an insignificant level the possibility that ascospores from an infected grove would reach a grove producing fruit for the U.S. market. The ascospores are the only wind-dispersed propagule of black spot and are produced in leaves on the ground, usually under the tree canopy. Environmental conditions must be correct for ascospores to be dispersed (*i.e.*, rain to promote the release of the ascospores followed by sufficient wind to move the ascospores from under the overhanging canopy of the tree). The combination of the prevention of long-distance movement by the canopy itself and the presence of a 150-meter buffer that, like the export area of the grove, must be cleaned of all fallen leaves and other debris before blossom, will significantly reduce the unlikely possibility that ascospores from outside the area of production will reach the production area. Additionally, because environmental conditions are monitored and control methods are utilized during periods when the developing fruit is susceptible to infection, the likelihood of successful infection is negligible.

Comment: The risk assessment claims all new citrus stock in the canker-free area must originate within the zone (which we assume to mean the canker-free area) or be tissue culture that has passed through quarantine, whereas the proposed rule only requires new citrus stock planted within the export groves to meet those requirements. Does the risk assessment therefore overestimate the protection offered by this measure?

Response: The citrus stock origin requirements referred to by the commenter as being in the risk assessment are existing requirements established and enforced by SENASA as part of that agency's program to maintain the citrus-canker-free status of the northwestern Argentine States. SENASA's citrus stock origin requirements apply to all groves in the citrus-canker-free area of Argentina; therefore, the risk assessment's characterization of those requirements is correct and does not overestimate the protection offered by those requirements. Because the requirements of this rule pertain only to groves that produce fruit for export to the United States, the rule does not extend those requirements to other groves producing fruit for other export markets or for domestic consumption within Argentina.

Comment: The proposed rule provides that any new citrus planting stock used in a certified grove must originate from one of the four States or from a SENASA-approved propagation center (§ 319.56–2f(b)(3)). It is not clear whether this requirement goes only to citrus canker, or whether it also applies to citrus black spot and sweet orange scab. If it does not apply to citrus black spot and sweet orange scab, what precautions will be taken to insure that planting stock does not carry these diseases from within the approved areas? Evidence must be included in the record that such precautions will be effective.

Response: As explained in the response to the previous comment, the citrus stock origin requirements are part of SENASA's program to maintain the citrus-canker-free status of northwestern Argentina. Thus, those requirements apply only to citrus canker, and not to citrus black spot or sweet orange scab. Because this rule is not based on the four northwestern Argentine States being a free area for citrus black spot or sweet orange scab, it was not necessary to include provisions for the freedom of planting stock from those two diseases.

Comment: The preamble to the proposed rule states that domestic-origin citrus plants must meet ''strict phytosanitary requirements'' before they may enter the four States that will be allowed to export. Is this reference to the SENASA requirements for a propagation center?

Response: Yes. The requirements referred to in the preamble of the proposed rule pertain to the testing and grow-out regimen conducted at SENASA-approved citrus stock propagation centers for citrus stock that has been imported into Argentina and for any domestic-origin citrus plants from outside the four citrus-canker-free States. As stated in the proposed rule, citrus plants from sources outside the citrus-canker-free area ''must meet strict phytosanitary requirements before they may enter the States of Catamarca, Jujuy, Salta, or Tucuman. Under SENASA supervision, such citrus plants are officially tested to ensure their freedom from quarantine pests and diseases, and are grown in quarantine before being released for use in the citrus canker-free area of Argentina.''

Comment: The preamble implies that nursery stock will be ''tested.'' However, citrus black spot is a latent disease. Can it be successfully detected years in advance of when it appears? If tests cannot be carried out, what precautions will be taken to ensure that stock that may be from groves infected with sweet orange scab or citrus black spot is not planted in noninfested groves? Answers to these questions do not appear in the rulemaking record. Without such answers, APHIS should not proceed with the proposed rule.

Response: As noted previously, SENASA's requirements, and the requirements of this rule, pertaining to planting stock are intended to prevent the introduction of citrus canker into the citrus-canker-free area of northwestern Argentina; because the four Argentine States are not a free area for citrus black spot or sweet orange scab, those measures are not intended to provide protection against citrus black spot or sweet orange scab introduction via nursery stock. The risks presented by those two diseases are instead mitigated by the pre-and post-harvest treatment and inspection requirements of this rule.

Comment: The risk assessment speaks only of the removal of fallen fruit and leaves in the grove, but implies immediate and continuous removal. The proposed rule considers fallen fruit, leaves, and branches in both grove and buffer zone, but specifies removal only before blossoming in the grove (but not necessarily before blossoming in the buffer zone, or in any regions outside the buffer zone). If the buffer zone contains fruit blossoming earlier than the grove, the fruit is more likely to become infected if there is contaminated material remaining on the ground, but such infection is less likely to be observed/reported.

Response: The buffer zone immediately surrounds the grove—indeed, it would be part of the grove if the owner was not producing fruit for export to the United States—so it is not likely that the trees in the buffer area will be blossoming any earlier or later than the trees in the export portion of the grove.

Comment: The proposed requirement for the removal of all fallen fruit, leaves, and branches from the orchard floor and the buffer area is not a biological, well-justified safeguard. Research on attempts to decrease incidence in other, similarly dispersed diseases through cleaning of groves indicated that, while leaf and fruit removal could remove about 90 percent of the inoculum, the 10 percent of inoculum still present was more than sufficient to maintain the presence of the disease. It is very likely that ascospore inoculum will remain in the ground and any out-of-season or

late-hanging fruit will supply additional inoculum.

Response: The removal of fruit, leaves, and branches from the orchard floor and buffer area is a biologically justified safeguard. Because the ascospores of citrus black spot are produced only in fallen leaves, the removal of this debris will significantly reduce the inoculum level. This is a part of a control strategy that is used by plant pathologists for diseases for which inoculum is produced in fallen debris. Because this is only one part of a systems approach, it is designed to reduce the likelihood of infection, not prevent it entirely. Therefore, we have taken into account in the risk analysis the possibility that debris may remain on the ground or in late season fruit.

Comment: The proposed rule requires that export groves be cleaned of debris, leaves, and fallen fruit before bloom to remove the main sources of disease inoculum. Argentine researchers monitored leaf fall during a whole season and found that for all three citrus species in Salta, the majority of leaves fell between August and November, while fruit set occurred from September to October. Thus, the maximum leaf fall is occurring during bloom and fruit set. Furthermore, the summer rains, which are needed for development of citrus black spot on the dead leaves, tend to start in October. If decreasing inoculum through removal of fallen leaves is the goal to protect the developing fruit, then there must be continuous cleaning of the grove throughout the maximum leaf fall period, otherwise fruit will be developing in the presence of leaf litter as a potential source of inoculum.

Response: A thorough cleaning of the grove and buffer area prior to blossom will remove a significant amount of potential inoculum. Any ascospores on leaves that fall after the cleaning of the grove will not form ascocarps until 40 to 180 days after blossom, depending on the frequency of wetting; by that time, the preventive oil-copper oxychloride sprays will be in use to protect the developing fruit from infection. If the removal of fallen fruit, leaves, and branches was the only measure employed to reduce the risk of citrus black spot infection during the growing season, additional cleaning would likely be advisable, but given the additional requirements of this rule, we do not believe that is necessary.

Comment: The proposed requirement for the removal of all fallen fruit, leaves, and branches from the orchard floor and the buffer area would be difficult, if not impossible, to satisfy. We suggest that the word ''substantially'' be inserted before the word ''all'' to make this requirement more realistic.

Response: Although the grove/buffer sanitation requirement may be difficult to meet, SENASA and the growers in northwestern Argentina have indicated their willingness to comply with that requirement. Further, it would likely prove difficult to establish a standard for what is meant by ''substantially all.''

Comment: The proposed grove-cleaning would be a difficult, if not impossible, task to complete. The proposed rule does not explain what criteria will be used to verify the orchard floor cleaning and how it can be verified at a later date.

Response: The proposed rule and this final rule state that SENASA must inspect the grove and buffer area before blossom to verify that all fallen fruit, leaves, and branches have been removed from the ground. In the phytosanitary certificate required by paragraph (d) of the regulations, SENASA must confirm that the fruit was produced in accordance with the requirements of the regulations; the grove and buffer area sanitation measures are one of those requirements. SENASA will keep records regarding its inspection of each export grove and buffer area, and APHIS may request to review those records. Further, as noted previously in this final rule, the operational work plan governing the administration of the export program will provide for the active and direct monitoring of the export program by APHIS personnel; that monitoring will include verification of the required grove sanitation measures.

Comment: The risk assessment states that groves are inspected for disease symptoms prior to fungicide applications, and fruit with possible disease symptoms is sent to a laboratory for analysis. The timing of fungicide applications is determined by ''an expert system.'' In section 8.f. P1 of the risk assessment, it indicates that the export groves would have a ''minimum of two or three additional applications'' of fungicide, as opposed to the total of at least two specified in section 8.a. of the risk assessment and in the proposed rule. The proposed rule states that SENASA will determine timing of fungicide applications ''during the growing season,'' based on monitoring of climatic data, fruit susceptibility, and the presence of disease inoculum, and will monitor for correct fungicide application. There is no requirement in the proposed rule for inspection of the groves for pests at times of fungicide application, nor for laboratory analysis of suspect fruit at this time (if there is any fruit at the times of spray application). There is no discussion of what is meant by ''presence of disease inoculum.'' There is no requirement that the fungicide treatment include any fruit, leaves, or branches on the ground that have not been removed. It is not required by the proposed rule that SENASA use an expert system to determine fungicide application times.

Response: After the risk assessment was prepared, and before the provisions that formed the basis of the proposed rule were fully developed, SENASA suggested that the inspections be conducted after the fungicide treatments, when there is a better chance of detecting the disease; this accounts for the difference between the risk assessment (which speaks to inspection before fungicide treatment) and the proposed rule on this subject. The oil-copper-oxychloride treatments will be applied during the period of greatest susceptibility of the fruit to infection (*i.e.*, from the time that three quarters of the petals have fallen to the time the fruit have reach 3 cm in diameter). Given that disease symptoms are unlikely to be manifested at that stage of fruit development, the proposed rule did not, and this final rule does not, call for inspections prior to the application of those treatments or the laboratory inspection of suspect fruit at that time.

With regard to the number of oil-copper-oxychloride applications, section 8.f P1 of the risk assessment did, as noted by the commenter, state that groves would receive ''a minimum of two or three additional applications of fungicide,'' while elsewhere in the risk assessment and in the proposed rule the number of applications was characterized as ''two or more'' and ''at least twice.'' However, the way in which the number of applications was characterized did not have any effect on our estimation of the mitigation value of the fungicidal sprays. Our estimates were not based on any finite, predetermined number of sprays; rather, the risk assessment assumed that the timing and number of sprays would be determined using SENASA's expert system, with the optimal number of sprays being applied to prevent infection.

With regard to the term ''expert system,'' which was used in the risk assessment, we chose to describe the components of the system in the proposed rule (*i.e.*, monitoring of climatic data, fruit susceptibility, and the presence of disease inoculum) rather than simply use the term itself. The risk assessment and the proposed rule are, therefore, referring to the same thing. We have included the term ''expert

system'' in § 319.56–2f(b)(5) of this final rule to make that clear.

With regard to what is meant by ''presence of disease inoculum,'' SENASA's monitoring of the presence of disease inoculum considers both the presence of fallen leaves within the grove, as leaves have been identified as the primary source of inoculum, as well as the incidence of disease in the area surrounding each grove.

We did not include provisions for the spraying of fruit, leaves, or branches that may be on the ground because the oil-copper-oxychloride treatment is intended to prevent infection in the developing fruit itself and because the required grove sanitation measures are intended to leave the ground in the grove free of such debris.

Comment: Eureka-type lemons, which are commonly planted in Argentina, do not have a very distinct start and finish of flowering, depending on climatic conditions. Under mild winter conditions, flowering can occur year round; indeed, some reports indicate that lemons are harvested year round in Tucuman province. In one report, Argentine researchers observed both immature and mature lemons on the sampled trees at the same time in Salta and noted that the presence of different aged fruit provides for an additional risk of fruit infection. How can a grove be certified as having been cleaned prior to bloom when bloom is not specifically seasonal?

Response: While there may be multiple blooms in a year under mild winter conditions, Argentina reports that there is, as occurs in the United States, a main spring flush during which most of the trees will bloom, and it is the fruit from those trees that will be exported to the United States. Therefore, the blossoming period in the Argentine production areas is distinct enough to allow for the cleaning and inspection of the groves and buffer areas prior to blossom.

Comment: The timing of flowering in not necessarily distinct in some common lemon varieties, and it is not clear how the timing of the oil-copper-oxychloride treatments will be determined when flowering and fruit set occur over several months. The efficacy studies of the fungicide treatments need to provide for careful testing of timing of the treatments to deal with the different bloom lengths, fruit set, rainfall patterns, and disease incidence in the different citrus species and the different regions.

Response: The timing of each treatment application will be determined by SENASA using an expert system that considers climatic data (including temperature and rainfall patterns), fruit susceptibility (which is dictated in part by the timing and length of bloom, when fruit set occurred, and the relative disease susceptibility of each species), and the presence of disease inoculum (which takes into account both the presence of fallen leaves within the grove, as leaves have been identified as the primary source of inoculum, and the incidence of disease in the area surrounding each grove). The goal of the expert system is to maximize the effectiveness of the oil-copper-oxychloride treatments in preventing the fruit from becoming infected. Whether or not that goal has been met will become apparent during the laboratory incubation and examination of the 20-day preharvest sample, as well as through the grove and packinghouse inspections.

Comment: The proposed rule fails to require that certified groves keep detailed records of the various blooms and required program steps (*e.g.*, when the spraying and debris-clearing programs are carried out). Any program which APHIS develops should be subject to further public comment.

Response: There is no need for APHIS to develop a recordkeeping program as suggested by the commenter. As stated in the proposed rule and in this final rule, SENASA is responsible for inspecting the registered groves prior to blossom to ensure that the required sanitation measures have been accomplished, as well as for determining the timing of the oil-copper-oxychloride treatments and monitoring their application. SENASA will maintain records of these activities as part of its citrus fruit export program, and will make those records available to APHIS during program reviews or when otherwise necessary.

Comment: From the APHIS–SENASA correspondence, it is clear that APHIS had wanted an inspection of the orchard prior to the fungicide treatments. However, SENASA requested that the inspection for disease occur after the treatments. APHIS must explain its reasoning for why the inspection of a grove for disease before fungicide applications was not included in the proposed rule.

Response: Until the fruit has matured somewhat and has begun to color, the symptoms of citrus black spot will not be apparent. Since the fruit would be too small and would not have colored yet prior to the fungicide applications, we concurred with SENASA's suggestion that the inspections be conducted after the treatments, when there is a better chance of detecting the disease.

Comment: No specific rate for the copper oxychloride sprays is provided in the proposed rule. It appears that the Argentine researchers found that a rate of 0.36 percent was more effective in preventing the disease, but SENASA has stated that a rate of 0.18 percent would be used for the export program, which may be ineffective at least some of the time or on some fruit, according to the information in the record. APHIS should determine why the lower copper oxychloride rate was chosen by SENASA, even though the data showed the higher rate to be more effective.

Response: The lower oil-copper-oxychloride application rate was recommended by SENASA based on its studies that showed that the 0.36 and 0.18 percent application rates were both effective in preventing disease in test plots when the disease was evident in the control plots. Given that the 0.18 percent application rate was shown to be effective in preventing disease, and given that this rule requires at least two applications of the fungicide during the growing season, we have accepted SENASA's recommendation that the 0.18 percent application rate be used.

Comment: It appears that Argentine researchers performed only one test to assess the effectiveness of the in-season fungicide treatments for sweet orange scab and that only one test was conducted using both in-season fungicide treatments and post-harvest chemical treatments. This limited testing is not sufficient to determine the effectiveness of the proposed measures. APHIS should provide or cite efficacy data for the proposed copper oxychloride sprays on the incidence of sweet orange scab.

Response: The American Phytopathological Society's Citrus Compendium (Whiteside *et al.*, 1988), which was cited in the body of the risk assessment (p. 57) and in the pest data sheet for sweet orange scab (p. 101), indicates that copper sprays are effective protectants to prevent the infection of susceptible fruit by sweet orange scab.

Comment: While the risk that sweet orange scab might be introduced into the United States may be reduced by timely, reliable, and negative surveys, there are still some unresolved taxonomic issues surrounding the *Elsinoe* species complex. The less than distinct differentiation between possible strains/biotypes strongly suggests that additional systematic research is needed to fully understand this pest complex.

Response: While there may be room for additional systematic research in order to fully differentiate between possible strains/biotypes of *Elsinoe* spp.,

we do not believe that any of those taxonomic issues need to be resolved in order for the survey, inspection, and treatment provisions of this rule to be effective in reducing the risk of sweet orange scab being introduced into the United States.

Comment: A more detailed description of how an orchard will be inspected or sampled (location in grove, timing, *etc.*) for sweet orange scab is necessary.

Response: The freedom of the fruit from sweet orange scab will be verified through the inspections required by this rule, *i.e.*, the visual inspection of the grove and buffer area required by § 319.56–2f(b)(6) and the packinghouse inspections required by § 319.56–2f(c)(4) and (c)(5). Given that the symptoms of sweet orange scab are readily detectable on infected fruit, and given that the detection of the disease in a single fruit will result in a grove's losing its ability to export fruit to the United States for the remainder of the current growing and shipping season, we believe that the 20-day preharvest survey and the subsequent packinghouse inspections will effectively mitigate the risk of fruit infected with sweet orange scab being imported into the United States.

Comment: Copper-based fungicides are preventative, *i.e.*, they only prevent new infections and do not stop already established infections. Thus, timing is extremely critical to ensure that developing fruit is continuously protected from infections. Other fungicides, such as preharvest applications of Benomyl (benlate), not only prevent, but also stop infections that are already present, and newer chemistry fungicides (triazoles, strobilurins, *etc.*) may provide better control of already infected fruit and allow rotation of fungicides.

Response: Copper oxychloride is a well-established preventative treatment for citrus black spot and sweet orange scab, and its efficacy has been demonstrated in a variety of studies on the control of these diseases (for example, as referenced in Whiteside *et al.,* 1988, as cited in the risk assessment). We would, however, certainly consider allowing the use of other fungicides if the Argentine growers or SENASA were to request that we do so and were to provide information supporting the efficacy of the alternative treatments.

Comment: Since the packinghouse treatments have little or no impact on citrus black spot infections, any citrus black spot present in the fruit must have been prevented or detected by the time of harvest. The keys to the proposed program for Argentina are successful prevention and successful detection of any infection. The proposed preventative fungicide treatments are not 100 percent effective, so the successful detection of treatment failures is critical, but the latency of citrus black spot makes that detection very difficult. Given that difficulty, it appears there is a near certainty that latently infected fruit will be imported into the United States.

Response: As explained in detail later in this document, we have modified the protocol for sampling the grove and buffer area in response to comments on the subject. This final rule requires the sampling of 4 fruit from each of 298 randomly selected trees in each 800 hectares of grove and buffer area, which yields at least a 95 percent confidence level of detecting an infection rate of 1 percent or greater. In addition, the modified sampling protocol requires that the fruit be chosen from the portion of the tree most likely to have infected fruit. Given those requirements, there is almost no chance that infection could exist in a grove without infected fruit being included in the sample subjected to laboratory examination. Further, during the required 20-day sample holding period, the fruit will be held under conditions that are ideal for the expression of symptoms in any infected fruit (*i.e.*, 27 °C, 80 percent relative humidity, and permanent light). Finally, this rule requires that the detection of symptoms in a single fruit will result in a grove being removed from the export program and all fruit from that grove being prohibited from entering the United States. Given those considerations, we believe that the risk of latently infected fruit being imported into the United States is negligible.

Comment: The risk assessment claims the buffer zone receives the same ''treatment, inspections, sanitation, *etc.*'' as the grove, but the proposed rule only calls for full inspections of fruit from the grove, not from the buffer zone. Thus if citrus black spot or sweet orange scab is detected on fruit from the buffer zone at or after harvest, there is strictly no requirement to remove that grove from the program. Indeed, there are no requirements in the proposed rule for any inspection or reporting on diseases in the buffer zone after the 20 days preharvest inspection.

Response: This final rule, as did the proposed rule, calls for the removal of fallen fruit, leaves, and branches from both the grove and the buffer area, inspection of both the grove and the buffer area to ensure the cleaning requirements have been met, spraying of oil-copper oxychloride in both the grove and the buffer area, and a visual inspection of both the grove and the buffer area 20 days before harvest. While the proposed regulations did not specifically state where the sample of fruit for laboratory examination was to be collected, the samples must be taken from both the grove and the buffer area. (This is made clear in § 319.56–2f(b)(6)(ii) in the regulatory text of this final rule.) This is consistent with the risk assessment's statement that the buffer zone will receive the same ''treatment, inspections, sanitation, *etc.*'' as the grove. After harvest, the packinghouse treatments and inspections are limited to the fruit from the grove itself because, as stated in § 319.56–2f(b)(2), no fruit from the buffer zone may be offered for importation to the United States.

Comment: There is no definition of ''laboratory,'' or any requirement for certification of such laboratories, nor is there any requirement that the laboratory examination be certified or carried out by SENASA.

Response: The laboratory testing required by § 319.56–2f(b)(6)(ii), as is the case with the other surveys and inspections that must be conducted in Argentina under this rule, must be conducted under the direct supervision of SENASA, and records relating to testing and test results will be available for review by APHIS.

Post-harvest Requirements

Comment: The risk assessment (8.a.) claims that packinghouses will be used for export to the United States only. The preamble of the proposed rule states that packinghouses cannot accept fruit from ''nonregistered export groves during the time that fruit intended for export to the United States is being handled in the packinghouse.'' The proposed rule requires that ''[d]uring the time that a packinghouse is used to prepare grapefruit, lemons, or oranges for export to the United States, the packinghouse may accept fruit only from groves that meet the requirements of paragraph (b) of this section.'' The risk assessment (8.a.) requirement is stricter than the proposed rule, and the preamble of the proposed rule indicates that packinghouses could accept nonregistered, nonexport fruit. The proposed rule allows for some possibility of admixture, since no time-scale is specified; one could alternately process nonexport and export fruit in separate batches.

Response: While the risk assessment's narrative description of the systems approach and the proposed rule's description of packinghouse requirements differed in their approach,

we do not believe that the two documents contradict one another. The statement in the risk assessment that packinghouses in the program will only be used for export to the United States reflected the risk assessors' understanding that there would be no commingling of fruit from registered and nonregistered groves in the packinghouses. This is entirely consistent with our statement in the preamble of the proposed rule that ''[b]arring the entry of fruit from nonregistered groves into the packinghouse would ensure that the fruit intended for export is not commingled with or potentially infected by fruit that was grown in a grove that has not been subject to the same sanitation, inspection, and treatment measures that would be required for export groves.'' This statement from the proposed rule's preamble also makes it clear that we were not indicating, as the commenter asserts, that packinghouses would be able to accept fruit from nonregistered groves during the time that fruit was being prepared for export to the United States.

To address the commenter's concerns that ''no time-scale is specified'' with regard to when batches of export fruit and nonexport fruit could be processed, we have modified the wording in § 319.56–2f(c)(2) to reflect our intent that there be no commingling of fruit from registered and nonregistered groves in the packinghouse. That paragraph now states: ''During the time that any grapefruit, lemons, or oranges from groves meeting the requirements of paragraph (b) of this section are in the packinghouse, no fruit from groves that do not meet the requirements of paragraph (b) of this section may enter the packinghouse.'' To support this requirement, and to prevent the ''possibility of admixture'' raised by the commenter, a SENASA-registered technician will be present at each packinghouse to verify the origin of all fruit entering the packinghouse. In its correspondence with APHIS during the development of the proposed rule, SENASA had stated that a registered technician would be present at each packinghouse for that purpose, but this consideration was not explicitly set forth in the text of the proposed rule. We also are amending § 319.56–2f(c)(2) to make it clear that a packinghouse technician registered with SENASA must verify the origin of all fruit entering the packinghouse.

Comment: What steps will be taken to ensure there is no commingling of fruit from certified and uncertified groves at the packinghouse? For example, records would have to be kept of the arrival of each load. These records would have to be available for auditing.

Response: As noted in the response to the previous comment, a technician responsible for the packinghouse, who will be approved by and registered with SENASA, will be on hand to verify the origin of all lots of fruit entering the packinghouse. These technicians are required by SENASA to maintain accurate records, and SENASA will make those records available to APHIS upon request.

Comment: The proposed rule and risk assessment do not mention the need for measures to prevent the contamination of export groves, packinghouses, or storage facilities by workers or equipment that have been in untreated groves or that have been in contact with untreated fruit. Such measures are necessary to prevent the artificial spread of disease inoculum. APHIS should consider establishing sanitation measures for workers and equipment moving between nonregistered groves and those producing fruit destined for export to the United States. The requirements would have to be set forth in detail in the regulation, and strict audit and inspection procedures would have to be implemented to ensure that disease is not transmitted to export groves. If such requirements are not established, APHIS should discuss why such measures are not needed, given the characteristics of the two diseases of concern. Similarly, APHIS should establish sanitation measures for packinghouses and storage facilities to use between runs of U.S.-bound citrus and fruit bound for other markets.

Response: The spores produced in fruit infected with sweet orange scab and citrus black spot are nonpigmented and are thus short-lived when removed from their host tissue. It is, therefore, unlikely that any ''free'' spores that might be found on workers or equipment moving from an untreated grove into an export grove, packinghouse, or storage facility would remain viable long enough to cause infection. Similarly, because of the short-lived nature of ''free'' spores, there is little risk that export fruit would become contaminated during processing at a packinghouse that had previously handled fruit from nonregistered groves. In any event, that export fruit will be mature fruit, and thus not susceptible to infection. Furthermore, that fruit will be surface-sterilized and waxed in the final processing steps before being packed in boxes, thereby rendering nonviable any spores contaminating the surface of the fruit. That surface-sterilization and waxing is a routine measure applied to all fruit in Argentine packinghouses, including nonexport fruit, so it is unlikely that export fruit would be contaminated after packing even if it was stored with nonexport fruit.

Comment: The proposed rule does not specify what happens to other fruit in the packinghouse if infected fruit from some other grove that simultaneously or recently went through the same packinghouse is detected.

Response: We believe that it is unlikely that infected fruit would proceed undetected as far as the packinghouse, given this rule's requirements for the removal of potential sources of inoculum from the groves, the treatment of developing fruit, and the sampling and testing of mature fruit prior to harvest. However, if infected fruit was identified in the packinghouse or at a later time, we believe that the non-susceptibility of the mature fruit that will be handled in the packinghouses, when combined with the short-lived nature of ''free'' spores and the required surface-sterilization and waxing, make it unlikely that fruit will be contaminated as a result of contaminated fruit having recently passed though the same packinghouse. This rule's requirement that the identity of the origin of the fruit be maintained during its time in the packinghouse will prevent fruit from two different groves being processed simultaneously.

Comment: The risk assessment claims that at the prepacking inspection stage, any blemished fruit are culled. There is no requirement in the proposed rule for culling of blemished fruit, although that presumably would be a commercial necessity; the proposed rule only requires SENASA to examine fruit for any evidence of disease.

Response: The commenter is correct in presuming that the culling of blemished fruit is a commercial consideration. As such, our proposed rule did not include a requirement for the culling of blemished fruit, *per se,* but instead focused on SENASA inspecting the fruit prior to packing to verify its freedom from citrus black spot and sweet orange scab. However, as explained in the response to the next comment, we have included the culling of blemished fruit in the provisions of this rule set forth in § 319.56–2f(c)(4) relating to the 4-day packinghouse holding period.

Comment: The proposed rule called for the holding of all harvested fruit for 4 days at room temperature before sorting and packing, but there is no evidence in the record that this is an adequate time for latent citrus black spot symptoms to develop. The Argentine researchers stated that they held sampled fruit for 20 days at 27 °C,

80 percent relative humidity, and in permanent light in order for latent citrus black spot infections to develop enough for detection. In addition, the risk assessment assumes that the fruit sampled from the orchard shortly before harvest will be held for 20 days at room temperature, which would allow latent citrus black spot infections to show up in the samples. However, the proposed regulations do not explicitly state a 20-day holding period at room temperature, nor do they define what constitutes ''room temperature.'' APHIS should conduct studies to determine the optimum time, temperature, and other environmental conditions for detection of the latent citrus black spot infections; if APHIS cannot provide data that demonstrates the effectiveness of the 4-day holding period, a longer holding period should be required. Further, steps must be taken to ensure that all packinghouses are able to hold the harvested fruit at the required temperatures for citrus black spot development in order to assess the practicability of this measure. Finally, the requirements for Argentine citrus should explicitly state that fruit sampled from the grove 20 days before harvest must be held under conditions conducive to citrus black spot development.

Response: We acknowledge that the proposed rule did not fully explain the procedure to be used during the 20-day laboratory examination period of the sampled fruit. We further acknowledge that the proposed rule incorrectly stated that the purpose of the 4-day holding period was to allow for symptom expression of citrus black spot in the event that latent infection exists in the fruit. We have corrected both of these issues in the text of the final rule.

As noted by the commenter, the laboratory procedure to be used to promote the expression of symptoms in the fruit sampled 20 days prior to harvest will be to hold the fruit for 20 days at 27 °C, 80 percent relative humidity, and in permanent light. These conditions have been shown to be ideal for latent citrus black spot infections to develop enough for detection. Although this protocol was omitted from the proposed rule, the protocol was, as evidenced by the commenter's remarks, explained fully in documents made available following the publication of the proposed rule.

If none of the sampled fruit manifest symptoms of citrus black spot during the 20-day laboratory examination period, the remaining fruit in the grove will be harvested and taken to the packinghouse, where it will be held at room temperature—*i.e.,* not refrigerated—for 4-days. This 4-day holding period is a standard practice in the Argentine citrus industry that provides sufficient time for bruises or other damage on the fruit to become plainly evident, thus providing an opportunity for that blemished fruit to be culled. For the purposes of this rule, that 4-day holding period will also provide an opportunity for SENASA inspectors to examine the harvested fruit for signs of infection.

We have, therefore, amended the requirements set forth in the rule portion of this document in order to fully explain these requirements. The requirements pertaining to the laboratory examination are set forth in § 319.56–2f(b)(6)(ii), and the provisions relating to the 4-day holding period and the culling of damaged fruit in the packinghouse are set forth in § 319.56–2f(c)(3) and (c)(4).

Comment: Section 8.a of the risk assessment claims 4–5 days holding time (for all fruit) to allow expression of citrus black spot. Section 8.f P3 of the risk assessment claims a ''20-day preharvest sample and incubation period'' that may have been derived from the 20-day preharvest inspection, or may be a confusion between inspection and this packinghouse holding time. Section 8.f P3 of the risk assessment also confuses matters since it refers to a ''sample'' holding time, but then refers to the likelihood of packinghouse detection, but the fruit in the packinghouse would not have had the 20-day holding time. The preamble and proposed rule require just 4 days holding time at room temperature, followed by SENASA inspection.

Response: The commenter has identified that, like the proposed rule, the risk assessment's narrative description of the systems approach (Section 8.a) incorrectly characterizes the purpose of the 4-day holding period. The intended purpose of both the 4-day holding period and the 20-day laboratory examination period are explained in the response to the previous comment and in paragraphs (b)(6), (c)(3), and (c)(4) of § 319.56–2f in this final rule. In light of that explanation, it can be seen that the reference to ''a 20-day preharvest sample and incubation period'' in section 8.f P3 of the risk assessment accurately portrays what is required by this rule. Section 8.f P3 of the risk assessment links the sample holding time and the likelihood of packinghouse detection (which the commenter states ''confuses matters'') because that node P3, ''Pathogen not detected at packing house inspection'' is the portion of the risk assessment where the 20-day holding period is addressed. As stated in Section 8.f. P3: ''Also considered in making our estimates for this node in the mitigated scenario, was the orchard sampling 20 days prior to harvest and the incubation of this sample at room temperature to observe post harvest symptom development.''

Comment: The risk assessment claims in section 8.a that blemished fruit are culled during harvest and claims in section 8.f. P2 that diseased fruit would be detected and culled at harvest; section 8.f P2 also stated that this detection would be improved for citrus black spot ''under the proposed workplan'' due to its ''more rigorous export standards and [the] reduced frequency of latent infection,'' although no specific measures are mentioned for harvest time. The preamble and proposed rule have no harvest requirements whatever, and it appears from the correspondence on the record that the Argentines do not know what ''blemished fruit'' means.

Response: As noted in our response to a previous comment, the culling of blemished fruit was not specifically addressed in the proposed rule, but requirements for the culling of blemished fruit in the packinghouse have been added to this rule. While pickers can be expected to cull obviously blemished fruit during harvest, the best opportunity for the removal of blemished fruit will come after the fruit has been held for 4 days at room temperature. Given that the 4-day holding period will provide an opportunity for bruises and other damage on the fruit to become more readily apparent, we consider this post-harvest culling to be an improvement over the reliance on pickers to cull blemished fruit that was envisioned in the risk assessment. Finally, we have explained to SENASA what we mean by the term ''blemished fruit.''

Comment: The proposed systems approach envisions chemical treatment after the 4-day holding period, followed by a further inspection before packing. Does APHIS believe such treatment will have any impact on citrus black spot? If so, what is the evidence? The literature on citrus black spot would indicate that such treatment would have no impact. We believe that the data provided by Argentina demonstrates the chemical treatment envisioned in the proposed systems approach, to be applied prior to packing of the fruit, will not have any impact on the virulence of the citrus black spot spores.

Response: The post-harvest treatment is designed to render nonviable any spores contaminating the surface of the fruit, and these post-harvest treatments

are mainly to prevent post-harvest decay. In the risk assessment, our estimates took into account the fact that post-harvest treatments have little effect on citrus black spot infections (a reduction from 0.64 to 0.50).

Comment: The proposed rule does not specify any concentrations or other conditions for the immersion in orthophenilphenate of sodium, nor any application rate for the spray with imidazole or application of 2–4 thiazalil benzimidazole and wax. Thus, it appears that any concentrations or application rates—including ineffective ones—would meet the requirements of the proposed rule.

Response: Argentina's environmental protection authority, like our Environmental Protection Agency, requires that products such as those called for in this rule be applied in accordance with their label instructions. For orthophenilphenate of sodium, the concentration is 200 L per 2,000 L of water; for imidazole, it is 200 cm^3 per 100 L of water; and for 2–4 thiazalil benzimidazole, it is 0.5 L per 200 L of water. By not including these concentrations in the text of the rule itself, we avoid the need for future amendments to the rule should the label instructions change.

Comment: The risk assessment (8.f. P4) states that the treatment program incorporates a dip in 200 parts per million sodium hypochlorite for 2 minutes. The preamble and rule portions of the proposed rule spell out the required chemical treatments, but do not include any mention of time for the sodium hypochlorite immersion.

Response: The commenter is correct; the proposed rule should have stated that the immersion in sodium hypochlorite be for 2 minutes as described in the risk assessment. We have corrected that omission in § 319.56–2f(c)(4)(i) of this final rule.

Comment: There is no explicit mention that the packed boxes of fruit may not contain any plant parts other than the fruit to be exported. Leaves and twigs are suitable vectors for diseases and several insects pests (e.g., brown citrus aphid). While a prohibition on inclusion of leaves, twigs, or other plant parts in packing boxes is included as a general requirement for imported fruits and vegetables in 7 CFR 319.56–2(a), the requirements for Argentine citrus should explicitly prohibit any plant parts other than the fruit itself.

Response: The commenter is correct in noting that § 319.56–2(a) requires that ''[a]ll importations of fruits and vegetables must be free from plants or portions of plants, as defined in § 319.56–1.'' *Plants or portions of plants* is defined in § 319.56–1 as ''[l]eaves, twigs, or other portions of plants, or plant litter or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.'' We agree that this is an important requirement and have added language to the requirements in § 319.56–2f(c)(5) to make it clear that SENASA inspectors must ensure that all stems, leaves, and other portions of plants have been removed from the fruit prior to packing.

Comment: All packing boxes sent to commercial citrus-growing areas of the United States should be required to be destroyed upon reaching their destination, and records of such destruction should be kept.

Response: We are unaware of any risks presented by packing boxes used to ship citrus fruit produced in accordance with this rule that would make it necessary to require their destruction, and we do not believe that any meaningful reduction in risk would be realized by imposing such a requirement.

Fruit Flies, Other Pests, and Treatments

Note: On May 19, 2000, we received a letter from the California Citrus Research Board (CCRB) informing APHIS that the CCRB had contracted with U.S. Department of Agriculture's (USDA's) Agricultural Research Service (ARS) to conduct a research program to determine the suitability of lemons as a host of tephritid fruit flies. The CCRB letter reported that the preliminary results of the initial tests call into question the current regulatory assumption that lemons at any stage of maturity are not a viable fruit fly host. When contacted by APHIS for additional information, ARS reported that the preliminary results were similar to the results published in 1984 by ARS scientists (*i.e.,* the Spitler, et al. research discussed below) in which a limited number of Medfly pupae were recovered in similarly conducted tests. ARS reports that, at the present time, it is reluctant to extend the findings of these preliminary laboratory cage studies to lemons in a commercial field setting where there might be other, more preferred fruit fly hosts present. Further, ARS points out, some species of fruit are known to be much more infestable after harvest than before as a result of a rapid ripening process initiated when the fruit is separated from the tree; ARS states that fruit that can be stored on the tree, such as citrus, may fall into this category. ARS has stated that they will provide APHIS with a full report upon the conclusion of the studies. If the results of the studies lead to a recommendation that quarantine measures such as cold treatment should be required for lemons, we will take action to amend both our foreign and domestic quarantine regulations to require that the appropriate treatment be applied to lemons as a condition of importation or interstate movement.

Comment: APHIS should require a fruit fly trapping program in the export area and should require spraying of the groves if population levels exceed a set threshold. If the spraying proves ineffective at eradicating the fruit flies, exports should be cut off, even with cold treatment.

Response: Argentina reports that populations of Medfly and the South American fruit fly *(Anastrepha fraterculus)* are not present at economically important levels and periodically confirms their low population levels through trapping. Further, Argentina maintains that *A. obliqua* and *A. serpentina* are not present in Argentina despite reports to the contrary, and that both species of fruit fly are considered quarantine pests in Argentina. Given the economic importance of the citrus industry in Argentina, it is in that country's best economic interests to ensure that fruit fly populations remain low. The lack of significant fruit fly population pressure, combined with the nonhost status of smooth-skinned lemons and this rule's requirement for a probit 9 level (99.997 percent mortality or 1 survivor per 33,333) cold treatment for grapefruit, oranges, and lemons other than smooth-skinned lemons, has led us to conclude that trapping and spraying provisions are not a necessary element of the Argentine citrus export program.

Comment: There is no discussion in the proposed rule of fruit fly detection in Argentina, nor what, if any, prevalence of fruit flies would be sufficient to prevent import. Thus, any analysis must take account of the possibility of very high prevalence of fruit flies.

Response: Our risk assessment did take into account the presence of fruit flies in Argentina and concluded that the nonhost status of smooth-skinned lemons and the post-harvest cold treatments for other citrus fruit would reduce the risk of Argentine citrus introducing fruit flies into the United States to a negligible level.

Comment: The proposed rule, the risk assessment, and the PPQ Treatment Manual (which is used by APHIS personnel as a guide for the application of quarantine treatments) do not consider the issue of ''preconditioning phenomenon,'' which could render cold treatment ineffective in preventing the transmission of fruit fly pests into the United States via Argentine citrus. Research indicates that fruit fly larvae and eggs can develop increased tolerance to quarantine cold treatment if the infested fruit is exposed to sublethal temperatures in the field or in storage prior to the initiation of an approved cold treatment. In order to preclude the possibility of preconditioning

phenomenon, the PPQ Treatment Manual should explicitly state that the fruit should not be held at sublethal chilling temperatures prior to initiation of cold treatment. In addition, further research should be conducted to determine whether it may be necessary to require fruit subjected to cold field or storage conditions to undergo longer quarantine chilling periods.

Response: In a publication titled *Temperature Sensitivity in Insects and Application in Integrated Pest Management* (edited by Guy J. Hallman and David L. Denlinger, Westview Press, 1998), it is noted that any technique used to reduce chilling injury (*e.g.,* holding the fruit for several days at temperatures several degrees above the quarantine treatment temperature, which is referred to as ''pretreatment'' or ''preconditioning'') can also be suspected of favoring the survival of the pest inside the fruit. However, Dr. Guy Hallman, one of the editors of that publication, indicated to APHIS that no references in the literature were found for this ''preconditioning phenomenon'' with regard to quarantine pests, although it has been demonstrated with flesh flies, house flies, *Drosophila,* and other laboratory species. It was Dr. Hallman's opinion that because cold treatments are so extreme and infestation rates in commercial fruit are so low, the issue of ''preconditioning phenomenon'' is not likely to be a serious practical concern. This opinion is borne out by the consistently successful use of quarantine cold treatments around the world over many years on numerous commodity/pest combinations.

Comment: APHIS's position that lemons cannot be a host to Mediterranean fruit fly is not consistent with published scientific literature on the subject, which demonstrates clearly that lemons can become a host to this pest in certain circumstances. While lemons are not a preferred host to the Medfly, they have been found to be a host when insect pressure is applied to ripe or damaged fruit. If tree-ripe fruit is shipped to the United States, this increases the risk of Medfly introduction into the United States dramatically. The studies APHIS cites to support the nonhost status of lemons (Spitler *et al.* 1984) are based on lemons picked green to partially ripe, which is how lemons are picked in commercial production in the United States. It is not clear from the proposed rule at what stage the Argentine lemons will be picked for export to the United States, but we believe the Argentines pick lemons by maturity, since much of their fruit goes to processing and currently they do not have the ''curing'' facilities to ripen lemons during storage. APHIS should establish maximum maturity standards for lemons for export, in the absence of cold treatments. If the maturity standard is exceeded, then either a cold treatment should be required or the shipment of ripe lemons should be rejected for export. Further, APHIS needs to consider the impact of harvesting lemons at earlier stages on the ability to detect any citrus black spot infections.

Response: While the commenter refers to lemons in general, it is only smooth-skinned lemons that are exempted from the cold treatment requirements of this rule. In the research conducted by Spitler *et al.* (J. Econ. Entomol. 77: 1441–1444, 1984), both green and yellow Eureka and Lisbon variety smooth-skinned lemons were used. In their discussion of the results of the study, the researchers report: ''Although maturity of the lemon (green or yellow) had no noticeable effect on the number of flies collecting on the fruit, more punctures (707 green vs. 805 yellow per 10 fruit) and eggs (23 [green] vs. 46 [yellow]) per egg cavity were found in the more mature yellow fruit. Even in a thin-skinned lemon with 57 ovipositor wounds, no larvae or pupae (*i.e.,* our criterion of survival) were recovered.'' So, while the researchers did observe that oviposition was more likely in the more mature yellow fruit, they found that in only one case—in which the ripest fruit used in the study was left in the infestation cage for 3 days in an attempt to have egg survival—did any larvae or pupae survive (5 survivors out of a very conservatively estimated population of 31,800). In the other 12 lots tested, in which the percentage of yellow lemons ranged from 50 to 100 percent in all lots but 1 (which was 100 percent green lemons), there were no survivors out of a very conservatively estimated population of 484,182. The results of this study, coupled with our experience with both domestically produced and imported lemons, has led us to conclude that the probability of a Medfly infestation resulting from the importation of commercial shipments of smooth-skinned lemons is extremely low. Thus, because we do not believe that it is necessary to establish maximum maturity standards for smooth-skinned lemons imported under this rule, we do not believe that it is necessary to consider the impact of harvesting lemons at earlier stages on the ability to detect any citrus black spot infection.

Comment: APHIS must consider the effects that fruit fly population pressure and environmental stress on fruit trees may have on the nonhost status of lemons. The existence of a large fruit fly population in any given year or at any particular time of year substantially increases the likelihood that the fruit flies will infest citrus fruit, especially if other hosts are not available at that time, even if the fruit is considered a poor host for fruit flies. Similarly, the effect of plant stress on host resistance must be taken into account. Therefore, APHIS should integrate on-site field inspections, trapping programs, and/or possible field control programs for all species of fruit flies into the systems approach for Argentine citrus, and should require monitoring to ensure that no conditions arise that overwhelm the lemons' resistance to fruit flies. Further, the effect of citrus tree health on susceptibility should be included in the risk assessment.

Response: In the research conducted by Spitler *et al.* discussed in the previous comment, Eureka and Lisbon variety smooth-skinned lemons were exposed to a high population pressure of 7,500 adult medflies per 3.6 m^3 in the infestation cage, a population level unlikely to be attained in the field. With that high population pressure in the infestation cage, the researchers estimated that a total of 516,000 eggs were laid in the 13 lots of lemons used in the study, with only 5 pupae surviving, a mortality rate that exceeds the probit 9 security level of 99.997 percent mortality (*i.e.,* 1 survivor per 33,333). In the last of the 13 lots tested, a total of 34 yellow lemons were placed in the infestation cage for 1 day, after which the eggs in each lemon were counted (rather than estimated). These 34 lemons yielded a total of 126,997 eggs, an average of 3,735 eggs per lemon. Despite this exceedingly high per-fruit egg population, no larvae or pupae were recovered from the lemons. The commenter further suggests that we assess the effect of citrus tree health on host resistance. Official records reflecting the host resistance of commercial smooth-skinned lemons date back as far as 1914 (Quayle, H.J., ''Citrus fruit insects in Mediterranean countries,'' USDA Bulletin 134, 1914), yet we have been unable to find any records or other published material documenting cases in which plant stress or other environmental conditions led to a breakdown in that resistance.

Comment: Fruit flies in many cases prefer other hosts that are not limited to subtropical or Mediterranean climates. For example, the South American fruit fly and Medfly will lay eggs in stone fruit, apples, or pears, which are grown commercially in many areas of the United States. While it is unlikely that

the fruit flies would survive during the winter in northern regions of the United States and become established permanently in these regions, their introduction could still ruin local fruit crops for one season, and fruit from temporarily infested regions could be transported into more hospitable climates where the fruit flies could become established. Therefore, APHIS' risk assessment should consider the full range of environments in the risk assessment in which fruit flies, if introduced, can cause significant damage to agricultural crops and should develop confirming data on fruit fly distributions using insect phenology models, such as those developed by plant protection authorities in Australia (*e.g.,* CLIMEX).

Response: The remote chance of the occurrence suggested by the commenter is addressed in the risk assessment's node for ''pest finds suitable host.'' We believe that it would be exceedingly unlikely that fruit flies would be introduced in commercial shipments of Argentine citrus fruit in such numbers that their populations would reach outbreak levels in a matter of a few months. With regard to the use of CLIMEX, we have found that this computerized climate matching system can be overly conservative and often does not identify the full range of areas into which we know a pest could spread. What we do in most cases, and did do in the Argentine citrus risk assessment, is ask what are all the locations that have both suitable hosts (not part of CLIMEX) and suitable habitat (we consider additional factors not considered by CLIMEX). Our results typically indicate that a pest could spread to more areas than indicated by CLIMEX.

Comment: Having gone through two Medfly quarantines in the last 10 years because the USDA considers lemons a host to the Medfly, we find it difficult to understand why Argentina is exempt from the same rules that apply to our country. Similarly, California spends hundreds of thousands of dollars per year on Medfly trapping, survey, and exclusion activities, yet the proposed rule does not require any fruit fly trapping in Argentina.

Response: Smooth-skinned lemons harvested for packing by commercial packinghouses are not regulated articles under our domestic Medfly regulations in §§ 301.78–2, and it is those varieties of lemons that are exempted from the cold treatment requirements of this rule. Thus, there is no disparity between the provisions of this rule and our domestic Medfly regulations in this regard. Any Medfly-related measures that were applied to smooth-skinned lemons in California during Medfly quarantines in that State were not due to APHIS regulations, but were applied at the request of nations to which California growers sought to export their product. The Medfly survey and exclusion activities carried out by California are designed to maintain that State's freedom from Medfly; similar requirements were not made part of this rule for the export areas of northwestern Argentina because that region has not been represented as a Medfly-free area.

Comment: Lemons have been stated to be nonhosts of fruit flies, but during the Medfly eradication program in Ventura County, CA, and other parts of California and in Hawaii, lemons have, in fact, been found that were infested with Medfly larvae.

Response: Smooth-skinned lemons harvested for packing by commercial packinghouses are not regulated articles under our domestic Medfly regulations in §§ 301.78–2, and this rule is consistent with our domestic Medfly regulations. Neither the risk assessment nor proposed rule stated that lemons in general were considered to be nonhosts of fruit flies. Instead, both documents, as well as the supporting research such as that conducted by Spitler *et al.* (1984), indicate that it is only smooth-skinned varieties of lemons that are considered nonhosts of fruit flies. Accordingly, this rule requires all lemons other than smooth-skinned varieties to undergo specified cold treatments to mitigate the risk presented by fruit flies, a consideration reflected in the risk assessment. Considerable research and investigations into anecdotal reports such as those cited by the commenter have not uncovered any documented cases of Medfly attacking smooth-skinned varieties of lemons.

Comment: No information appears to be available on what pesticides are used or registered for use in Argentina. What assurances can the USDA give that pesticide residues on imported fruit will not threaten public health?

Response: The U.S. Food and Drug Administration (FDA) samples and tests imported fruits and vegetables for pesticide residues. If residue of a pesticide unapproved in the United States is found in a shipment of imported fruit or vegetables, the shipment is denied entry into the United States by the FDA.

Comment: APHIS has an obligation to the U.S. citrus grower community to assess whether Argentine growers currently use pesticides (for the control of pests or diseases) that cannot legally be used in the United States. Further, APHIS should assess whether there would be any substance that could be used in the United States to control a pest or disease, should such a pest or disease be brought in that is not currently present in the United States. If no substances are registered in the United States that would replace those used in Argentina, APHIS should not allow the citrus to be imported.

Response: As noted in the response to the previous comment, the FDA samples and tests imported fruits and vegetables for pesticide residues. The U.S. Government does not have any control over what pesticides are approved for use in foreign countries. The Environmental Protection Agency has regulations that address the exportation from the United States of pesticides that are not registered for use in this country and works with foreign environmental protection agencies and agricultural producers to promote safer pesticide use and food production practices. In response to the second part of the commenter's remarks, there is a variety of fungicides and other pesticides available for use in the United States in the unlikely event that a plant pest is introduced into this country via citrus imported from Argentina in accordance with this rule.

Comment: The proposed rule and risk assessment do not address the legitimate concern that a pest that exists in one U.S. citrus-growing region could be introduced by imported Argentine citrus into another U.S. citrus-growing region that is free of that pest. For example, brown citrus aphid (Toxoptera citricidus), a quarantine actionable pest that is a vector of the tristeza virus, is listed as existing in Florida in the 1997 Risk Assessment. Currently, Arizona and California, which have limited occurrences of tristeza, have measures in place to prevent the introduction of brown citrus aphid from Florida; Texas has not had any serious tristeza outbreaks due to the lack of good vectors for the virus. APHIS should address the possibility that pests established in one part of the United States could be introduced into free areas of this country via imported Argentine citrus. We suggest that APHIS should require country-of-origin/lot number labeling of individual fruit in order to address this concern and to allow for the tracking of Argentine fruit if it becomes necessary. Further, APHIS should develop an overall policy, consistent with WTO rules, for dealing with this situation.

Response: The commenter raises the concern that pests established in one part of the United States could be introduced into free areas of this country via imported Argentine citrus,

and then suggests that country-of-origin/lot number labeling of individual fruit to allow for the tracking of Argentine fruit could be used to address that concern. To address the commenter's first concern, in preparing our risk assessment, we identified all pests of citrus known to be present in Argentina, examined the available information regarding those pests, then focused our analysis on any pests that were identified as quarantine actionable pests that could reasonably be expected to follow the pathway, *i.e.,* be included in commercial shipments of citrus. With regard to the commenter's second concern, this rule, in § 319.56–2f(c)(6), requires that Argentine fruit be packed in boxes that bear the SENASA registration number of the fruit's grove of origin, so we will have the ability to track shipments of imported Argentine fruit after they enter the United States. Although the requirement was not added in response to this commenter's suggestion, this final rule does, as explained earlier in this document under the heading ''Specific Regulatory Changes Regarding Limited Distribution,'' contain a requirement for the stickering of individual Argentine fruit.

The commenter also urged APHIS to develop an overall policy, consistent with WTO rules, for dealing with the issue of pests of limited distribution. We believe that the new revised text of the IPPC, which was approved by the FAO Conference at its 29th Session in November 1997, provides the kind of overall policy sought by the commenter. (The WTO SPS Agreement identifies the IPPC as the organization providing international standards for measures implemented by governments to protect their plant resources from harmful pests.) Specifically, Article VI, ''Regulated pests,'' provides that: ''Contracting parties may require phytosanitary measures for quarantine pests and regulated non-quarantine pests, provided that such measures are: (a) no more stringent than measures applied to the same pests, if present within the territory of the importing contracting party; and (b) limited to what is necessary to protect plant health and/or safeguard the intended use and can be technically justified by the contracting party concerned.'' Under the Federal Plant Pest Act and the Plant Quarantine Act, APHIS has the authority to take action against pests of limited distribution in the United States when such pests are found present in imported plants or plant products. Such action would be in accord with WTO rules.

Comment: The risk assessment states that leprosis is found in Florida, but an expert states that leprosis has been eradicated in Florida since the early 1960's. Leprosis is not present in California or Arizona. False spider mites (Brevipalpus spp.) are present in Argentina and vector the virus for leprosis; these mites and their eggs are difficult to detect through visual inspection, and the usual post-harvest treatments have no effect on their presence. Although several Brevipalpus spp. are present in the United States, the lack of leprosis has made them less of a threat to U.S. agriculture. If the vectoring mites and leprosis occur together in the northwest region of Argentina—and there is evidence that leprosis is a serious disease in Misiones Province in northern Argentina—then additional treatments of all the fruit for the mites is required. APHIS should consider the risk associated with Brevipalpus spp. remaining with the fruit through post-harvest treatment and shipping and the risk of the mites carrying the leprosis virus. If a risk is identified, then measures need to be taken to prevent the mites from transmitting leprosis to the United States via citrus, even if that disease exists in Florida.

Response: The expert mentioned by the commenter has not published his findings regarding leprosis, whereas Alfieri, *et al.* (1994) and Brunt, *et al.* (1996) both list leprosis as present in the United States. As both leprosis and Brevipalpus spp. mites occur in the United States and are not subject to official restrictions or regulations (*i.e.*, they are not listed as actionable and are not under an official control program), these organisms do not meet the geographical and regulatory definition of a quarantine pest.

Comment: The risk assessment does not account for the possibility that a number of insect and mite species may be transmitted under the calyx (button) of citrus fruits, thus allowing for the possibility of transmission of such pests into the United States via Argentine citrus. The calyx of citrus fruit can harbor a large number of insects and mites or their eggs. These contaminant species are not easily visible unless the button is removed (which leads to more rapid fruit decay) and are resistant to cold treatment, surface washes, and insecticide treatments. APHIS' risk assessment should address the issue of all types of insect pests that may inhabit the calyx of Argentine citrus, and calyx inspection should be a routine part of the inspection of Argentine citrus at the port of first arrival.

Response: As indicated in an earlier response, in preparing our risk assessment, we identified all pests of citrus known to be present in Argentina, examined the available information regarding those pests, then focused our analysis on any pests that were identified as quarantine actionable pests that could reasonably be expected to follow the pathway, *i.e.*, be included in commercial shipments of citrus. In examining the information regarding citrus pests present in Argentina, we did not identify any insect or mite species that could be transmitted under the calyx of citrus fruit that were quarantine actionable pests that could reasonably be expected to follow the pathway. Thus, we do not believe that it is necessary to include provisions in this rule to require the routine calyx inspection at the port of first arrival. However, this does not preclude our inspectors from conducting calyx inspections, even on a routine basis, when they believe such a measure might be necessary.

Disease Detection

Comment: The proposed rule states: ''If, during the course of any inspection or testing required by this section or § 319.56–6 of this subpart, citrus black spot or sweet orange scab is detected on any grapefruit, lemons, or oranges, the grove in which the fruit was grown or is being grown shall be removed from the SENASA citrus export program for the remainder of that year's growing and harvest season * * *.'' It is currently unclear how much disease detection is needed to cause SENASA to remove the grove from the export program. Does a single infection on a single fruit disqualify an orchard from the export program? The presence of the diseases can be detected in the litter and occasionally the tree without obvious fruit infections. Would that be grounds for the removal of a grove? A much clearer definition of when a grove must be removed from the export program, and an explanation of why that threshold for removal was chosen, needs to be established in order to minimize the risk that latently infected fruit will reach the United States. Further, the proposed rule contained no discussion of whether any special criteria or measures need to be met for a grove to re-enter the export program after it has been disqualified for a season due to disease incidence.

Response: Paragraph (f) of § 319.56–2f clearly states that if citrus black spot or sweet orange scab is detected on any grapefruit, lemons, or oranges, the grove will be removed from the export program. So, in response to the

commenter's first question, a single infection on a single fruit, will result in a grove's removal from the export program. That paragraph does not, however, call for the removal of a grove from the export program upon the detection of either disease in litter or in the tree if the infection is not detected in the fruit, since there are no requirements for the testing of litter or parts of the tree other than the fruit. The commenter's statement that the presence of citrus black spot and sweet orange scab ''can be detected in the litter and occasionally the tree without obvious fruit infections'' is true to a certain extent; the fungi can be isolated from leaf litter and leaves on the tree. However, the presence of these diseases cannot be reliably detected through the visual inspection of plants or plant parts other than the fruit. So, while § 319.56–2f(b)(6)(i) does provide that a grove's freedom from citrus black spot and sweet orange scab shall be verified through visual inspection of the grove and buffer area, that visual inspection will necessarily be limited to fruit on the trees. The diseased fruit threshold was chosen because it will be the fruit itself, and not any leaves, branches, or litter, that will be imported into the United States. We did not include any special criteria or measures for a previously disqualified grove to re-enter the export program because we believe that the testing, treatment, and inspection requirements that must be satisfied by any grove seeking to export fruit to the United States make such additional measures unnecessary.

Comment: In the proposed rule, § 319.56–2f(f) refers to ''growing,'' ''harvest,'' and ''shipping'' seasons, with no definition of what is meant by such terms.

Response: We regard the ''growing season'' as the period between bloom and fruit maturity, the ''harvest season'' as the period during which the mature fruit are picked, and the ''shipping season'' as beginning at roughly the same time as the harvest season and continuing until shortly after the harvest ends. As we are using those terms in their generally understood sense, we see no reason to specifically define them in the regulations.

Comment: In § 319.56–2f(f) of the proposed rule, it states that fruit must pass ''any inspection or testing required by this section or § 319.56–6 of this subpart.'' Thus, if fruit is observed to be infected before fungicide application, or at some random time (but not during an inspection), or by non-SENASA personnel, there is strictly no requirement to remove the grove from the export program, since these inspections are not ''required.'' There is no overall catchall requirement that any detection is sufficient to remove a grove from the export program.

Response: We believe that the official inspections and tests called for by this rule will be sufficient to detect the diseases of concern should they be present in a grove or in harvested fruit. However, in order to address the concerns raised by this commenter, we have added the words ''or at any other time'' to § 319.56–2f(f).

Comment: While the proposed rule specifies that any detection of sweet orange scab or citrus black spot during required inspections shall result in a grove's removal from the export program, it provides no mechanism by which this shall happen. For example, there is no requirement for SENASA to be notified, and no requirement for SENASA to notify APHIS.

Response: In response to this comment, we have amended § 319.56–2f(f) in this final rule to require that both SENASA and APHIS be notified in the event that citrus black spot or sweet orange scab is detected.

Comment: While the proposed rule specifies that any detection of sweet orange scab or citrus black spot during required inspections shall result in a grove's removal from the export program, it does not state what would occur if citrus canker was discovered in a grove or within a particular growing region.

Response: As stated in the proposed rule, we believe that Argentina has demonstrated, in accordance with FAO guidelines for pest-free areas, that the citrus production areas in Catamarca, Jujuy, Salta, and Tucuman are free from citrus canker. Should citrus canker be detected in any of those States in the future, those same FAO guidelines require that Argentina report that detection. Because the citrus fruit regulations in § 319.28 prohibit the importation of the fruits and unprocessed peel of all species and varieties of the genus Citrus from areas where citrus canker exists, the detection of citrus canker in an area within the citrus-canker-free region of northwestern Argentina would result in a prohibition on the importation into the United States of grapefruit, lemons, and oranges from that area.

Comment: The proposed systems approach for citrus black spot and sweet orange scab provides only suppression of symptoms and reduction of the inoculum in the area proposed for export. So the question the risk assessment must answer is will this provide the United States with an appropriate level of protection against the introduction and establishment of one or both of these diseases when it is clear that infected, though symptomless, fruit will be certified for export to the United States?

Response: The risk assessment provides the decisionmaker with the information he needs to determine whether certain phytosanitary measures provide ''an appropriate level of protection'' in a particular situation; it is not the purpose of the risk assessment itself to answer that question. In this case, the risk assessment examined the risk associated with the importation of Argentine citrus and estimated the likelihood of pest introduction. In any event, the systems approach for citrus black spot and sweet orange scab is not designed to suppress symptoms. It is designed to prevent infection. For that reason, part of the systems approach includes removal of debris to reduce inoculum and application of fungicides to prevent infection. As part of the entire systems approach, this prevention portion provides an appropriate level of protection against the introduction or establishment of either of these diseases. It is not ''clear'' that symptomless, infected fruit will be certified for export. In fact, using the systems approach makes it highly unlikely that symptomless, infected fruit will be certified for export.

Risk Assessment

Note: In this section, as well as in the subsequent section titled ''Risk Assessment—'Principles of Good Practice' some of the comments state that the proposed rule's supporting risk assessment failed to establish a connection between certain of its conclusions and the data or information that was used as the basis for those conclusions. We have responded to those comments by explaining the role that expert judgment played in reaching those conclusions or by pointing to our use of the sources cited in section III (''References'') of the risk assessment. However, in order to more thoroughly document the sources of the risk assessment's conclusions, we have prepared an addendum to the risk assessment that provides, node-by-node, specific references to the information or data used as the basis for those conclusions. The addendum may be obtained from the person listed at the beginning of this final rule under the heading **FOR FURTHER INFORMATION CONTACT**.

Comment: The consequences of introduction are addressed in the qualitative portion of the risk assessment via an estimation of the economic and/or environmental damage potential according to ratings applied to five risk elements. In these estimations, broad uncharacterized assumptions are used and the role of uncertainty is never discussed.

Response: The objective criteria we use to rate the five risk elements are stated on pages 22 through 25 of the risk assessment, and our findings regarding the five risk elements are provided on page 26. Our findings are not based on ''broad uncharacterized assumptions,'' but on specific information available in the scientific literature. The information used in rating each pest is provided in the pest data sheets provided for each of the rated pests (Appendix I–IV for four species of fruit flies and Appendix V–VII for the three citrus diseases), which are supported by the scientific literature cited and listed in each pest data sheet.

We did not discuss the role of uncertainty in the assignment of ratings for the five risk elements because uncertainty played an insignificant, if any, role in the assignment of those ratings. For each risk element, each pest received a qualitative ranking of high, medium, or low; the assignment of each ranking for each pest was dictated by the responses to specific and objective criteria. For example, the rankings assigned for Risk Element #2 (host range) were assigned as follows:

- High—Pest attacks multiple species within multiple plant families.
- Medium—Pest attacks multiple species within a single plant family.
- Low—Pest attacks a single species or multiple species within a single genus.

As can be seen in the pest data sheet included in the risk assessment for each of the pests examined, the host range of each pest has been established and documented, so there was no uncertainty involved in the assignment of a qualitative risk rating for each pest under this risk element. The same may be said for the other four risk elements as well, with the possible exception of Risk Element #5 (environmental impact), in which three of the five factors considered involve expected impacts on the environment or on threatened/endangered species. Because those factors involve likely future impacts as opposed to documented past impacts, some degree of uncertainty is inevitable; however, we do not believe that the level of uncertainty is sufficient to have had any substantive impact on the assigned risk ratings.

Comment: Climate-host interaction is estimated solely on the USDA s Plant Hardiness Zone Map. This map provides temperature zones for specified regions, and risk is calculated based on a pest's ability to exist in one to several temperature zones. Yet, rainfall and relative humidity play an equally critical role in the ability of a disease pathogen to survive and thrive in a new area. (For example, there is the added moisture that results from irrigation and fog, as in the coastal California growing areas, and the summer monsoon season that occurs in both Arizona and southern California.) The omission is never mentioned, so neither is the uncertainty this omission represents.

Response: The plant hardiness zone map is used in the discussion of Risk Element #1, ''Climate-Host Interaction,'' as an objective means of specifying the extent of the potential range of the pest. We agree that it may be appropriate, as suggested by the commenter, to introduce relative humidity and rainfall as factors for consideration at this stage. However, the addition of those factors at this stage would have the effect of further limiting the potential range of the pest under consideration to areas even smaller than temperature zones, as the pest would be restricted to areas with appropriate ranges of multiple factors (temperature, rainfall, and relative humidity), rather than just one factor (temperature). That being said, the role of moisture is in fact considered in the risk assessment, contrary to the commenter's assertion that it was not. Specifically, Risk Element #3, ''Dispersal Potential,'' considers ''whether natural factors (*e.g.*, wind, water, presence of vectors) facilitate dispersal'' as one of the three items examined when evaluating whether a pest has the potential to disperse (or, to use the commenter's terminology, ''survive and thrive'') after introduction into a new area.

Comment: Sweet orange scab is rated medium for its host range potential yet it is not known to infect genera of Rutaceae other than *Citrus* species. Citrus black spot is rated high for its dispersal potential (capable of movement over 10 km per year), yet the scientific data, and the data sheet provided, indicate that this fungus only spreads short distances under natural conditions. Long-distance dispersal is attributed to the artificial movement of citrus leaves and nursery stock, both of which are beyond the scope of the risk assessment. If this assessment is correct, the 150-meter buffer provision in the proposed program should be reexamined.

Response: Our understanding of this comment is that the commenter is pointing out that: (1) The rating we assigned for the host range potential of sweet orange scab was too high and (2) the rating we assigned for the dispersal potential of citrus black spot may have been too high, and if that is the case, the 150-meter buffer zone may be too large. We agree that *Elsinoe australis* (sweet orange scab) could have received a rating of ''low'' for host range potential and, as a result, sweet orange scab could have only been rated as ''medium''—not ''high''—for its consequences of introduction. Similarly, *Guignardia citricarpa* (citrus black spot) could have been rated as ''medium'' for dispersal potential, and as a result, citrus black spot could have been rated as ''medium''—not ''high''—for its consequences of introduction. Although our original rating of ''high'' for the dispersal potential of citrus black spot may have been somewhat conservative, we believe that the 150-meter buffer zone provision is still an appropriate measure to protect production groves from neighboring properties that are not participating in the export program.

Comment: Black spot is apparently on a wide range of other host plants. The risk of movement of *Guignardia citricarpa* on latently infected fruit and its ability to establish in a new area on various other hosts (*i.e.*, not citrus) is underrated.

Response: Guignardia citricarpa is morphologically identical to another *Guignardia* sp. that is latent in citrus and many other hosts. However, the identified host range of *Guignardia citricarpa* is limited to commercially grown *Citrus* spp. except for sour orange (*C. aurantium*) and its hybrids. Given the identified host range of *Guignardia citricarpa*, we believe that the risks presented by *Guignardia citricarpa* were appropriately rated in the risk assessment.

Comment: The likelihood of introduction is estimated using probabilistic scenario analysis. Here, uncertainty is addressed in the probability distributions, but these distributions were in turn based upon a number of assumptions that are not explained. Among other criteria, pest risk assessments must contain sufficient detail and identify all sources of uncertainty in data extrapolation in order to be open to evaluation and review. It is for this reason that the FAO Guidelines for Pest Risk Analysis require that the analysis or assessment clearly state the sources of information and the rationales used in reaching decisions regarding the phytosanitary measures proposed.

Response: Our risk assessment was conducted with strict adherence to the FAO guidelines. As explained in the risk assessment on p. 28, we estimated model inputs ''using the best available data and expert judgment as our basis.'' In those cases where data were available, we identified those data and the role they played in the development of our distributions. When data were not available, we used additional

information provided by our experts to arrive at estimates that reflected what we considered to be appropriate levels of uncertainty, and the distributions were derived to reflect those estimates; in those cases, the role of expert judgment or expert information in arriving at the estimates was acknowledged. We believe, therefore, that our risk assessment clearly states the sources of information and the rationales used in reaching decisions regarding the phytosanitary measures proposed as required by FAO.

Comment: Although some background information was provided, it would have been extremely helpful to include some additional information within or accompanying the pest risk assessment. This would include a complete review of current pest status of citrus black spot and sweet orange scab in Argentina and in the four States; the trip reports for any and all site visits; all survey methods and results; and a complete discussion of Argentina s current and proposed control, harvesting, and packing procedures.

Response: All of the information cited by the commenter is either in the public domain or is part of the rulemaking record, which was made available to the commenter. We do not believe that it would be feasible or even necessary to reproduce the entire public record in the risk assessment.

Comment: APHIS has not adequately considered the risk of infestation and infection originating in residential areas.

Response: The risk of infestation/infection in residential areas was considered in the risk assessment as part of input probabilities P6 (fruit transported to suitable habitat), P7 (pest finds/pathogen reaches suitable host), and P8 (pest/pathogen able to complete life cycle). Those input probabilities considered both commercial production areas as well as residential areas.

Comment: The mitigation scenarios for the fruit flies and citrus canker are estimated against the systems approach proposed for citrus black spot and sweet orange scab; there is no analysis provided for the efficacy of the direct mitigation measures proposed for these pests. For the fruit flies, it would be more relevant to provide the supporting data evidencing the effectiveness of the post-harvest cold treatment. For citrus canker, it would be more appropriate to show how this program meets the requirements for designation of a pest free area.

Response: It is not the case that ''the mitigation scenarios for the fruit flies and citrus canker are estimated against the systems approach proposed for citrus black spot and sweet orange scab.'' The risk presented by each pest was analyzed individually with respect to pertinent mitigation measures. In fact, we state on page 32 of the risk assessment that the baseline treatments of washing, waxing, and dipping the fruit (for diseases) ''are expected to have only a minor effect on fruit flies.'' Our estimates do not include any reduced fruit fly risk from these treatments. As shown in Table 7 on p. 35 of the risk assessment, there are only two differences between the risk model inputs for the baseline (no specific mitigations) and the proposed risk mitigation program. That is, two of the nodes were affected by the proposed program. The first affected node is P5 (pest survives post-harvest treatment). As described on p. 32, all of the reduced likelihood of fruit fly survival with the proposed program comes directly from the cold treatment for fruit flies:

> USDA has an approved cold treatment schedule for both *Ceratitis capitata*, Treatment T107(a), and *Anastrepha* fruit flies other than *A. ludens*, Treatment T107(c) (PPQ, 1992). The treatment schedule allows different temperature/time combinations to be used. For example, T107(a) allows 32° F (or below) for 10 days as well as 36° F (or below) for 16 days. Treatment schedules were based on demonstrated efficacy of probit 9 (99.9968 percent) mortality. This corresponds to a survival rate of 0.00003 (0.003 percent). We represented survival as a lognormal distribution with a mean of 0.0001 and a standard deviation (sd) of 0.00011. A sd of 0.00011 was chosen because the resulting distribution has a mode (peak of the distribution) at 0.00003.

The other node that is different is P8 (pest able to complete life cycle). As explained on p. 33 of the risk assessment, we estimated that this value would be slightly lower as a result of the cold treatment for fruit flies. The reduced risk from fruit flies under the proposed program results from the cold treatment for fruit flies, and not from the treatments applied for the diseases of concern.

Regarding citrus canker, three main components are considered in the establishment and subsequent maintenance of a pest free area: Systems to establish freedom, phytosanitary measures to maintain freedom, and checks to verify freedom has been maintained. Argentina established its freedom from citrus canker, as stated on page 36 of the pest risk assessment, through 4 years of comprehensive specific surveys with negative results as well as general surveillance for canker in the field and in published literature. Argentina continues to maintain area freedom through phytosanitary measures outlined on pages 27 and 36 of the pest risk assessment document. These phytosanitary measures include restrictions on the movement and planting of citrus nursery stock in the free area and domestic quarantine controls at airports and roads servicing the area. Continuing canker surveys, field and packinghouse inspections, and the requirement for a phytosanitary certificate help verify that area freedom is maintained.

Comment: The probability estimate for ''harvested fruit is infected with citrus black spot and sweet orange scab'' is based on limited field survey data provided by Argentina. For example, treatment tests for grapefruit were performed on young trees in 1994 only, *i.e.*, trees known not to show symptoms with or without fungicidal treatment. The 1994–95 treatment data provided are for oranges only, and the age of the orchard trees is not provided. There were no data provided for lemons, the most susceptible citrus for citrus black spot infection. No treatment data were provided for sweet orange scab.

Response: We acknowledged in the risk assessment that the survey data provided by Argentina was limited. In the discussion of node P1, ''Harvested fruit is infected,'' we stated that ''our estimates * * * were based on limited field survey data provided by Argentina and expert information provided by scientists familiar with citrus production in Argentina and/or the pathogen.'' Because the field survey data were limited, we used additional information provided by our experts to arrive at estimates of these probabilities that reflected what we considered to be appropriate levels of uncertainty, and the distributions were derived to reflect those estimates.

Comment: The probability estimate for ''pathogen not detected at harvest'' is based solely on expert information that the fruit pickers would be able to find and cull diseased fruit. It does not provide any discussion regarding the latency period of citrus black spot symptom expression, nor that symptom expression does not occur at all in fruit from trees younger than 12 years. Yet, it does ironically assume in the mitigation scenario, based on a program that suppresses symptom expression, that this activity would result in fewer citrus black spot infected fruit escaping detection.

Response: In that latent infections would not be visible to pickers during harvest, we do not believe that it is necessary for the probability estimate for P2 (pathogen not detected at harvest) to provide a discussion regarding the latency period of citrus black spot symptom expression or the lack of symptom expression in all fruit from

trees less than 12 years old. Rather, the issues of latency and lack of symptom expression are considered in, and factored into, the probability estimates provided in P3 (pathogen not detected at packing house inspection) and P4 (pathogens survive post-harvest treatment). With regard to the last sentence of the comment, the systems approach is not, as the commenter states, a ''program that suppresses symptom expression.'' Rather, as we have stated elsewhere in this document, the treatments and cultural practices required by this rule are designed to prevent fruit from becoming infected in the first place. Those requirements are the basis for the risk assessment's expectation that ''more rigorous export standards and reduced frequency of latent infection would result in fewer [citrus black spot] diseased fruit escaping detection.''

Comment: The probabilistic estimate for ''pathogens survive post-harvest treatment'' predicts that these minimal treatments would have a deleterious effect on the survival of both sweet orange scab and citrus black spot causal pathogens. What this estimate does not state is that this node only applies to pathogen spores that may be found contaminating the surface of the fruit and that the fruit at that point is resistant to infection.

Response: It is correct that mature fruit is not susceptible to new infection and that the post-harvest treatment is intended to render nonviable any spores contaminating the surface of the fruit. This is reflected in the risk assessment's discussion of node P4, ''Pathogen survives post-harvest treatment,'' where we stated that ''[w]e assumed that the additional treatments [*i.e.*, the chlorine dip] included in the proposed export program would further reduce the survival rate of the [sweet orange scab] pathogen'' and that ''[f]or our mitigated scenario we assumed that the chlorine dip would have an additional deleterious effect on the survival of the [citrus black spot] fungus.'' As noted elsewhere in this document, these post-harvest treatments are mainly to prevent post-harvest decay.

Comment: In section 8.f, ''Inputs, Sweet orange scab, citrus black spot and citrus canker,'' the probabilistic estimate for ''fruit shipped to a suitable habitat'' is based solely on the percentage of geographical area that supports cultivation of citrus. Yet, in fact, this node would be more accurate if estimates were based on population densities, as fruit is going to be shipped based upon a target market, not geography. Then, a comparison should be made relative to the population percentage found within the citrus growing areas. As it is estimated now, this node is particularly likely to be grossly underestimated. The probabilistic estimate for ''pathogen reach suitable host'' is based on an assumption that the initial inoculum source was introduced into an orchard setting. In fact, it is much more likely that the inoculum will initially be introduced into an urban setting. As a result, this node is another one that is particularly likely to be grossly underestimated. This probability node, along with the one above, should be recalculated more appropriately.

Response: We disagree with the commenter's statement that the probabilistic estimate for ''fruit shipped to a suitable habitat'' is likely to be grossly underestimated. With the large citrus markets throughout the United States, we have no reason to believe that our estimate of 5 percent (percentage of imported fruit that will be shipped to areas where citrus can survive) is too low or too high, nor have we received any specific information from any commenter that would allow us to change our estimate. (**Note:** Tables 8–10 on pp. 44–46 of the risk assessment correctly list our estimate as 5 percent, and this is the value used for the calculations. The text on p. 41 incorrectly states this value as 9 percent). While it is accurate to state that fruit will be shipped based on markets rather than geography, one cannot dispute the link between geography and suitable habitat. The ability of an area to support a pest population is a function of climate and the availability of host material, and not population density.

Similarly, the commenter's statement that ''the probabilistic estimate for 'pathogen reach suitable host' is based on an assumption that the initial inoculum source was introduced into an orchard setting'' is inaccurate. We can find no statement in the risk assessment that could lead the commenter to this conclusion. We stated in the risk assessment:

> All three pathogens analyzed are essentially restricted to citrus hosts (or closely related species). Suitable habitat for these organisms necessarily corresponds to the range of their citrus hosts. Consequently, we considered the citrus growing regions of the continental United States to be ''suitable habitat.'' We estimated the percentage of the area of the contiguous 48 States that supports the growth of citrus species.

This percentage of the area of the contiguous 48 States that supports the growth of citrus species includes all areas where citrus fruit can be produced, including ''backyard trees'' in urban, suburban, or rural settings, or any other areas where citrus plants can survive and produce fruit, as well as commercial citrus-production areas. However, citrus is a subtropical plant and can only survive and produce fruit in a small portion of the continental United States. Accordingly, we do not agree with the commenter's statement that both nodes are grossly underestimated and need to be recalculated.

Comment: The probabilistic estimate for ''pathogen able to complete disease cycle'' in particular should evaluate the effect of the systems approach, *i.e.,* it should provide a measurement of the level of infection and an estimation as to risk from latent or suppressed symptom expression. It should also include a discussion of the role of pycnidiospores in disease establishment and episode development. Although citrus black spot epidemics tend to be caused by the ascospores produced on dead leaves, the pycnidiospores from fruit are quite capable of being the source of introduction of the disease. The risk assessment should give more careful consideration to the pathogenicity of the pycnidiospores and should consider the possibility that citrus black spot could become established in the United States through pycnidiospores infecting residential citrus.

Response: Our understanding of the commenter's suggestion that ''[t]he probabilistic estimate for 'pathogen able to complete disease cycle' * * * should evaluate the effect of the systems approach, *i.e.,* it should provide a measurement of the level of infection and an estimation as to risk from latent or suppressed symptom expression'' is that the commenter believes that the intended effect of the systems approach is to suppress the symptoms of citrus black spot and, on the basis of that belief, that we should estimate the percentage of fruit that will be latently infected and provide an estimate of the risk presented by that latently infected fruit. As we have stated elsewhere in this document, we disagree with the commenter's assertion that the goal of the systems approach is simply to suppress symptoms; rather, the systems approach is intended to prevent infection in the first place, provide for the detection of infection if it should occur, and prevent the entry of infected fruit into the United States. That being said, this node of the risk assessment (P8: Pathogen able to complete disease cycle) is assumed to be an independent event and, as such, begins with the assumption that the pest, in some form, has reached a suitable habitat and a

suitable host, including residential citrus. The node then describes ''our estimate of the likelihood that these pathogens would, having reached a host plant, be able to infect that plant and complete the disease cycle.'' Thus, we believe that the risk assessment does in fact provide the estimation of risk sought by the commenter in the first part of her comment.

In the second part of her comment, the commenter suggests that this node of the risk assessment ''should also include a discussion of the role of pycnidiospores in disease establishment and episode development.'' In our discussion of this node in the risk assessment, we stated that we ''took into account the type of infectious propagule produced by each of the three pathogens and the environmental and physiological requirements for host plant susceptibility and successful disease progression'' and later, specifically with regard to citrus black spot, that:

> The epidemiology of [citrus black spot] is influenced by the availability of inoculum, the environmental requirements for infection, the growth cycle of the host and the age of the fruit in relation to its susceptibility. Ascospores formed on dead leaves on the orchard floor form the main source of inoculum, however pycnidia on out of season or late hanging fruit can also serve as sources of rain splashed inoculum. Spores are released during rainfall and during irrigation. Except for lemons, leaf infections seldom occur. The critical period for infection starts at fruit set and lasts for 4 to 5 months. Symptom development is hastened by rising temperatures, high light intensity, drought and poor vigor.

Given the above discussion, we believe that we did give due consideration in the risk assessment to the pathogenicity of the pycnidiospores and the possibility that citrus black spot could become established in the United States through pycnidiospores infecting residential citrus. Our estimates of the risk presented by pycnidiospores are supported by the American Phytopathological Society's (APS) *Compendium of Citrus Diseases* (Whiteside, J.O., Garnsey, S.M. and Timmer, L.W., 1988, APS Press, American Phytopathological Society, St. Paul, MN. 80 pp.), which is cited repeatedly in the risk assessment. That publication states: ''Pycnidiospores formed on dead leaves on the ground can reach the susceptible fruit only by the splashing of raindrops, and they are not considered an important source of inoculum.'' The pycnidiospores play a role in short distance water-dispersal of this disease. They may be produced on symptomatic, late-hanging fruit or on dead, decaying leaves on the orchard floor. Pycnidiospores from fallen leaves are very unlikely to reach fruit because they are solely waterborne. Pycnidiospores from late-hanging, symptomatic fruit can infect fruit that is in physical contact with the infected fruit or that is hanging below the symptomatic fruit, if the fruit are susceptible and environmental conditions appropriate. This agrees with the findings of McOnie (McOnie, K.C., 1964, ''Speckled blotch of citrus induced by the citrus black spot pathogen *Guignardia citricarpa*,'' Phytopathology 54: 1488–1489), who concluded that ascospores are the major infective bodies and that spores of the asexual stage (*i.e.,* pycnidiospores) are unimportant in producing fruit infections.

Comment: The pest risk assessment concluded that the pest risk potential, minus the mitigation measures, is high for the fruit flies and sweet orange scab and medium for citrus black spot; citrus canker is not mentioned. No conclusions are expressed for the pest risk potential as mitigated by the proposed program. In any case, sufficient information necessary to assess the efficacy of the proposed systems approach for sweet orange scab and citrus black spot is not available within the proposed rule, the supporting pest risk assessment, or other documentation provided.

Response: The pest risk potential of an organism, which can be viewed as a constant, is not affected by mitigating measures, which is why the risk assessment expressed no conclusions for the pest risk potential as mitigated by the proposed program. Rather, it is the likelihood of introduction that will be affected by the mitigating measures, and we did provide our conclusions for the likelihood of introduction as mitigated by the proposed program. Citrus canker is not mentioned because fruit will be imported only from the citrus-canker-free area of Argentina. With regard to the efficacy of those mitigating measures, we believe that the data supplied by Argentina and the reports of APHIS personnel who conducted the site visits in Argentina, which are all part of the rulemaking record and were made available to the commenter, as well as the information contained in the scientific literature cited in the risk assessment, provided sufficient information to support the risk assessment and its conclusions relating to the risk reductions afforded by the mitigating measures required by this rule.

Comment: In the risk assessment, APHIS states that it evaluated only pests that can ''reasonably be expected to follow the pathway, *i.e.,* be included in commercial shipments of citrus.'' But the pathway contains more than just commercial shipment, and much of the protection estimated in the risk assessment for the diseases and pests evaluated comes from other components of the pathway. What should matter is not the probability of traversing the pathway as far as commercial shipment, but the probability of completing the whole pathway. The probability required for ''reasonably be expected'' appears to be extremely high compared with the required levels of protection. It is plausible that for other pests or diseases, other parts of the pathway are not of low probability. In that case, the risk assessment has not included sufficient pests.

Response: In stating that the pathway consists of ''more than just commercial shipment'' and that protection may be afforded by ''other components of the pathway,'' it appears that the commenter is confusing the pathway itself with the mitigation measures applied to fruit in the pathway. The only pathway ''opened'' by this rule, and thus the only pathway appropriately considered in a risk assessment supporting this rule, is the commercial shipment of citrus fruit from Argentina to the continental United States. Other pathways (*e.g.,* backyard fruit smuggled by airline passengers or placed in the mail) would exist with or without this rule, and thus did not fall within the scope of the risk assessment prepared for this rule. Commercial shipment is the whole pathway, and not merely a distinct stop along the pathway as the commenter suggests when he speaks of ''traversing the pathway as far as commercial shipment.'' In our risk assessment, the commercial shipment pathway for citrus fruit begins in the Argentine production area and ends in the continental United States in the ultimate consumer's trash can or compost pile, and this entire pathway was considered when assessing pest risk. The risk assessment lists all pests of citrus in Argentina, and all pests that can reasonably be associated with this pathway were analyzed in detail.

Comment: The desired result of a Monte Carlo analysis should be carefully defined, whereas the risk assessment has no stated, well-defined, goal. In our opinion, the goal that would provide the most useful information would be an estimate (and its uncertainty) of the average annual likelihood that the importation of Argentine citrus fruit will result in a pest outbreak in the United States. If this is the intended goal of the analysis,

APHIS must reconsider its use of any distributions that reflect year-to-year variability. The distribution for the number of shipments of fruit that will be shipped to the United States was constructed ''to allow for variation in the frequency of shipments that might result from variation in production, frequency of shipments that are cleared for shipment, and variation in market demands in the United States.'' If the intended goal is to estimate an average likelihood of a pest outbreak, APHIS should ignore year-to-year variability in this value and instead construct a distribution that accounts only for uncertainty in the value for the average number of shipments that will be shipped to the United States. The same would apply for any other year-to-year variabilities included in the probability estimates, unless they were correlated. No explicit mention is made of such variabilities in the discussions of the other probability estimates, but the discussion of these estimates is inadequate. If there are correlations, such as that explicitly discussed in section 8.e P8 of the risk assessment, then such correlations have to be taken into account. One way to do so would be to incorporate the year-to-year variability together with the correlations in the modeling. Each iteration of the Monte Carlo assessment would then require a nested loop that averaged over multiple years in order to obtain the long-term average.

Response: We disagree with the commenter's statement that the risk assessment has no stated, well-defined goal. The overall purpose of our risk assessment is stated in the first sentence of that document, *i.e.* ''* * * to examine plant pest risks associated with the importation into the United States of fresh citrus fruit grown in certain areas of Argentina.'' Similarly, with regard to our use of Monte Carlo simulation methods to account for uncertainty in estimating probabilities, we stated the following in the first paragraph of section 8, Likelihood of Introduction (the only section of the risk assessment in which Monte Carlo simulation methods were used): ''For the pests listed in Table 6, we estimate the likelihood of introduction using a quantitative method referred to as 'probabilistic risk assessment' or 'probabilistic scenario analysis.' The purpose of a probabilistic risk assessment is to estimate the likelihood of an undesirable outcome (bad event). The bad event is represented by the endpoint of the risk model, *i.e.*, introduction of a quarantine pest. Our method has four basic components: Scenario analysis, development of a mathematical model, estimation of input values for the likelihood model, and Monte Carlo simulation * * *.'' Thus, the purpose of the Monte Carlo portion of the risk assessment is also stated clearly, *i.e.*, to estimate the likelihood that quarantine pests will be introduced.

The goal suggested by the commenter—to provide ''an estimate (and its uncertainty) of the average annual likelihood that the importation of Argentine citrus fruit will result in a pest outbreak in the United States''—is a reasonable approximation of our stated goal with a slightly different endpoint. As explained in the risk assessment, ''introduction'' of a pest means entry and establishment (*i.e.*, reproducing, self-sustaining population of the pest). Pest outbreak is one possibility for the next step if we were to continue our scenario. We have used pest outbreak as our endpoint in previous risk assessments. However, in this risk assessment, we chose pest introduction as our endpoint. Use of pest introduction as the endpoint is more conservative (more pest exclusionary) than using pest outbreak. Estimates of the likelihood of outbreak would be lower than estimates of introduction because additional events would have to occur before the introduction would lead to an outbreak.

The commenter also states that ''APHIS should ignore year-to-year variability in this value and instead construct a distribution that accounts only for uncertainty in the value for the average number of shipments that will be shipped to the United States.'' These remarks are premised on the belief held by some risk assessors that variability must be dealt with separately from uncertainty in all cases; however, the utility of this approach in all cases has not been demonstrated. In the case of our risk assessment, we believe that separating other forms of uncertainty from variability (*i.e.*, year-to-year) would obscure, rather than illuminate, the issue. Commercial shipments of citrus from Argentina have never entered the United States; there are no data that would allow us to characterize the expected year-to-year variability in quantity imported. Although the actual number of shipments would vary on a year-to-year basis, the data do not exist to characterize that variability. There is considerable uncertainty regarding the quantity of shipments. That is why we used a normal distribution that is not bounded above or below the mean.

Finally, with regard to the commenter's suggestion that we incorporate year-to-year variability together with correlations in the modeling, we did consider the implications of possible correlations among the nodes, but we determined that there were not any correlations that would affect the calculations in the Monte Carlo simulation.

Comment: APHIS uses a simple multiplicative mathematical model to estimate the frequency of pest outbreaks in the United States. The estimated number of shipments of citrus fruit is multiplied by eight probability distributions to arrive at the final distribution for the likelihood of a pest establishing itself in the United States. If each stage of the process were truly independent of all preceding stages, and if it were certain that all fruit would pass through each stage of the process, then this would be a simple, accurate model to describe the likelihood of an exotic pest establishing itself in the United States. However, we do not believe that each stage is independent of the all preceding stages, nor do we believe that it is certain that all fruit will pass through each stage of the process. The risk assessment's mathematical model should take into account the correlation of the stages and potential for the failure of fruit to pass through all those stages.

Response: We believe that the commenter has misinterpreted the risk model as a graphical representation of the risk mitigation process, which it is not. The steps in our model are consecutive—for example, fruit must be harvested before it can be taken to the packinghouse—which could give the impression of dependence, but the risks examined at each step are independent; the risks examined in one node do not have a direct impact on the risks examined in the next. Although certain of the risk mitigation steps are represented in the risk model, the model accounts for other steps (*e.g.*, biological) that are independent of human activities. For example, node P7 (figure 2 on page 30) is stated as ''pest locates suitable host.'' Clearly, this is not a risk mitigation step that can be skipped, it is a representation of the probability that a pest will find host material should it enter the United States. This probability is not correlated with the other nodes. The scenario should be viewed according to the description in the risk assessment:

First, we use the method of scenario analysis to conceptualize the events (referred to as nodes) that must occur before the endpoint or ''bad event'' (*e.g.*, introduction of *Anastrepha fraterculus* or *Elsinoe australis*) can occur. Scenario analysis provides a conceptual framework for assessing and managing risk. Before the quarantine pest can

be introduced, all of the events shown in the model must occur.

Regarding the commenter's statement ''however, we do not believe that each stage is independent of the all preceding stages,'' we disagree and believe the nodes are independent; it is not possible to address this comment more specifically without further information from the commenter about which nodes he believes are correlated with others. We have discussed the basis for our belief in the independence of the nodes elsewhere in this document and address the issue in the addendum that is available from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Regarding the commenter's statement ''nor do we believe that it is certain that all fruit will pass through each stage of the process,'' we would point out that the probabilities assigned to each node that represents a risk mitigation step relate directly to a ''failure'' of that particular step (*e.g.*, pest not detected, pest survives treatment), thus the possibility of failure in each of the stages was considered in the risk assessment. Further, this rule requires that only fruit that passes through each stage of the process may be approved for entry into the United States. SENASA inspectors will be present at each stage to supervise, confirm, and document the successful application of each of the required mitigations, and a phytosanitary certificate issued by SENASA confirming that the fruit has been produced in accordance with the requirements of this rule must accompany each shipment of fruit exported to the United States.

Finally, the commenter states that we used our model to estimate the frequency of pest outbreaks, but, as noted in our response to the previous comment, that is not the case. As shown in Figure 2 on page 30 of the risk assessment, the endpoint of our risk model for the likelihood of introduction was ''pest establishes.'' International guidelines for pest risk analysis (FAO 1996, as referenced in the risk assessment) define introduction as pest entry plus establishment.

Comment: APHIS selected an 18-kg box of fruit as the ''risk unit'' for the risk assessment and bases all estimates of probability on this unit. This is not appropriate for all steps, perhaps any step, in the analysis. For the first four stages of the pathway defined by the risk assessment (*i.e.*, until the fruit is boxed at the packinghouse), the fruit are acted on independently of the boxes in which they will be placed. Moreover, the processes of storage, sorting, and packing occur in such a way that the fruit become fairly well randomized. Thus if $p_1p_2p_3p_4$ are the ''per fruit'' probabilities designated as P1, P2, P3, and P4 on a ''per box'' basis in the risk assessment, then if $p_1p_2p_3p_4$ are independent (but see below), the probability for a box containing *n* fruit to be infection-free after the fourth stage is $1\text{-}(1\text{-}p_1p_2p_3p_4)^n$. But this cannot in general be written as the product P1P2P3P4 (as is done in the risk assessment) where P1 through P4 are independent, and it cannot even be so approximated if the product $p_1p_2p_3p_4$ is reasonably large, as certainly occurs in the unmitigated situation. The natural, indeed the only, unit for consideration is the individual fruit. Using individual fruit will also allow straightforward analysis of the experiments that have been or can be performed to test efficacy of various treatments or actions.

Response: As noted elsewhere in this document, we believe that a box of fruit is the most appropriate risk unit. No one unit is perfect for each node; prior to packing there is mixing of the fruit from an orchard. Once the fruit are packed, they are no longer independent of each other, and it is boxes, and not individual fruit, that will be shipped to—and, in all likelihood, remain in—specific destinations in the United States. Even though no one unit is perfect for each node, we decided that it would be most transparent, defensible, and correct to use a consistent risk unit throughout the model. The primary problem perceived with using individual fruit as the risk unit was the different size of the various fruit being considered (*i.e.*, lemons, oranges, and grapefruit). Separate modeling for each type of fruit would have complicated the assessment significantly and needlessly; the expert group did not believe that separate modeling would improve the accuracy of the risk estimates, especially given the inherent uncertainties in the input parameters.

As explained in the risk assessment (section 8.e.F1, p. 29), in each step of the scenario, the probabilities were estimated for one box of fruit. The commenter asserts:

> Thus if $p_1p_2p_3p_4$ are the ''per fruit'' probabilities designated as P1, P2, P3 and P4 on a ''per box'' basis in the risk assessment, then if $p_1p_2p_3p_4$ are independent (but see below) the probability for a box containing *n* fruit to be infection-free after the fourth stage is $1\text{-}(1\text{-}p_1p_2p_3p_4)^n$. But this cannot in general be written as the product P1P2P3P4 (as is done in the risk assessment) where P1 through P4 are independent, and it cannot even be so approximated if the product $p_1p_2p_3p_4$ is reasonably large, as certainly occurs in the unmitigated situation.

We believe that assertion is inappropriate because it mixes units, first assuming a per-fruit probability, then a per-box probability. We were consistent throughout the risk assessment and used per-box probabilities for each node.

Comment: To correctly model the mitigated situation, more information should be presented about exactly what happens when citrus black spot or sweet orange scab is detected on fruit destined for the United States. Is the entire shipment prohibited from entering the United States? What about other shipments en route from the same grove? These do not appear to have been accounted for in the probability distributions for the risk assessment. The proposed regulations require that the grove be removed from the export program for the duration of the growing season if citrus black spot or sweet orange scab is detected upon any required inspection, including inspection at the port of first arrival. Would the removal of such groves from the export program affect any of the distributions in the risk assessment? It certainly affects the structure of the overall probability model.

Response: As described in the proposed rule and noted by the commenter, should any of these diseases be detected on fruit destined for the United States, the entire shipment will be rejected and the grove will be eliminated from the program for the remainder of the shipping season. These events—the rejection of shipments and the elimination of groves—can be viewed as successful applications of the systems approach and, as such, contribute to the risk reductions estimated in our risk assessment. Because the probabilities assigned to each node that represents a risk mitigation step relate directly to a ''failure'' of that particular step (*e.g.*, pest not detected, pest survives treatment), our explicit focus was on failures rather than on successful applications of the systems approach. Those successes were, however, inherently reflected and accounted for in the appropriate probability distributions in the risk assessment.

Comment: APHIS makes no attempt to account for the number of fruit in a box that are affected or for the number of pests affecting each fruit. Certainly, if several pieces of fruit in a given box were infested with fruit flies, the probability of the pest establishing itself in the United States as a result of the contaminated box would be much higher than if only one fruit was infected, as is explicitly acknowledged in section 8.e P8 of the risk assessment.

Because the ranges for these variables are large (ranging from zero to the maximum number of fruit in a box and from zero to a large number of pests per box), accounting for variability in the number of infested or infected fruits per box and for the number of pests per fruit (or box) could have a large impact on the results of the risk assessment.

Response: As stated in the risk assessment (section 8.e P1, p.29), we considered the possibility that more than one fruit in a box might be infested with fruit flies (''Specifically, this node represents the probability of one or more individual fruit in a box being infested by any of the four species of fruit flies.'').

However, because the likelihood that any individual fruit will be infested is low (mode of distribution = 0.00009), and because the fruit are mixed thoroughly prior to packing, the likelihood that multiple fruit within a single box will be infested is considerably smaller than 0.00009. As indicated in the quote above, our estimates accounted for this possibility.

Regarding multiple larvae, the most likely way (virtually the only way) that one of these fruit fly species could become established as a result of the importation of infested fruit is if there are multiple larvae in a particular fruit. A reasonable consideration of this situation leads to the conclusion that unless multiple larvae are present, it would be nearly impossible for a breeding pair to form. Thus, multiple larvae infesting a given fruit was the primary factor in our estimate. In addition, it should also be remembered that this rule will require all susceptible fruit to be treated according to a treatment schedule with a documented efficacy of 99.9968 percent.

Comment: APHIS states, ''The nodes in our scenario (risk model) represent independent events that must all take place before an introduction can occur.'' However, it is not sensible to believe that the eight stages considered in the APHIS risk assessment are truly independent, or that the diagram (Figure 2 of the risk assessment) adequately represents the process of importation of citrus fruit. The model used in the assessment, which consists solely of independent stages, appears to have been selected to agree with APHIS's ''Detailed Description of the PPQ Pathway-Initiated Qualitative Commodity Pest Risk Assessment, Version 4.1'' for qualitative assessments. However, these guidelines are incorrect, even for a qualitative risk assessment. It may not be possible to construct such a linear sequence of steps to adequately represent the movement of a commodity—a more complex diagram may be necessary. Moreover, even if it is possible to construct such a sequence of such steps, it is incorrect to make estimates independently for each step. What is required are the conditional probabilities for subsequent steps, based on the prior steps in the sequence.

Response: We consider it completely reasonable, given the parameters of the model, that all eight nodes are independent. Indeed, the model was constructed with the express purpose of constructing a model with independent nodes (events), and an expert review of the model conducted by the Harvard Center for Risk Analysis reported in the journal *Risk Analysis* (Gray *et al.,* 1998) has validated our model and its assumption of independence. Without specific details from the commenter as to where and how dependencies might affect the model and its outcome, it is not possible to address this comment in detail except to repeat our statement that they are independent. Our model provides a framework for estimating risk, and we (and others, as noted above) believe the guidelines are valid. The model we selected has proven itself over the years, and for several commodity/pest combinations, to be an efficient means of estimating this type of risk. While we acknowledge that there are alternative ways of estimating this type of risk, we do not believe that using a different model would result in a substantively different outcome.

The risk model (scenario) was not, as stated by the commenter, offered to represent the process of importation of citrus fruit. The process was explained in the proposed rule, and details of the proposed risk mitigation program were listed in the risk assessment on pp. 26–28. Nor was our risk scenario offered to represent each mitigation measure in the proposed program; rather, it represents ''independent events that must all take place before an introduction can occur.'' The frequency of shipments/number of boxes (F1) and four of the eight nodes (P4, P6–P8) are not affected by risk mitigation measures. P1 is affected by standard and special pest control activities, P2 and P3 represent inspections for pests, and P5 represents a variety of treatments depending on host and pest.

The commenter asserts that the model appears to have been selected to agree with APHIS' guidance for performing qualitative risk assessments, when in fact our baseline scenario (risk model) for these risk assessments was developed before our qualitative process; the qualitative process is based on the probabilistic scenario. The commenter continues by stating: ''However, these guidelines are incorrect, even for a qualitative risk assessment. It may not be possible to construct such a linear sequence of steps to adequately represent the movement of a commodity—a more complex diagram may be necessary. Moreover, even if it is possible to construct such a sequence of such steps, it is incorrect to make estimates independently for each step.'' As stated above, the scenario was never intended to represent movement of a commodity. As we explained in the risk assessment, the nodes in our scenario represent independent events that must all take place before an introduction can occur. Regarding the commenter's statement that ''a more complex diagram may be necessary,'' we disagree. We believe that the events described in the risk model are necessary and sufficient for pest introduction. The commenter also states that ''What is required are the conditional probabilities for subsequent steps, based on the prior steps in the sequence.'' Conditional probabilities would be inappropriate because the nodes are independent.

Comment: APHIS' failure to account for human error and failure modes that could result in skipping one or more of the eight stages in its model is the most significant structural error in the assessment. It is inconceivable that 1.2 million boxes per year of fruit could all be treated forever according to the risk mitigation program without a single mistake. Some stages of the systems approach are likely to be omitted at times through negligence, accident, or design. Since some of the steps greatly reduce pest survival (assuming the pest traverses the step), even small probabilities for omission of such steps must be included in the analysis. APHIS should have used fault tree analysis in its assessment to evaluate the areas where failure can occur.

Response: All of the estimates for model inputs that are affected by human activities (P1 through P4) are based at least in part on a consideration of human error. For example, the most obvious reason that a pest would not be detected at harvest (P2) or during packing (P3) would be an insufficient inspection (*i.e.,* human error). The possibility of human error in fungicide applications is considered in P1 and the failure of post-harvest treatments is considered in P4. The other nodes are based either on marketing decisions (F1, P6) or pest biology (P5, P7–8). We do not believe that fault tree analyses are required in areas where failure can occur, as all of the nodes in our model that have a human component represent a ''failure'' of the system.

Comment: APHIS attempts to account for human error in some stages of the model, but ignores it in other stages. When constructing a distribution for sweet orange scab infection rates, APHIS claims to account for the nature of the sweet orange scab fungus and the possibility of human error in fungicide applications. However, it is impossible for us to review the appropriateness of the distribution constructed by APHIS' experts because APHIS does not describe in detail how it accounts for the possibility of human error.

Response: The direct data we had available when preparing this distribution were limited, and we explicitly acknowledged that in the risk assessment. As noted by the commenter, we recognized that human error (e.g., the improper or incomplete application of the fungicidal sprays) would limit the effectiveness of this aspect of the program. However, there are no objective criteria that one can use to move from recognizing that there is the possibility of human error in fungicide application to an estimate of how much human error there is likely to be. There is no database that can be used to predict the frequency or severity of human error in fungicide applications, and little or no direct experimental evidence exists from which one can derive estimates for the effects of human error. We recognized, therefore, that there would necessarily be a large element of uncertainty in our estimates of potential human error, which we considered along with the biology of sweet orange scab in estimating disease incidence; that uncertainty is evident in the fact that the experts agreed that the disease incidence might range from 0.1 to 30 percent. We believe that the distribution we constructed appropriately accounts for the uncertainty in our estimates of the effects of human error.

Comment: APHIS takes no account of the possibility of failure modes associated with the cold treatment for fruit flies. Treatment schedules for fruit flies are based on a demonstrated survival rate of 0.00003. This survival rate is the mode of the distribution selected to characterize the probability that fruit flies will survive cold treatment. If any boxes of fruit escape cold treatment (as will almost certainly happen for a small fraction of the 1.2 million boxes), the chance of fruit fly survival increases dramatically (by a factor of 33,000) for those boxes. Failure modes could easily be incorporated into the analysis by adding a Bernoulli function or a Dirac delta function to steps that could accidentally be skipped.

Response: The process of research and development for establishing commodity treatments is well documented in the scientific literature. Before any treatment is accepted, confirmatory tests must be completed to simulate treatments under actual treatment conditions. When fruit are treated, monitoring devices are placed to record the conditions of the treatment. Before fruit are allowed entry, the treatment record is verified to ensure that the fruit were treated according to the treatment schedule. If the fruit were not treated according to the schedule, they would be denied entry. This requirement directly addresses the possibility of failures in the application of the cold treatment.

Comment: The principal failure of the risk assessment with respect to the probability distributions is the failure to cite any credible data underlying their selection, and the failure to provide any documentation on their derivation. Where some studies are cited to provide a basis for the derivation, APHIS provides only vague references. Examination of the rulemaking record turns up summary data from various studies in Argentina that may correspond to those references, but there is no way a reviewer can be absolutely certain. No analyses of the studies are provided or referenced in the risk assessment or the rulemaking record, so the basis of the risk assessment estimates for mean values and variability or uncertainty cannot be evaluated. It is clear, however, that the entire risk assessment fails to distinguish variability and uncertainty.

Response: The probability density functions (PDF's) used by APHIS in the Argentine citrus and other assessments are what Hoffman and Kaplan refer to as ''subjective probability distributions'' in a recent article in *Risk Analysis, An International Journal* (''Beyond the Domain of Direct Observation: How to Specify a Probability Distribution that Represents the 'State of Knowledge' about Uncertain Inputs,'' Vol. 19, No. 1, 1999, pp.131–134). They are subjective precisely because no direct evidence existed to allow construction of a objective probability distribution. As emphasized by Hoffman and Kaplan, this is the norm in probabilistic risk assessment.

In no case were data available that could be used to directly specify a PDF, that is, data that represented results of studies that provided an estimate of the parameter with associated information regarding the range of values, variability or uncertainty in the data, and the shape of the distribution. ''Risk assessment does not legitimately focus on filling the information gaps, but rather on making a decision in the absence of information,'' (Orr, *et al.*, 1994). Although doing a risk assessment under these conditions may be considered unacceptable by non-practitioners, the only way to complete this type (and most types) of risk assessment is to make the best estimate possible based on whatever indirect information is available. In most cases, there were no indirect data either (results of experiments conducted to test a particular hypothesis). However, we relied on the best available scientific information and, in virtually every case, reliable data and information existed that related to the parameter for which an estimate was needed. For example, although there may be no data *per se* regarding the likelihood that *Xanthomonas axonopodis* would be ''. . . able to complete disease cycle'' (P8) following entry into the United States on fruit for consumption, there is a wealth of scientifically valid data and information, and conclusions in scientific papers, that demonstrate that the likelihood is extremely low. Although we did not, in all cases, explicitly link sources of information to the PDF's in which the information was used, our knowledge of each of the insect pests and diseases is summarized in the pest data sheets contained in the risk assessment's appendices and our sources of information are cited in each pest data sheet and in section III (References) of the risk assessment. Additional information regarding the construction of each of the distributions is contained in the addendum to the risk assessment that is available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Regarding the statement that ''it is clear, however, that the entire risk assessment fails to distinguish variability and uncertainty,'' we call the commenter's attention to section 8.c where we stated:

> We were uncertain about the input values for the likelihood model. This is typical for risk assessments. Uncertainty in the estimated values may arise from (among other things):
> - natural variation over time
> - natural variation from place to place
> - data gaps or unconfirmed data
> - relationships among multiple components in a node.

This statement documents the fact that we considered both variability and uncertainty. While it is true that we did not model variability or uncertainty separately, doing so is not a common practice, and this approach is useful only in certain circumstances. While this approach may provide more detailed information, it is not a given

that additional detail can necessarily be equated with greater accuracy. In the case of this particular risk assessment—and virtually any plant pest risk assessment—separating variability from other forms of uncertainty would constitute overinterpretation of available data.

Comment: The risk assessment states that all the distributions are based on the professional judgment of the team of entomologists who developed the risk assessment. That professional judgment appears to have been based on research or actual data in only a few instances. APHIS certainly must have access to data from inspections and from previous infestations of pests in the United States. The use of such data would result in much more credible distributions than those derived solely from professional judgment. It is possible, even likely, that distributions based solely on professional judgment (i.e., without reliance on data) are wildly inaccurate, placing the reliability of the analysis in serious question.

Response: We did indeed use those data whenever they were available, and they were cited in several locations (e.g., Alfieri *et al.*, 1994; Brown *et al.*, 1988; Gould, 1995; etc.). The distributions were not based solely on professional judgment, i.e., ''without reliance on data'' as suggested by the commenter. But for many of the nodes, no direct data existed to provide estimates for the input distributions, and professional judgment informed by the ''indirect'' sources of information available (e.g., scientific literature regarding a particular pest, interception records, etc.) was used according to international standards and accepted practice.

Comment: In no case does APHIS discuss the decision criteria used to select the type of probability distribution (normal, lognormal, beta), let alone why only these three particular distribution types were used. In most cases (such as in the construction of distributions for fruit fly and citrus canker incidence, the probability that a pest is detected at harvest, the probability that the pest is detected in the packinghouse, the probability that the pest survives shipment, etc.), no justification beyond ''expert judgment'' is given for the parameters selected to characterize the distributions. While we recognize that extensive data originally may not have been available to characterize, such deficiencies should have been recognized very early in the process and further studies carried out to fill in the gaps in data.

Response: In addition to the three distribution types identified by the commenter, we also estimated several nodes using another type of probability distribution, truncated lognormal. Distributions were chosen to reflect the current state of scientific knowledge. We explained the nature of each distribution chosen; in fact, we provide a separate section for each distribution. The explanations can be found in section 8.e., with titled subparts for each node (probability distribution) used for the fruit fly simulation, and section 8.f., with titled subparts for each probability distribution used for the three diseases. We provided justification for our choice of distribution in many, but not all, cases. For example, in the discussion of the choice of distribution to represent the likelihood that fruit fly larvae will survive post-harvest treatment (section 8.e P5) we state:

> Treatment schedules were based on demonstrated efficacy of probit 9 (99.9968 percent) mortality. This corresponds to a survival rate of 0.00003 (0.003 percent). We represented survival as a lognormal distribution with a mean of 0.0001 and a standard deviation (sd) of 0.00011. A sd of 0.00011 was chosen because the resulting distribution has a mode (peak of the distribution) at 0.00003.

In this case, although we did not offer a discussion of why a lognormal distribution was used, since ''there is a significant body of work that shows a particular family of distributions to match the variability in the type of variable in question'' (D. Vose, in press), insect response to treatments such as this is distributed lognormally. The statistical procedure (probit analysis) that led to the probit 9 estimate (referred to above and in the risk assessment) is based on the assumption that response is distributed lognormally. This phenomenon and the lognormal distribution lies at the heart of this branch of science and is documented in the scientific references provided in the risk assessment. Additional information regarding the selection of distribution types, including those not discussed in detail in the risk assessment, is contained in the addendum to the risk assessment that is available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Comment: Some justification needs to be provided for the estimates in the risk assessment for situations in which some data are available. For example, APHIS acknowledges that field and laboratory research has been performed on fruit fly infestations in commercial citrus production, yet it does not specify how (or even if) this research was used to derive the fruit fly infestation distribution, beyond stating that the entomologists working on the risk assessment used their professional judgment. Neither risk assessment nor the rulemaking record contains any documentation of either the evidence used or the methodology used to codify that evidence as probability distributions.

Response: Our knowledge of each of the insect pests and diseases, which, given the lack of directly applicable data in many cases, played an important role in the formulation of our estimates, is summarized in the pest data sheets contained in the risk assessment's appendices, and our sources of information are cited in each pest data sheet and in section III (References) of the risk assessment. Where direct information was available, that information was identified; the same holds true for the use of expert judgment in arriving at our estimates. The addendum to the risk assessment that is available from the person listed under **FOR FURTHER INFORMATION CONTACT** identifies, for each node, the direct information and expert information that was available and provides a discussion of how the available information was used in the construction of the distribution.

With regard to the commenter's specific example, we had no direct evidence of what the past, present, or future fruit fly infestation levels may be in Argentina. But regardless of where citrus is produced, we are confident that our distribution, which was based on expert judgment informed by experience with fruit flies and by information gleaned from numerous cited sources, reflects the entire realm of possibilities. As stated in section 8.e P1 of the risk assessment:

> The minimum infestation rate used in the calculations was 0.000535 (e.g., one infested lemon per 280,400 lemons). The maximum infestation rate sampled for calculations was 0.495 (e.g., half of all boxes or one infested grapefruit per every 100 grapefruit).

Thus, because of our uncertainty, we used a distribution providing values representing infestation levels from where the pest is nearly nonexistent (one lemon out of 280,400) to an infestation level that would stop production (half of all boxes infested).

Comment: The number of boxes of fruit that will be shipped to the United States from Argentina is estimated as 1.2 million 18-kg boxes of fruit per year. This information was provided by citrus industry representatives in Argentina. From this single piece of data, APHIS constructed a normal distribution with a mean of 1.2 million and a standard deviation of 200,000 to represent the frequency of citrus shipments each year. APHIS states that this distribution was

constructed to allow for variation in the frequency of shipments that might result from variations in production, the frequency of shipments cleared for export, and market demands in the United States. Quite apart from the question as to whether a year-to-year variability is the correct statistic to evaluate in this context, APHIS does not specify how it arrived at a standard deviation of 200,000—APHIS presents no evidence whatsoever, nor provides any methodology. It is certainly possible to provide a plausible methodology for obtaining some value for variability; for example, basing it on distributions for the U.S. importation of citrus fruit from other countries, or on distributions for other exports from Argentina, or even citrus exports to countries other than the United States. Moreover, this annual variability may not be required, and should certainly not be used in the risk assessment as APHIS has used it.

Response: While it is true that this situation could have been analyzed in greater detail, conducting the suggested analysis would represent overinterpretation of available data. We believe that the suggested analysis would obscure the situation, provide a false sense of security, and probably lead to a less accurate estimate.

In constructing this distribution, the expert group started with the point estimate of 1,200,000 boxes per year supplied by Argentina; the group then considered whether it was reasonable to assume central tendency. The group agreed that the point estimate from Argentina was the best available estimate, but that values both above and below 1,200,000 were possible (*i.e.*, the distribution should demonstrate central tendency around 1,200,000). The group discussed a variety of factors that could affect the number of boxes imported, *e.g.*, variation in harvest, variation in U.S. demand, unanticipated costs of the export program leading to less interest by growers, unanticipated success from the exporters' point of view leading to greater interest by growers, etc. There were, however, no data available that would allow us to estimate the effects these factors would have on the number of boxes shipped. Thus, the standard deviation of 200,000 chosen by the expert group represents uncertainty and not, as the commenter suggests, variability per se, in the model. (As noted in a recent paper published in the journal *Risk Analysis* (Gray *et al.*, 1998), ''[k]nowledge of variability must be based on empirical estimates, otherwise it is another source of uncertainty.'')

With no information suggesting any particular distribution type, the group believed that a normal distribution was most reasonable (*i.e.*, symmetrical uncertainty around the mean/mode/median). They agreed that although the actual number of boxes imported would almost certainly be other than exactly 1,200,000 per year, they had no legitimate reason to believe it would be higher as opposed to lower or vice versa, or what the year-to-year variability would be. Using the software package Risk View™ (Palisade Corp., Newfield, NY) and trial and error, the group specified the (standard deviation) value that provided what they considered to be appropriate positions for the 5th and 95th percentile values in the distribution.

Comment: In section 8.f. P1 of the risk assessment, APHIS identifies data for sweet orange scab and citrus black spot infection rates in Argentina. It claims that limited field surveys indicate that 39 percent of sampled trees in control plots (untreated) bear fruit with evidence of sweet orange scab. The distribution constructed by APHIS for sweet orange scab infection is a beta distribution with a mean probability of 0.5 that a box of produce is infected. How is APHIS's distribution related to the infection rates in field surveys? Why does APHIS select a beta distribution to characterize this probability? How does APHIS arrive at the two parameters necessary to characterize the beta distribution? There is no information in the risk assessment or the rulemaking record to support the constructed distributions. Similarly, APHIS cites the results of field surveys for citrus black spot as finding 14 percent and 82 percent of sampled fruit infected with citrus black spot in 1994 and 1995, and 56 percent of sampled trees infected in 1996. APHIS goes on to say, ''Our expert information predicted that the incidence of citrus black spot, on a per box basis, in untreated groves would range from a minimum of 10 percent to a maximum of 100 percent with a most likely value of 50 percent.'' APHIS then proceeds to construct a beta distribution with a mean of 60 percent and a mode (most likely value) of 67 percent. Again, there is no information in the rulemaking record or the risk assessment to indicate how this distribution incorporates either the results of the field surveys or the expert information.

Response: As stated in the risk assessment document, ''our estimates * * * were based on limited field survey data provided by Argentina and expert information provided by scientists familiar with citrus production in Argentina and/or the pathogen.'' Because the field survey data were limited, our expert estimates of these probabilities, which were informed by the body of scientific knowledge cited in the references and summarized in the pest data sheets, reflected what we considered appropriate levels of uncertainty, and the distributions were derived to reflect those estimates.

The experts relied on professional judgment to construct probability density functions that accurately represented their understanding of the available information. For both citrus black spot and sweet orange scab, the experts, after discussing available scientific and other information, identified the general shape of the distributions that were needed to account for all identified or assumed variation and uncertainty. In both cases, the experts agreed on a beta distribution, and discussions ensued to establish the parameters of the chosen distributions. The experts used an iterative process in conjunction with the software program Risk View™ (Palisade Corp., Newfield, NY) to provide instant feedback on the shape and statistics associated with any particular set of parameters. This was largely trial and error, and the experts succeeded in producing beta distributions that represented the group's understanding of the available information. The experts used a consensus approach. The distributions captured the full range of variability and uncertainty considered essential by all experts, even though they may have represented more uncertainty than was felt necessary by any single expert.

Comment: The rulemaking record contains some information on the field surveys performed in Argentina, in the form of a very short summary of some results of those field surveys. However, the record omits crucial information required to interpret these summary results, including the protocols used for the field surveys; complete, written scientific documents describing the surveys and their results; and the contemporaneous field notes that should have been taken during the surveys. Despite this lack of information, we believe that APHIS' interpretation of the results is incorrect, as applied in its risk assessment. Adding up the results of the 1996 field results, in which 5 fruit per tree were sampled from each of 300 randomly selected trees, gives:

Number of infected fruit per tree	Number of trees (out of 300 in each case)	
	Sweet orange scab in oranges	Citrus black spot in lemons
0	181	133
1	95	78
2	22	46
3	2	25
4	0	15
5	0	3

(For this analysis, we do not distinguish *Elsinoe australis* from *Elsinoe fawcettii.*)

The incidence of infection (per fruit) was 9.67 percent for sweet orange scab in oranges and 21.3 percent for citrus black spot in lemons. APHIS apparently took the fraction of trees infected to be equal to the number of trees with observed infected fruit divided by the total number of trees (119/300=39.7 percent for sweet orange scab in oranges, 167/300=55.7 percent for citrus black spot in lemons). This is incorrect, however, since not all fruit on each tree were examined. It is clear that not all fruit are infected even on an infected tree, so sampling 5 fruit per tree will likely yield zero fruit infected from quite a few infected trees.

A simple approach to analyzing these experimental data is to assume some probability for a tree to be infected, and then to assume that all the fruit on an infected tree have an equal probability for infection (while those on uninfected trees have zero probability for infection). For sweet orange scab in oranges, this leads to a best estimate for the fraction of trees infected of 97.7 percent, and the observations are entirely consistent with (and statistically indistinguishable from) 100 percent infection. In that case, with 9.67 percent fruit infected, we would expect to see almost exactly the pattern of detections (per tree) actually observed (it is just a binomial distribution of infections). For citrus black spot in lemons, the best estimate for the fraction of trees infected is about 64 percent, with 33 percent of the fruit infected on an infected tree (note that $0.64 \times 0.33=0.21$, the observed fraction of fruit infected), using the same simple model.

The simple model used here leads to binomial statistics, although it is clear in the case of citrus black spot that there is actually more variability than the binomial distribution would predict. It is not difficult to postulate a more plausible model with the higher variability expected because of differences between geographic areas, groves, or field conditions. Accurate evaluation of the variability requires more field data, and is required for an adequate scientific evaluation of the Argentine situation.

Response: We acknowledged that the information we initially provided to this commenter did not reflect the entire body of data that was used to support the proposed rule. However, as we also noted, we did forward additional documentation to the commenter following the close of the comment period in response to the commenter's FOIA request. We understand that the commenter is reviewing that additional documentation, and we have stated our willingness to thoroughly consider, and address as appropriate, any new scientific information that comes to light as a result of that review that has a material and significant bearing on this rulemaking proceeding.

With regard to the commenter's argument that APHIS' interpretation of the results was incorrect, there are several ways to interpret and use the data presented by the commenter to support his argument. However, we believe that the analysis suggested by the commenter is based on invalid assumptions. Specifically, although it would be inadvisable to ''assume some probability for a tree to be infected,'' it would be a critical error ''to assume that all the fruit on an infected tree have an equal probability for infection''; this is known to be false. That is why the five fruit were sampled from the area of the trees where infected fruit were most likely. It would also be an error to assume that on trees where none of the five sampled fruit were infected, all fruit were not infected. With a sample of five fruit, it was known that not all infected trees were identified. That is one of the reasons why even though infected fruit were found on only 39.7 percent of the sampled trees, the mode and mean of our estimate (input distribution) was higher (50 percent). The commenter also does not account for the fact that our risk unit was a box of fruit, not an individual fruit or entire tree. This is discussed further in the response to the next comment.

Comment: From the description in section 8.f P1 of the risk assessment, APHIS appears to believe that the fraction of boxes infected is in some simple way related to the fraction of trees infected, since the only discussion of the former immediately follows the estimate of the latter in such a way as to suggest such a connection. There is no other discussion in either the risk assessment or the rulemaking record, and the values adopted by APHIS are very similar. This is incorrect however. The final shipping boxes are not filled from individual trees, but in the packinghouse after processes that will substantially mix fruit from multiple trees. To a good approximation, fruit will be randomized during harvesting, storage, and the packing process, so that a given box will be packed with fruit from a random selection of trees. For sweet orange scab in oranges, the probability for no fruit in a box to be infected would thus be about $(1-0.0967)^{100}$ for 100 fruit per box, or 3.8×10^{-5} if the structure of APHIS's model were correct. That is, the probability for an infected box of oranges (i.e., a box containing one or more infected fruit) in the base case for sweet orange scab is about 99.9962 percent. For citrus black spot in lemons, a similar calculation shows that the probability for a box of lemons (150 per box) to be infected in the base case is about $1–2.5 \times 10–16$, which is 100 percent for all practical purposes, under the same assumptions. In fact, the structure of APHIS's model is not correct, so these calculations are somewhat awry. One cannot follow a ''box'' of fruit through from harvest to packing, since the box is not constructed until after many processes that operate on individual fruit (independent of which box they finally end up in) and may affect the probability of infection. Thus estimating probabilities ''per box'' at this stage is itself a futile exercise. A better approach is to evaluate on a ''per fruit'' basis throughout the risk assessment.

Response: The commenter states that it is incorrect to believe that the fraction of boxes infected is in some simple way related to the fraction of trees infected. We agree that there is no way to go directly from a sample of trees (with a sample of fruit taken from each tree) to either a per-fruit or per-box estimate. However, we believe that the sample, which is indicative of the overall infection rate in the grove for the year in which the sample was taken, can be used as a starting point for an estimate of the per-box infection rate. That being said, our estimates were made with the knowledge that factors existed that argued for both (1) a lower per-box infection rate (i.e., not all fruit on a tree with infected fruit are infected) and (2) a higher grove infection rate (i.e., not all sampled trees with infected fruit tested positive). This is one of the reasons that even though sweet orange scab-infected fruit were found on 39.7 percent of the sampled trees, the mode and mean of our estimate was higher (50 percent).

As stated in the risk assessment, ''Our expert information predicted disease incidence, on a per box basis, to range from a minimum of 1 percent to a maximum of 90 percent with a most likely value of 50 percent.'' However, because of the uncertainty in the

information, and because of the uncertainty of the experts regarding the per-box infection rate, we specified a distribution that allowed values for infection rates across the entire range of probabilities from 0 through 1 (100 percent). For sweet orange scab, we characterized our baseline estimate for the likelihood harvested fruit was infected (P1) with a beta (3.5, 3.5) distribution (see Table 8 of the risk assessment). With this distribution, although the most likely value was 50 percent, values up to and including 100 percent were possible. The maximum value actually used for calculations was 0.9773+, i.e., 97.7 percent. We made our estimates according to international guidelines for plant pest risk assessments, which have been endorsed by the United States, and are consistent with common practice in risk assessment as reported by Hoffman and Kaplan (1999, see reference above). We used available data and professional judgment to represent the data in the terms needed for the risk assessment.

With regard to our use of ''per-box'' probabilities, we have stated previously in this document that we believe that our selection of the box, rather than individual fruit, as the risk unit is appropriate. Once the fruit are packed, they are no longer independent of each other, and it is boxes, and not individual fruit, that will be shipped—to and, in all likelihood, remain in—specific destinations in the United States. Even though no one unit is perfect for each node, we decided that it would be most transparent, defensible, and correct to use a consistent risk unit throughout the model. The primary problem perceived with using individual fruit as the risk unit was the different size of the various fruit being considered (i.e., lemons, oranges, and grapefruit). Separate modeling for each type of fruit would have complicated the assessment significantly and needlessly; the expert group did not believe that separate modeling would improve the accuracy of the risk estimates, especially given the inherent uncertainties in the input parameters.

Comment: For citrus black spot, some additional data are available from the earlier small field experiments described in the rulemaking record. However, these were not field surveys as claimed by APHIS in the risk assessment (for example, the sampled trees were not selected at random), but rather the control side of experiments apparently designed to examine the effectiveness of fungicides; again no protocols, scientific documentation, field notes, or analyses are included in the rulemaking record. These small samples showed incidence per fruit of 0/432, 0/432 and 41/216 (19 percent) for grapefruit, and 36/252 (14 percent) and 207/252 (82 percent) for oranges. The first and last pairs of these samples were from the same plot in different years. The APHIS characterization of these surveys in the risk assessment omitted entirely the results in grapefruit. The results, although not field surveys, do illustrate the possibility of no observed infection even without fungicidal treatments, and the high variability from place to place and year to year.

Response: As noted by the commenter, the data we used were obtained through experiments using treated and untreated control plots. It is also the case that the risk assessment did not explicitly cite the grapefruit data reviewed by the commenter (which is available in the additional documentation that may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**). That being said, it is clear from the available information that citrus black spot, as is the case with many diseases, is more prevalent in some years than in others. For this reason it is entirely possible that in some years no infection would be observed even if fungicides were not applied. The disease can be variable from place to place and year to year. This fact is not relevant to the efficacy of the systems approach, which is designed to mitigate the risk during years in which disease is likely.

Comment: In the risk assessment, APHIS makes estimates for the probability of infection when the mitigation measures are taken. There is some confusion over the precise meaning assigned to the various mitigation measures that may substantially affect infection probabilities. Although APHIS does not provide any indication of its approach (either citation or methodology) for estimating post-mitigation infection probabilities, simple analyses of the Argentine data on citrus black spot suppression by copper oxychloride treatment are possible, as shown in the following example.

In those experiments, assume that the probability for a control (untreated) fruit to be infected is p (different in each experiment and from season to season), and that treatment with one application of copper oxychloride multiplies that probability by a factor R (different for each treatment type, and hopefully less than unity, to have an effective treatment), with two applications reducing it by R_2 (one could, and should, test this latter assumption). Assume binomial responses (e.g., because all fruit are equally likely to be infected, and treatment is equally effective on all fruit), and use binomial likelihood methods. We can then estimate p and R from the available data, together with the uncertainty on R, if desired. For grapefruit, two of the three available experiments show no responses at all, so they are useless for estimation of R. For oranges, we could test whether two applications really reduced the incidence equally in each application; inspection of the data shows that this is certainly plausible.

Applying this simple model to the single useful experiment on grapefruit gives a maximum likelihood estimate (MLE) for R of 1.15 for the 1.8 percent treatment, and 0.31 for the 3.6 percent treatment. Thus two applications of 3.6 percent might reduce the rate 10-fold and three applications 33-fold. However, the uncertainty is large. This experiment shows no effect of the 1.8 percent treatment.

For oranges, the MLE for R is 0.22 for 1.8 percent and 0.20 for 3.6 percent, so that two applications of 3.6 percent might reduce the infection rate 24-fold, and three applications 118-fold. Notice that a 24-fold reduction from the control group rate of 36/252 is entirely consistent with the observed 0/252 in the 93–94 season when two applications were made.

Such analyses could be extended in various ways. For example, in this model the R values for 1.8 percent are significantly different for grapefruit and oranges, but for 3.6 percent they are not significantly different. The MLE for the combined value (for 3.6 percent) is 0.25, so that the model prediction for two applications is a 16-fold reduction in disease rate, and for three applications a 128-fold reduction. With so few experiments, and none available for analysis with three applications (versus one and two), one cannot test the model hypothesis that each application simply reduces the disease rate by a similar amount. Apparently, more experiments were in fact performed, but the rulemaking record reports only summary results that cannot be interpreted without much more information.

This analysis indicates the paucity of the data available in the rulemaking record. For grapefruit, the one available experiment on the effectiveness on citrus black spot of 1.8 percent copper oxychloride treatment shows it to be ineffective, although it is almost as effective as 3.6 percent on citrus black spot on oranges.

Response: The commenter offers an alternative way to consider the estimated efficacy of mitigation

treatments. However, the approach is complex and highly speculative, and in our estimation represents an overinterpretation of available data, which, as the commenter notes and we acknowledged in the risk assessment, were limited. Copper oxychloride is a well established treatment for citrus black spot and sweet orange scab. Our estimates concerning the efficacy of these mitigation treatments are based on expert interpretation of results that have been obtained in a variety of studies on the control of these diseases (for example, as referenced in Whiteside *et al.,* 1988, as cited in the risk assessment).

Comment: Only one experiment reported in the rulemaking record addresses the effectiveness of copper oxychloride treatment on citrus black spot in lemons. While it apparently showed that the treatment was effective, there were no details on the protocols adopted (concentrations, number of applications, experimental procedures, and so forth), although a naive calculation indicates that the incidence was reduced more than 100-fold (approximately 95 percent confidence limit). In another document there are two figures labeled ''Chemical control (Santa Clara-Jujuy),'' apparently for treatments in the 1993–94 and 1994–95 seasons, that appear to correspond to suppression of citrus black spot in Eureka lemons, but there is no explanation of the origin of the data used in those two figures. APHIS should identify which treatments were applied in the tested groves and describe the level of disease in the region near the tested groves. Similarly, the effectiveness of copper oxychloride treatment for sweet orange scab is only demonstrated in one experiment (on oranges) in the rulemaking record, but the experimental protocols are not reported (number of treatments, concentrations, application rates, experimental procedures, and so forth). It is possible that some of this mitigating effect may be due to other simultaneous measures, such as cleaning of the orchard floors; however, in the absence of experimental protocols, this cannot be determined. Moreover, the available evidence is insufficient to adequately characterize that effect. For a defensible estimate of the effect of copper oxychloride treatments on citrus black spot and sweet orange scab, APHIS must have experimental data demonstrating its effectiveness under varying conditions, in different areas, and for different fruit. Furthermore, APHIS must provide details of its analyses demonstrating effectiveness, and must show the connection between the experimental data and the distribution used in the risk assessment.

Response: As we have recognized in numerous instances in this document, there is not always a one-to-one correlation between the experimental data, which is limited in some cases, and the distributions used in the risk assessment. In this case, our estimates on the effectiveness of the copper oxychloride treatment, which is the treatment that was applied in the tested groves, are derived not solely from evidence supplied by Argentina but also from reports in the scientific literature (e.g., as reported by Whiteside *et al.,* 1988, cited in the risk assessment). These reports represent results that demonstrate the effectiveness of copper oxychloride in reducing disease incidence under varying conditions, in different areas, and for different fruit, even in areas where the level of disease is high.

Comment: The risk assessment (8.f. P4) states that it is assumed in the baseline that the fruit ''treatments may include, but are not limited to, washing fruit in a detergent bath, waxing and fungicide dips.'' It is not clear how much more extensive the proposed treatment program is, since the proposed treatment program could be described in exactly the same fashion as the baseline (although washing in detergent is not prescribed). The risk assessment (8.f. P4) also states that ''the only post-harvest treatment for pathogens that is specifically prescribed in the proposed export program is a fruit dip in 200 ppm sodium hypochlorite (bleach) for 2 minutes.'' Actually, the preamble and proposed rule prescribe other specific treatments (immersion in orthophenilphenate of sodium, spray with imidazole, and application of 2–4 thiazalil benzimidazole and wax) that are specifically for treatment for pathogens (although this may depend on one's definition of ''pathogen'' in this context).

Response: The fact that the proposed treatment program examined in the risk assessment did not take into account the other specific treatments (immersion in orthophenilphenate of sodium, spray with imidazole, and application of 2–4 thiazalil benzimidazole and wax) that were described in the proposed rule and required by this rule can be attributed to the fact that the risk assessment was completed before the proposed rule was fully developed. However, it is clear that considering those treatments in the mitigated scenario in section 8.f. P4 of the risk assessment would have resulted in a higher risk reduction rating for the post-harvest mitigations, thus lowering the overall risk, which we already considered to be very low.

Comment: APHIS's assumptions that sweet orange scab-infected fruit is removed with 89 percent probability at harvest (mean value for both baseline and mitigation program), while citrus black spot-infected fruit is removed at harvest with mean 50 percent probability (baseline) and 89 percent probability (mitigation program), cannot be supported by any available evidence. We see three problems with this assumption:

- The incidence data used to support this are largely, if not totally, post-harvest incidences for latent disease, not field-apparent incidence of disease in unharvested fruit. Any probability for detection during harvesting is apparently already incorporated in such values.
- APHIS has assumed that pickers in Argentina make an attempt to cull blemished/diseased fruit, but our information indicates that pickers in Argentina do not cull fruit; rather all picked fruit is sent to the packinghouse for sorting there.

The entire object of chemical and other treatment is suppression of disease. The disease infections in the export groves should be latent at the time of picking, as evidenced by the data provided by the Argentines, so that there is no visible evidence of disease in harvested fruit. It should therefore be physically impossible for the pickers to detect latent disease.

With a reduced incidence at harvest, in the case of citrus black spot probably of entirely latent infections, there is no evidence that infected fruit is more likely to be removed by harvesters. At minimum, APHIS needs to document harvesting practices and obtain experimental evidence for removal probabilities at harvest. Such experiments would be very straightforward, since they simply involve random sampling of unharvested trees followed by sampling of fruit harvested in the normal course of events (and preferably also of the fruit, if any, that is culled by the harvesters). These should have been incorporated in experimental protocols at an early stage of experiment planning.

Response: The commenter states that we used incidence data to support our estimates regarding the removal of diseased fruit in P2, ''Pathogen not detected at harvest.'' This statement is incorrect. While data on disease incidence did affect our estimates for the likelihood that fruit are diseased in P1, ''Harvested fruit is infected,'' we indicated in the risk assessment (section 8.f P2, p.36–38) that our estimates for P2

were based on a variety of factors, including ''the nature of the disease symptoms, the skill of the picker in recognizing diseased fruit and the quality standards employed by a given grove in culling diseased fruit.'' Because sweet orange scab symptoms are easily seen during harvest, our estimates were based on a higher (compared to citrus black spot) degree of confidence that sweet orange scab-infected fruit will be identified and removed at harvest. The commenter also states that the ''entire object of chemical and other treatment is suppression of disease.'' This statement, which we understand to be referring to citrus black spot, is also incorrect. As we have stated elsewhere, the object of the field treatments is the prevention of the disease, and not merely the suppression of symptoms. Latent infections of citrus black spot would not be observed, which is why our baseline estimate that this disease will be missed is higher. However, the systems approach will reduce the likelihood of latent infections, thus decreasing the likelihood that diseased fruit will be missed.

Comment: APHIS provides estimates for the probability of detection of sweet orange scab and citrus black spot at packinghouse inspection. Again, no evidence is provided to support its estimates of 82 percent (mean: baseline) and 95 percent (mean: mitigation program) probability of detection of sweet orange scab, or with 74 percent (mean: baseline) and 95 percent (mean: mitigation program) probability of detection of citrus black spot. Factored into these estimates, according to APHIS, was the 20-day preharvest sampling and incubation of a small fraction of fruit.

The very existence of the 20-day preharvest sampling and incubation program ensures that the detection probability at this stage is correlated with the incidence of citrus black spot or sweet orange scab, since the detection probability is higher for higher incidences. Thus, the structure of the risk assessment model is incorrect. It is important also to note that the detection probability is correlated with the actual incidence, not with the probability of citrus black spot or sweet orange scab. The structure of the model has to be adjusted to account for this. In a Monte Carlo analysis, for example, the simplest way is to ensure that the detection probability at this stage depends correctly on the incidence in the particular Monte Carlo sample.

APHIS provides no documented evidence for the effectiveness of packinghouse inspections in either the risk assessment or the rulemaking record. The Argentines provided experimental data on the effectiveness of ''post-harvest treatments'' or ''post-harvest assays'' that presumably assessed all events occurring at the packinghouse, but again, because of the failure to provide protocols, experimental details, scientific reports, and field notes in the risk assessment or elsewhere, we cannot decipher what ''post-harvest treatments'' or ''post-harvest assays'' means. We believe that all the ''post-harvest treatments'' or ''post-harvest assays,'' perhaps including any inspections, have essentially no effect on the incidence of latent infections of citrus black spot. Should it be necessary to evaluate the effect of packinghouse inspection, as distinct from further packinghouse treatment, the experimental procedure would be straightforward, since all that is required is sampling of fruit prior to and after such inspection (and preferably, also, sampling of rejected fruit).

Response: The commenter's statement that ''The very existence of the 20-day preharvest sampling and incubation program ensures that the detection probability at this stage is correlated with the incidence of citrus black spot or sweet orange scab, since the detection probability is higher for higher incidences'' is incorrect. The packinghouse inspection and our estimates regarding the likelihood of detecting pests during this inspection are independent of both the 20-day preharvest sampling protocol and the results of that sampling. If any disease is detected as a result of the 20-day preharvest sampling, none of the fruit from that grove can be shipped to the United States. The only fruit that will be inspected and subsequently shipped to the United States are fruit from groves where the 20-day preharvest sampling resulted in a finding of no disease. The 20-day preharvest sampling that would be conducted to detect the presence of citrus black spot in the grove was accounted for in the risk model in P1, the likelihood that harvested fruit is infected. This sample must be taken from all groves that would ship fruit to the United States.

The commenter's statement that ''[i]t is important also to note that the detection probability is correlated with the actual incidence, not with the probability of citrus black spot or sweet orange scab'' is likewise incorrect. The likelihood that diseased fruit will be detected during packing is not related to disease incidence. Although the number of times that diseased fruit are detected is related to disease incidence (i.e., more disease, more detections), the likelihood that diseased fruit will be detected is not correlated with disease incidence.

In stating ''APHIS provides no documented evidence for the effectiveness of packinghouse inspections in either the risk assessment or the rulemaking record,'' the commenter is correct. These packinghouse inspections have not yet been conducted. Our estimates are based on examinations of citrus packinghouses in Argentina, experience with inspections and culling in citrus packing operations, direct knowledge of the etiology of these diseases, and familiarity with the symptoms of these diseases.

Comment: APHIS estimates the effect of post-harvest treatments on citrus black spot survival (on a per-box basis, which itself may not be appropriate) as giving a mean survival of 0.64 in the baseline situation, and a mean of 0.50 under the mitigation program. APHIS appears to have ignored the results of experiments apparently designed to test the effects of post-harvest treatments. Since APHIS does not document how it arrived at its estimates, it is impossible to tell whether it examined these data. There are no APHIS analyses of the data in the risk assessment or the rulemaking record, but the assumptions in the risk assessment for probability distributions appear to be contradicted by these data.

Response: The ''results of experiments'' referred to by the commenter are found in Argentine document Nota S.P. No. 338, which contains a summary of experiments to test the efficacy of post-harvest treatments on citrus black spot. Our analysis of that document indicates that the treatment effects were variable; compared to untreated controls, the proportion of treated fruit that developed black spot disease ranged from 30 to 100 percent. The primary difference between the treatments Argentina will use as part of its regular program (what we refer to as the baseline risk) and the treatments it will use as part of the program for exporting fruit to the United States (the proposed treatment program) is the sodium hypochlorite treatment. We did not ignore the results of the Argentine experiments, as the commenter asserts; rather, we believed that it would not be appropriate to assume that the difference in efficacy shown in the experiments, which compared treated to untreated fruit, would be the same as the difference in efficacy between the baseline scenario and the mitigation scenario examined in the risk assessment. This is because most of the treatments applied in the experiments cited by the commenter were,

appropriately, considered in the risk assessment's examination of the baseline risk, as those treatments are routinely applied by citrus producers in Argentina as part of their regular program. Therefore, as documented in the risk assessment (8.f P4), our estimates for the mitigated scenario focused on the degree of additional risk reduction offered by the sodium hypochlorite treatment, which we assumed would have an additional deleterious effect on the survival of the citrus black spot fungus. The increased level of efficacy of the mitigation program is modest, a probability of 0.50 that the fungus will survive treatment as opposed to a probability of 0.64 in the baseline scenario. The primary purpose of these treatments is to reduce post-harvest spoiling, not kill fungus diseases, and the main effect of the chlorine dip is to kill spores on the surface of the fruit.

Comment: Since there is no information in the rulemaking record on the protocols for the experiments on the effectiveness of post-harvest treatments, nor any scientific documentation, we have to make some plausible assumptions in order to perform the simplest analysis. Assume that each experiment measures the disease rate in control and treated fruit, with the disease rate possibly differing in all the replicates of all the experiments. Assume that the post-harvest treatment alters the disease rate in the corresponding control by a fixed factor Q (by inspection, there is little difference within any set of replicate experiments; while one could and should formally test for equality, our simple analysis will forgo that testing for the sake of brevity). Assume that the same factor Q applies to all the experiments on a given fruit (again, this could and should be formally tested). Assume binomial distributions for infection, as would occur if the fruit were randomly chosen. Then the maximum likelihood estimates for Q are: 0.71 (grapefruit), 1.16 (orange), and 0.92 (lemon).

It should be noted that for this analysis, we have assumed that the detailed tables included in the rulemaking record and largely corresponding to the summaries provided by Argentina in Note S.P. 338, Annex III, are correct, and we have treated discarded fruit as though they were diseased. There are significant differences between those tables and the summaries presented by Argentina in Annex III in the descriptions of the number of fruit examined, and one table (Orange, Third Replicate) has the control and T2 groups transposed for all observations Rl, R2, R3, and R4. Once again, we are hindered by the absence of protocols, scientific documentation, and field notes from the rulemaking record. For example, whether discarded fruit should be analyzed as though infected depends on experimental details that are not presented within the rulemaking record, and even the summary tables in the record are inconsistent in their treatment of such discards. There are no comments by APHIS in either the risk assessment or the rulemaking record on these significant discrepancies.

These experimental results indicate that the post-harvest treatments have little, if any, effect on latent infections of citrus black spot. It would be possible to find confidence limits and test for equality of effect, but the effort would be wasted given the tiny number of experimental conditions, and the likelihood for variation (beyond the assumed binomial randomness) with field conditions, fruit, and possibly experimental conditions. The results do, however, throw considerable doubt on the values used for Q in the risk assessment for citrus black spot (0.64, range 0.4 to 0.85).

Response: In this comment, the commenter states in several places that there is no information in the rulemaking record on the protocols for the experiments on the effectiveness of post-harvest treatments for citrus black spot. In fact, the Argentine document to which the commenter refers, Note S.P. 338, states that ''[t]he results that appear in Annex III are the results of the assays that were carried out applying the methodology informed [sic] to APHIS in the 'Protocol of Assays to Evaluate the Effectiveness of the Post-Harvest Treatments for the Control of Guignardia citricarpa in Citrus Produced in the North-West of Argentina (NOA)' * * *.'' That document, which is actually titled ''Assays to Test Effectiveness of the Postharvest Treatment for the Control of *Guignardia citricarpa* in Citrus Fresh Fruit Produced in Argentine Northwest Region (NOA),'' was provided to the commenter following the close of the comment period and is included in the material provided in the addendum to the risk assessment that may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

In discussing discrepancies that he believes exist among varies documents in the record, the commenter first states that the ''detailed tables,'' which are not identified in the comment, ''largely'' correspond to the summaries in Annex III of Note S.P. 338, and then states in the next sentence that there are ''significant differences'' between those tables and the summaries in Annex III. Without specific information as to where the differences occur, we are unable to provide the commenter with any clarification regarding possible discrepancies.

The commenter concludes, as a result of the simple analysis set forth in his comment, ''that the post-harvest treatments have little, if any, effect on latent infections of citrus black spot.'' We acknowledged this in the risk assessment and recognized that the primary purpose of these treatments is to reduce post-harvest spoiling, not kill fungus diseases, and the main effect of the chlorine dip is to kill spores on the surface of the fruit. The expert information used in the risk assessment reflected the variability of the treatment data and the experts' uncertainty around those data. While assuming that the fungicidal and chlorine dips would have a deleterious effect on the viability of *Guignardia citricarpa* propagules, the experts recognized the latent nature of black spot infections. The germinating fungal spore forms an appressorium from which an infection peg penetrates the cuticle, and mycelium grows in between the cuticle and the epidermis where it may remain quiescent (Whiteside, 1988) and effectively protected from fungicidal treatments. However, the form in which the fungus remains after treatment (i.e., mycelium) can hardly be considered infective (McOnie, 1967). The experts predicted that between 10 and 90 percent of infected boxes would survive post-harvest treatment with a most likely value of 50 percent.

In our response to the previous comment, we discussed the data provided by Argentina on this subject and our analysis and interpretation of those data. As we noted in that response, we assumed that the addition of the sodium hypochlorite dip to the baseline post-harvest treatments would have an additional deleterious effect on the survival of the citrus black spot fungus, but that the increased level of efficacy would be modest, reducing our estimate of the probability that the fungus will survive treatment from 0.64 (baseline) to 0.50 (mitigated).

Comment: For sweet orange scab, APHIS admits to having no efficacy data for the post-harvest treatments and provides no documentation of its method of reaching the values used in the risk assessment. Comparison with the citrus black spot case, where some data are available, leaves considerable doubt as to the adequacy of APHIS's methodology. In any case, it would be relatively straightforward to perform

efficacy studies using methodology similar to that used on citrus black spot, and there is no indication of why such studies have not been performed for sweet orange scab.

Response: As noted by the commenter and in the risk assessment, no specific sweet orange scab efficacy data were available for the fungicidal activity of any of the individual post-harvest treatments that might be employed in the proposed export program. The incidence of sweet orange scab in a test sample of fruit subjected to the entire preharvest, harvest, and post-harvest export program was described in Argentine document 450/96 (September 30, 1996). In this survey, 300 boxes of fruit were randomly chosen from a larger lot that had been subjected to the conditions of the export program. Ten fruit were collected from each of the 300 boxes and visually inspected for symptoms of sweet orange scab. None of the 3,000 total fruit examined expressed disease symptoms. However, the survey did not include controls and its design did not allow for the separation of the effects of field treatments, inspections, or post-harvest treatments. The data provided by this survey were nonetheless useful in illustrating the effectiveness of the measures required by the export program and, when combined with the considerations discussed in the next paragraph, led us to conclude that additional studies such as those suggested by the commenter would not be necessary for the purposes of our risk assessment.

As we have noted elsewhere in this document and in the risk assessment, the only additional post-harvest treatment specifically required by the proposed export program (compared to the baseline) is the sodium hypochlorite dip. We assumed that the sodium hypochlorite dip—a treatment with widely recognized antifungal efficacy—would further reduce the survival rate of the sweet orange scab pathogen. An important consideration taken into account by our experts is the fact that, unlike citrus black spot, sweet orange scab lesions are erumpent and exposed on the surface of the rind. Thus, our experts believed that the sodium hypochlorite dip, along with the fungicidal treatments found in both the baseline program and the proposed export program, would be effective in killing any viable conidia on the surface of a pustule or contaminating the rind of fruit and may have some minor effect on sweet orange scab stomatic tissue.

Comment: For citrus canker, APHIS cites literature efficacy studies on the effect of chlorine dips. However, the method by which probability distributions were assigned from this literature is undocumented.

Response: The chlorine dip was only one factor considered when estimating the appropriate value for model inputs for this node (P4). The efficacy data on chlorine dips were considered along with other data and information, as cited on p.39 of the risk assessment:

> These treatments may include, but are not limited to, washing fruit in a detergent bath, waxing and fungicide dips. The only post-harvest treatment for pathogens that is specifically prescribed in the proposed export program is a fruit dip in 200 ppm sodium hypochlorite (bleach) for 2 minutes.

The probability distribution resulted from the expert judgment of a group of three plant pathologists familiar with treatment of commercial fruit for export, after consideration of all pertinent, available information. References for that information were provided in the risk assessment.

Comment: The proposed rule calls for testing 320 fruit/200 ha, according to SENASA's randomized sampling protocol, a protocol that is not described in the proposed rule or the risk assessment. We believe that the presence of such a testing procedure alters the structure of the model that must be used for the risk assessment. It also appears that such a testing procedure is designed to fail—we believe that fruit with a startlingly high infection rate could pass through such a screen.

From the information provided in the rulemaking record, total citrus production in northwestern Argentina appears to have been about 20 tons/ha in 1989, indicating yields similar to those in California and Florida (20–40 tons/ha). The tree planting densities also appear similar (200 to 250 trees/ha). Thus, for lemons, at 150 fruit per 18-kg box (as assumed in the risk assessment), the lemon yield will be about 170,000 to 340,000 per ha, and the total area required to produce the 1,200,000 boxes examined in the risk assessment will be about 600 to 1,000 ha.

For the sake of argument, assume that Argentina sets up 20 groves each of 100 ha as potential U.S. export groves, and follows all the procedures of the proposed rule (and note that this is, at first sight, about twice the required area). A 100 ha grove might have a buffer zone of 69 ha, so that the total area of the grove plus buffer would be 169 ha, calling for a sample of 270 fruit per grove+buffer (assuming that the buffer has to be sampled, but that is ambiguous in the proposed rule).

Now suppose that all the fruit from all the proposed U.S. export groves are infected at a rate of 1 in 400 fruit (0.25 percent), which is fairly high, just 100 to 400 times lower than the unmitigated rate. The probability for no infected fruit in a random sample of 270 fruit is $(1-0.0025)^{270} = 0.5$. Thus one could expect about 10 of the 20 groves to pass this test, providing the necessary area of 1,000 ha, while the other 10 groves would be removed from the export program for this season. The next season, the same thing might happen, but with a different (random) set of 10 or so groves excluded, and 10 or so included. Examination of this scenario and its extensions shows that with suitable subdivision of the potential U.S. export acreage into groves, and acceptance that some groves each year will be randomly removed from the program, almost any infection rate in the fruit is possible under the sampling scheme suggested. That is, the sampling scheme is not effective at controlling the allowable infection rate.

There is no need to postulate a deliberate effort to outwit the sampling scheme. It might prove economically advantageous for the citrus-producing region of northwestern Argentina to adopt all the procedures of the proposed rule for the entire citrus producing region, since such procedures may produce superior yields for many markets, not just the United States. Only a very small fraction of groves would have to meet the testing requirements to generate the suggested export volumes; and with the proposed sampling approach, these are likely to occur randomly even if the infection rates are higher than the 1-in-400 fruit of the preceding example. It would be straightforward to design statistically adequate sampling and testing regimes to ensure that the overall infection rate of fruit from any grove is below any required value, and such schemes can be extended to account for nonuniform infection rates between groves, and even infection rates that vary within each grove, but there is no evidence in the record of any such attempt.

Response: We disagree with the commenter's statement that a testing procedure that calls for a certain number of fruit to be collected from a defined area ''alters the structure of the model that must be used for the risk assessment.'' If the model we used in the risk assessment was a scenario tree model with branches that were based in some way on the outcome of the sampling, then the sampling protocol might have an impact on the structure of that model. In simple terms, the outcome of the sampling determines whether the fruit produced in an export grove will be considered in the export program, since the detection of disease

in a grove or buffer area as a result of the sampling will result in the elimination of the grove and the fruit it produces from the export program. Thus, the nature of the sampling protocol used for the export program does not affect the structure of the model because the sampling is outside the scope of the model; the risk model deals only with fruit from groves that have been cleared for participation in the program.

In response to the comments regarding this sampling protocol, we are modifying the protocol for the 20-day preharvest sample and clarifying the basis and details of the sampling. The sampling protocol will be based on a statistically valid hypergeometric distribution. The ''lot size,'' or population size, is equal to the number of trees in the grove and buffer area. We will set our desired level of detection as follows: We will sample enough trees to have a confidence level of at least 95 percent of detecting an infection rate of 1 percent or more of the trees. In preparing this protocol, we have assumed that there will be 250 trees per hectare, and we have assumed a maximum grove/buffer area size of 800 hectares based on our available information. Given those two assumptions, we will require that 298 trees be sampled from each grove and buffer area (if an area to be sampled exceeds 800 hectares, this rule provides that SENASA will contact APHIS, and APHIS will determine the number of trees to be sampled). The 298 trees must be selected at random. In order to increase the likelihood of detecting disease, the fruit must be sampled from portions of the trees that are mostly likely to have infected, symptomatic fruit (i.e. near the outer, upper part of the canopy on the sides of the tree that receive the most sunlight). We have set the number of fruit to be sampled from each tree (number of replicates) at four fruit per tree.

Sampling 4 fruit from each of 298 trees will yield a sample size of 1,192 fruit, which is somewhat less than what would result from sampling 800 hectares at the rate called for in the proposed rule (320 fruit from each 200 hectares, i.e., 1,280 fruit). However, given that this new sampling protocol is based on a statistically valid hypergeometric distribution, we believe that it provides the ''statistically adequate'' sampling regime called for by the commenter and, given its random selection of trees and focus on collecting fruit from those parts of the tree most likely to contain infected fruit, will, as suggested by the commenter, ''account for nonuniform infection rates between groves, and even infection rates that vary within each grove.''

This sampling protocol will provide information regarding the disease status of farms wishing to be included in the program to export citrus fruit to the United States. Our risk model focuses on the risk to the United States of imported citrus fruit from farms in Argentina that are part of the official export program, i.e., farms that have already been certified for export to the United States. There are numerous risk mitigation measures in place, both as part of the regular risk mitigation program and the various special requirements of the U.S. export program. We believe that the testing and inspections required by this rule will ensure that fruit with a startlingly high infection rate does not enter the United States.

Comment: The sampling of 320 fruit per 200 hectares shortly before harvest is an utterly insufficient sample size to be assured of detecting the presence of citrus black spot or sweet orange scab:

- At an 8 m × 5 m planting density, there would be 50,000 trees/200 hectares; if 320 fruit are sampled, then 0.64 percent of all the trees would be sampled. If one assumes only 250 fruit are harvested per tree, then 0.00256 percent of the harvested fruit is sampled.
- At a 10 m × 5 m planting density, there would be 40,000 trees/200 hectares; if 320 fruit are sampled, then 0.8 percent of all the trees would be sampled. If one assumes only 250 fruit are harvested per tree, then 0.0032 percent of the harvested fruit is sampled.

This sampling size is especially inadequate when one considers that disease incidence will be low due to the fungicide treatments. Further, the ability of a sampling program to detect, for example, citrus black spot, may depend upon the location of the trees sampled within the grove, the location of the samples on those trees, the age of the trees, etc. Sample size should be based on biometric principles that consider the characteristics of the disease, the incidence, and the level of precision desired to detect any present infections. APHIS should explain why the 320 fruit/200 hectares sample size was chosen and why it is appropriate for the desired purpose.

Response: As explained in the response to the previous comment, the sampling protocol has been modified in this final rule to provide a statistically valid hypergeometric distribution that will provide for the sampling of enough trees to have a 95 percent confidence level of detecting an infection rate of 1 percent or more of the trees, and we have provided for four replicates per tree. The sampling system described in the proposed rule was the protocol offered by Argentina and was designed to be consistent with Argentina's existing monitoring system for citrus canker, which was based on a transect design.

Comment: The probabilistic estimation for ''pathogen not detected at packinghouse inspection'' relies here on the results of the 20-day preharvest sampling results. But, this sampling consists of random collection of fruit at a rate of 320 fruit from each 200 hectares surveyed. No information on the statistical or biometrical validity of this sampling protocol is provided in the pest risk assessment or the proposed rule. Without this information, it is impossible to evaluate its impact as a safeguarding element, particularly as it relates to the mitigation scenario estimation.

Response: As discussed in the responses to the previous comments, we have modified the sampling protocol that will be used to collect the fruit that will be subjected to laboratory analysis. Also, the commenter inaccurately states that ''the probabilistic estimation for 'pathogen not detected at packinghouse inspection' relies here on the results of the 20-day preharvest sampling results.'' We understand, however, how the reader could reach that conclusion based on our statements on p. 38 in section 8.f P3 of the risk assessment, which may have given a false impression. To clarify, the packinghouse inspection, and our estimates regarding the likelihood of detecting pests during this inspection, are independent of both the 20-day preharvest sampling protocol and the results of that sampling. If any disease is detected as a result of the 20-day preharvest sampling, none of the fruit from that grove can be shipped to the United States. The only fruit that will be inspected and subsequently shipped to the United States are fruit from groves where the 20-day preharvest sampling resulted in a finding of no disease. The 20-day preharvest sampling, which would be conducted to detect the presence of citrus black spot in the grove and buffer area, was accounted for in the risk model in P1, the likelihood that harvested fruit is infected. Upon reconsideration, our estimates for this node should probably be considerably lower, given the rigor of the 20-day preharvest sample. This sample must be taken from all groves that ship fruit to the United States.

Comment: Because we recognize that it is not practical to hold all harvested fruit for up to 3 weeks to detect latent symptoms, we suggest that the number of fruit examined in the 20-day preharvest sample be increased by at least tenfold to reduce the risk of disease introduction.

Response: Because the sampling protocol required by this rule will provide for the sampling of enough trees to have a 95 percent confidence level of detecting an infection rate of 1 percent or more of the trees, and because the sampling protocol requires four fruit to be selected from each tree, with those fruit being chosen from the portion of the tree most likely to have infected fruit, there is almost no chance that infection could exist in a grove without infected fruit being included in the sample subjected to laboratory examination. Further, during the 20 days that the sampled fruit is in the laboratory, the fruit will be held under conditions that are ideal for the expression of symptoms in any infected fruit. Given those considerations, and given that the detection of symptoms in a single fruit will result in a grove being removed from the export program, we do not believe that a tenfold increase in the sample size is necessary.

Comment: It is possible to design testing requirements that will reduce the failure rate below any given value under normal circumstances, but the risk assessment ought also to evaluate the effect of abnormal or unusual events. For example, the following need to be explicitly evaluated:

- Failure to apply field control (copper oxychloride) treatment (e.g. through inadvertent failure to add the solution, etc.);
- Failure of the field control treatment, even if applied;
- Failure to include the chlorine dip in the treatment schedule;
- Failure of the chlorine dip itself (e.g. inadvertent neutralization or failure to refresh or test);
- Temporary or permanent failure of inspection machinery (e.g. through operator inattention);
- Reintroduction of culled fruit (from harvest culling, if any, and/or packing plant inspection) into the product;
- Infection through the use of the same packinghouse at different times for U.S. export and non-U.S. export fruit (e.g. by accidental inclusion of non-export fruit still in the packinghouse; or by infection carried on machinery); and
- Infection through failure to disinfect tools, clothing etc. used in U.S. export groves after being used elsewhere.

Response: Our entire model is a fault model; thus, it takes into account the kinds of events suggested by the commenter, e.g.:

- Failures in the application or efficacy of field treatments are considered in the probabilities constructed for node P1, ''Harvested fruit is infected'';
- Failures in the application or efficacy of the chlorine dips are considered in the probabilities constructed for node P4, ''Fungus survives post-harvest treatment'';
- Inspection failures are considered in the probabilities constructed for P2, ''Pathogen not detected during harvest,'' and node P3, ''Pathogen not detected at packing house inspection.''

As discussed in our responses to earlier comments, measures will be in place to prevent non-export fruit from being present in the packinghouses when any export fruit is present and we believe that it is unlikely that fruit could become infected as a result of coming in contact with packinghouse machinery or tools, clothing, etc. Finally, the risk mitigation program has a series of checks to confirm that the required steps have been taken.

Comment: From the time the fruit leaves the packinghouse to the time it arrives at the U.S. port of entry, the only control system applied is the labeling on the boxes. APHIS has not evaluated the possibility for deliberate introduction of export-labeled boxes of untreated fruit in transit, for which there is presumably considerable economic incentive, nor for the possibility of misdirected, non-export-labeled boxes containing infected fruit that are missed by U.S. port-of-entry inspection.

Response: The commenter states that there is ''presumably considerable economic incentive'' for the deliberate placement of nonprogram fruit in export-labeled boxes. We disagree, and would argue that there are actually economic disincentives for such actions. As stated in the proposed rule and in this final rule, the detection of citrus black spot or sweet orange scab during the course of any inspection or testing required by this rule will result in the grove in which the fruit was grown or is being grown being removed from the SENASA citrus export program for the remainder of that year's growing and harvest season, and the fruit harvested from that grove may not be imported into the United States from the time of detection through the remainder of that shipping season. Because citrus fruit from nonparticipating groves is more likely to be infected with citrus black spot or sweet orange scab than fruit grown in registered groves, we believe that it is unlikely that the growers and packers participating in the SENASA citrus export program (and incurring additional costs of production by doing so) would allow their entire export operation to be jeopardized by allowing potentially infected fruit from nonparticipating groves to be commingled with their export-quality fruit, especially given that Argentina already has strong domestic demand for its citrus and numerous well-developed export markets to which nonprogram fruit may be exported. In addition to that purely economic disincentive, SENASA inspectors will also be present in the groves and packinghouses during the growing, harvest, and shipping seasons to ensure that all requirements of the regulations are being observed.

Regarding the possibility of misdirected, non-export-labeled boxes containing infected fruit being missed by U.S. port-of-entry inspection, we believe that it is unlikely that such misdirection would occur, given that this rule prohibits non-export fruit from being in the packinghouse when export fruit is present. That being said, the possibility of boxes containing infected fruit arriving in the United States is considered throughout the model. The model is a fault model and estimates the probability of pests entering the United States and becoming established. Each of these nodes are assumed to be independent events and, as such, begin with the assumption that pests, in some form, have infested or infected the fruit (P1), avoided detection (P2, P3), survived treatment (P4), survived shipment (P5), been shipped to a suitable habitat (P6), found a suitable host (P7), and will be able to complete the disease cycle (P8). As such, each of these nodes represents a ''fault'' in the system. One such fault that could lead to infected or infested fruit being inserted into the system includes boxes of fruit that are not part of the system being inserted into the system.

Comment: Because the proposed rule does not include any safeguarding requirements on the fruit as it is moved from the grove to the packinghouse and from the packinghouse to the point of export, the risk assessment needs to include an evaluation of the probabilities for infection with citrus diseases or contamination with infected material (*e.g.* blown leaves, ascospores attaching to fruit or fruit boxes) during transport within Argentina. Examination of the transport system must include staging areas on the road and in port, and must take account of simultaneous movement of other fruit that has not been subject to the same

sanitary requirements as the U.S. export fruit.

Response: Mature fruit is not susceptible to infection by citrus black spot or sweet orange scab, so the possibility of infection during transport is not relevant and, therefore, did not need to be considered in the pest risk assessment.

Comment: APHIS estimates the fraction of the United States that is suitable habitat for fruit flies to be 10 to 15 percent, and the fraction of the United States that is suitable for sweet orange scab, citrus black spot, and citrus canker to be approximately 9 percent. From the text of the risk assessment, it appears that these values are simply a fraction of the area of the United States. A more appropriate value would be the probability that fruit will actually be shipped to an area with a suitable habitat. Such a distribution should take account of the population of the United States that lives in suitable habitats or current (or potential) shipping patterns for fresh citrus. The distribution should take account of the seasonal probability of shipping fruit to a citrus-growing region, and the correlation of this probability with the probability for pest survival.

Response: We have no reason to believe that the analysis suggested by the commenter would result in a different distribution than the ones we used. As we noted in response to an earlier comment, with the large citrus markets throughout the United States, we have no reason to believe that our estimate of 5 percent (percentage of imported fruit that will be shipped to areas where citrus can survive) is too low or too high. Nor have we received any specific information from any commenter that would allow us to change our estimate. Further, we do not believe that human population density or shipping patterns for citrus fruit are relevant when one is considering whether or not an area provides a suitable habitat for an organism, as that suitability is more a function of climate and the availability of host material. The ability of an area to support a pest population exists regardless of the factors raised by the commenter.

Comment: The U.S. segment of the pathway is identical in the risk assessment for the baseline and the mitigation program. The probability distributions appear to be pure guesswork by APHIS (so far as can be evaluated from the documentation in the risk assessment and proposed rule). There is no indication of the potential infection routes that were considered, nor of the use of any data either on prior infections elsewhere in the world or (except to a minor extent for fruit flies) on the population biology of the pests themselves.

Response: There is no evidence, nor any reason to believe, that these diseases have ever been introduced by this pathway—*i.e.*, commercial shipment of citrus fruit—or a similar pathway anywhere in the world. Every scientific reference—and the known biology of these diseases—indicates that other pathways are responsible for introductions that have occurred. Because our risk assessment focused on the commercial shipment pathway, it did not consider other pathways such as the smuggling of plant material and nursery stock, which is by far considered the most likely pathway for introduction in all known introductions with uncertain cause. Our estimates resulted from our consideration of a variety of potential infection routes, such as consumers discarding rinds or whole fruit in compost heaps in the vicinity of citrus trees on their property, and rinds or fruit discarded in orchards. The scope of our risk assessment and consideration of potential infection routes are discussed in greater detail in our response to the next comment.

Comment: There are multiple potential pathways for pests to get into U.S. citrus areas or other areas of concern. Without documentation, it is impossible to evaluate whether APHIS has considered all of them in the risk assessment, and it is impossible to evaluate their relative importance. For example, citrus groves or backyard trees could be exposed to pests by a fruit or peel discarded by workers, trespassers, or passers-by; by peels placed in compost piles; by truck accidents scattering fruit; and by air dispersion of spores or contaminated material from ventilated trucks. Indeed, the probability of discarded fruit will be higher for sweet orange scab or citrus black spot infected fruit, since a consumer is more likely to discard fruit in which infection has become apparent. All these examples could readily be examined using event-tree modeling, using available data on consumption of raw fruit, human activity patterns, accident statistics, shipping statistics, and so forth. It should also be noted that most of the pathways by which infections might take hold in the United States are based on single fruit, not on boxes. Thus any quantitative risk assessment for these pathways would most readily (and possibly can only) be conducted on a ''per fruit'' basis, not on a ''per box'' basis.

Response: The purpose of the risk assessment, as stated in the first sentence of the risk assessment on p. 1, is ''* * * to examine plant pest risks associated with the importation into the United States of fresh citrus fruit grown in certain areas of Argentina.'' The document is a commodity-based risk assessment conducted to inform the decision of whether commercial citrus from Argentina should be enterable under a specific set of mitigation measures. It was not the purpose of the risk assessment to consider all the various pathways by which citrus pests could enter the United States. A plant pest risk assessment that considers all the different pathways by which a pest can enter an area, which is referred to as a pest-initiated risk assessment, would be the appropriate vehicle for conducting the types of analyses suggested by the commenter.

That being said, the possibility that citrus groves or backyard trees could be exposed to the pathogen via discarded fruit or peel was considered in our risk assessment (P7, Pathogen reaches suitable host). We concluded that it is highly unlikely that infected fruit producing viable pycnidiospores will ever reach the United States. If this did occur and the fruit or peel was thrown in a compost heap, even under a backyard citrus tree, it would be highly unlikely that fruit in the tree could become infected. The pycnidiospores are only waterborne and, therefore, can only infect fruit when the inoculum source is in direct contact with or physically close to fruit on the tree, or if there was fruit positioned beneath the inoculum source so that the spores could drip onto that lower-hanging fruit. This also would assume that the environmental conditions were favorable for infection and that fruit were susceptible. Realistically, it would be difficult to infect U.S. fruit, even if infected fruit was purposely placed in the tree canopy. In greenhouse inoculation studies conducted by an APHIS scientist, it was necessary to place fungal cultures of citrus black spot directly on susceptible fruit and to keep the inoculum and fruit moist for nearly 7 days. Even under these highly favorable conditions, not all inoculated fruit became infected. Thus, the likelihood of infection in the field, even by symptomatic fruit, is very low. Finally, we believe that our use of the box as the risk unit, as opposed to the individual fruit as the commenter suggests, is an appropriate choice. Retail boxes stay intact from the packinghouse until their point of final sale (*e.g.*, a supermarket), and it is reasonable to assume that most or all of the fruit in a box would be used, and the remains

discarded, in the same general vicinity (*e.g.*, town, neighborhood) as the point of final sale.

Comment: For the U.S. segment of the pathway considered (including shipping), APHIS estimates the probability for citrus black spot outbreak to be about 10^{-9} per infected 18-kg box (0.83 $0.05 \times 0.005 \times 0.000005$), using the mean values for the distributions given in Table 9 of the risk assessment. The total U.S. consumption of fresh citrus fruit is about 25 lbs/person/yr, or 2.8×10^9 kg/yr, or 1.6×10^8 boxes/yr at 18 kg/box. Thus, APHIS is effectively suggesting that if the entire U.S. fresh citrus fruit supply were imported, and it was all infected at source (100 percent), the probability for a citrus black spot outbreak in the United States would be on the order of 0.16 per year. This is an unreasonable prediction, given the experiences elsewhere with citrus black spot infection. Note that the APHIS approach (on a ''per box'' basis) cannot apparently distinguish between 1 infected fruit per box, and 100 percent infected fruit in a box, whereas these clearly pose different risks.

Response: First, as explained in the response to the previous comment and elsewhere in this document, we believe that a box of fruit is an appropriate risk unit. Second, given the preponderance of evidence and expert opinion that long distance spread of *Guignardia citricarpa* via infected fruit is unlikely, and the dearth of documented cases of such spread, we believe that the probability calculated by the commenter is not unreasonable and our distributions, therefore, are appropriate. We offer the following citations from the scientific literature to support our conclusions:

- ''Ascocarps of the pathogen have never been found on fruit and the pycnidiospores are not airborne. Therefore, disease spread is unlikely through the movement of infected fruit.'' (Whiteside, J.O.; Garnsey, S.M.; Timmer, L.W. 1988. St. Paul, MN: American Phytopathological Society. 80 p.).
- ''The fungus can readily be carried on imported citrus fruits, but the risk of spread from these is relatively low.'' (Smith, I.M.; McNamara, D.G.; Scott, P.R.; Holderness, M.; Burger, B. 1997. *Quarantine Pests for Europe.* New York: CAB International. 1,425 p.).
- ''Fruit cannot rate high as an effective source of inoculum (pathway) in international trade. Ascospores have never been found on fruit, but pycnidiospores are produced that are not airborne.'' (Santacroce, N.G. 1982. ''Guignardia citricarpa Kiely.'' Hyattsville, MD: USDA, APHIS, BASS. 7 p.)

Comment: To provide a reliable risk assessment, APHIS must provide documentation according to the procedure of Kaplan (1992), which APHIS claims to have followed in preparing the risk assessment. First, this documentation must explicitly lay out the evidence upon which the probability distributions are based, including any disagreements between the experts. Second, it must show the reasoning leading from the evidence to the distributions. Third, APHIS should state the names of the experts involved, and the risk assessors involved. In several places throughout the risk assessment, there is confusion between the experts and the authors—or are they the same, and does this violate the spirit of Kaplan's approach? We suggest that if the experts and the risk assessors are the same people, then the spirit of Kaplan's approach requires a substantially larger effort to separately document the evidence and the line of reasoning taken in obtaining distributions from such evidence.

Response: The reliability of a risk assessment depends on the extent to which it accurately represents the actual risk. We agree, however, that it is important to document the basis of a risk assessment so that readers can make judgments about the validity of the information in the risk assessment. That is why we provided extensive information and references concerning the scientific information that formed the basis of our risk assessment. The information, scientific data, and evidence used to estimate the appropriate input values (distributions) was cited in the 162 scientific references, 13 regulatory references, and supporting documents cited in the risk assessment. Specifics about how this information was interpreted and used is provided in the discussions for each of the nodes in our model (sections 8.e. and 8.f.) and in the pest data sheets prepared for, and presented in, the risk assessment (Appendices I through VII). The three authors of the document are listed on the cover sheet. Tables 7 through 10 list the 72 node estimates used to conduct the Monte Carlo portion of the risk assessment. Each estimate consists of a distribution type and estimates for the distribution parameters. The exact list of experts used to estimate each of the 72 distributions varied from node to node. However, section IV of the risk assessment (''Preparation, Consultation and Review,'' pp. 58–59) lists the 21 experts (including the three authors) within and outside USDA who were consulted during production of the risk assessment. While the three authors did, in some cases, double as both risk assessors and experts, we believe that the review provided by the remaining 18 listed experts who were consulted, as well as the State regulatory personnel and others who reviewed the risk assessment in its draft form, preclude the lending of any undue weight to the opinions of the authors when it was necessary for them to act in both capacities.

Comment: The FAO ''Guidelines for Pest Risk Analysis'' provide that risk assessments must be well documented: ''A risk assessment [pest risk analysis] should be sufficiently documented so that when a review or a dispute arises, the risk assessment will clearly state the sources of information and the rationales used in reaching a management decision regarding phytosanitary measures taken or to be taken'' (FAO, International Standards for Phytosanitary Measures, adopted November 1995 by the 28th Session of the FAO Conference, p. 20). In contrast to the FAO requirements, however, the 1997 risk assessment does not disclose the sources of much of the data relied upon, the basis for a number of assumptions relied upon, nor the names of particular experts who were looked to for estimates that are used in the risk assessment.

Response: The commenter states that we did not disclose the sources of much of the data relied upon, but we believe that we thoroughly documented our sources of information in section III of the risk assessment (References) and in the references listed at the end of each of the pest data sheets provided as appendices.

The commenter states that we did not disclose the basis for a number of assumptions relied upon, but we did provide a narrative discussion of how we arrived at probabilities used in each of the nodes for each of the pests of concern (fruit flies and diseases). While the information we provided for each node may not have contained the level of detail that the commenter appears to believe would have been appropriate, we did attempt to describe how we arrived at each of our estimates in those discussions rather than simply reporting our estimates in table form. Additional information regarding the construction of our distributions is provided in the addendum to the risk assessment that may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT.**

The commenter states that we did not disclose the names of particular experts who were looked to for estimates that

are used in the risk assessment, but section IV of the risk assessment (Preparation, Consultation, and Review) lists the names of each of the entomologists, botanists, plant pathologists, agriculturalists, plant virologists, and information specialists who participated in the preparation of the assessment, as well as the names of the APHIS and State personnel who were consulted during the preparation of the assessment and who reviewed drafts of the assessment. As can be seen by the Argentine citrus risk assessment and our previous risk assessments, it has not been our normal practice to explicitly tie individual experts to the estimates provided for specific nodes; we will, however, consider doing so in future risk assessments.

Comment: Variability represents known heterogeneity of a quantity. Uncertainty represents lack of knowledge about that quantity that could be better characterized with further research and/or measurement. Variability and uncertainty should be considered separately in a Monte Carlo risk assessment, so that one can identify the sources of the spread in the resulting distribution. A final risk distribution might be interpreted very differently if the source of most of the spread were uncertainty than if the source were true variability in the input parameters. The APHIS risk assessment focuses primarily on uncertainty, with a smaller emphasis on variability, but APHIS makes no distinction between the two in its risk assessment calculations. Moreover, APHIS seems to confuse the two when it states, ''Uncertainty in the estimated values may arise from natural variation over time, natural variation from place to place, data gaps or unconfirmed data, [and] relationships among multiple components in a node.'' Many of the distributions presented in the risk assessment are claimed to be uncertainty distributions for probabilities, but since the methods used to elicit these distributions are not specified, we cannot evaluate whether the distinctions between variability and uncertainty were maintained during the elicitation. The object of the risk assessment is not adequately specified with respect to variability and uncertainty, but the most logical interpretation would exclude year-to-year variability as being of great interest. However, such year-to-year variability is explicitly included in at least one distribution incorporated in the assessment.

Response: As noted in a recent paper published in the journal *Risk Analysis* (Gray *et al.,* 1998) and cited in response to a previous comment, [k]nowledge of variability must be based on empirical estimates, otherwise it is another source of uncertainty. With the exception of one or two nodes, data providing an estimate of ''variability (as it) represents known heterogeneity of a quantity'' do not exist for these parameters. Accounting separately for variability and other forms of uncertainty in this risk assessment would constitute overinterpretation of available data. Overinterpretation of available data would most likely lead to risk estimates that are less, rather than more, accurate.

Comment: APHIS states that the risk analysis computer software package @Risk for Excel (Palisade Corp., Newfield, NY) is used to run the Monte Carlo Analysis. However, APHIS does not state which version of this software was used, in what spreadsheet package, nor where to find technical details of the software that are necessary to critically evaluate the adequacy of this software for the assessment. The spreadsheet itself is not included in the risk assessment or in the rulemaking record. To ensure reproducibility of the analysis, APHIS should at least document which version of @Risk was used, and should provide a copy of the spreadsheet used for the analysis. We have reservations that even this is sufficient, since required technical details of @Risk are not publicly available. These include such important details as the algorithm used to generate (pseudo) random numbers. Other software packages with similar capabilities make technical details available.

Response: We used @Risk for Excel, version 3.5c, to run the analysis. We did not supply the ''required technical details of @Risk'' because we believed that sufficient information—*i.e.,* all the technical information the software company has chosen to make publicly available was provided in the @Risk documentation. We concluded that including the spreadsheets would provide no new information; the risk model (*i.e.,* the calculations used) is completely described and adequately represented in Figure 2 (p. 30) and section 8.b. (p. 28) of the risk assessment, and all input values used in all spreadsheets are completely specified in Tables 7 through 10. The spreadsheets themselves may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Comment: Although the primary focus of the risk assessment is, as it should be, on pests that affect or are present on Argentine citrus crops, the citrus fruit itself is not the only item that will be imported. The fruit will be packed in crates or boxes and shipped on pallets. The North American Plant Protection Organization (NAPPO) has recognized that a large percentage of wood dunnage or packing materials moving in international trade is composed of low quality, inexpensive wood products that may contain quarantine pests. The structure of the model used by APHIS does not allow problems such as this to be addressed in the risk assessment.

Response: APHIS recognizes the plant pest risk presented by solid wood packing materials and has separate regulations in 7 CFR 319.40–3(b) that address these risks. Further, on January 20, 1999, we published in the **Federal Register** (64 FR 3049–3052, Docket No. 98–057–1) an advance notice of proposed rulemaking soliciting public comment on how to amend our regulations on the importation of logs, lumber, and other unmanufactured wood articles to decrease the risk of solid wood packing material (*e.g.,* crates, dunnage, wooden spools, pallets, packing blocks) introducing exotic plant pests into the United States. We are currently reviewing the information received in response to that notice and are preparing a risk assessment and other documentation regarding the issue.

Comment: The eighth step in the risk assessment (pest able to complete its life cycle) is likely to be the most uncertain of all, certainly for the diseases, since so little is known of the population biology of these diseases. For fruit flies, APHIS clearly recognizes that a problem exists, but its attempt to take account of it (section 8.e. P8) is unfortunately incorrect and inadequate. It seems likely that a better incorporation of concepts from population biology would almost certainly change the model used in the risk assessment, at least for the final step(s).

Response: Much is known about the population biology of the diseases and fruit flies, and we believe that we took into account all the pertinent aspects of the known biology of these plant pests in our estimates for P8 for both the diseases and fruit flies. For the diseases, we considered the type of infective propagules produced by the pathogens and the environmental and physiological requirements for host plant susceptibility and successful disease progression. For fruit flies, we estimated the probability of an outbreak, per infested lot of fruit fly host material, for infested lots delivered to suitable habitats using data on the known number of *Anastrepha* outbreaks from 1990 through 1996 and estimates of the number of infested lots entering favorable habitats in the United States.

The paper that forms the basis of those estimates (Miller *et al.* 1996, cited in the risk assessment) was subjected to international review by scientists conducting research on the population biology of fruit flies. Thus, we believe that we did incorporate concepts from population biology in our estimates for P8 for each of the diseases and fruit flies, and do not believe that there are any pertinent aspects of the known biology of these plant pests that were not considered in the risk assessment.

Comment: The most difficult and least certain parts of the pathway (the U.S. segment) are common to the mitigated and unmitigated scenarios. It seems unlikely that incorporation of details of population biology would make as large a difference for diseases as it might for fruit flies, since it is unlikely that interactions between fungal spores or colonies are as substantial as between individual fruit flies. In such circumstances, it may be useful to perform a differential analysis of the risks for diseases that will isolate just the effects of the mitigation measures. In this case, a differential analysis would stop at the calculation of the probability for infected fruit to enter the United States, and so emphasize the relative effect of the mitigation measures. This procedure has the effect of removing the substantial uncertainties in the rest of the pathway from consideration, since such uncertainties would be common to both mitigated and unmitigated scenarios (unless, for some reason, there were correlations connecting the Argentine and U.S. segments of the pathways).

Response: Separate analyses were performed for the fruit flies and the diseases. International guidelines, and APHIS interests, dictate that the likelihood estimate of primary interest is the likelihood of introduction, not the likelihood of entry. Nonetheless, it is possible to calculate our estimates for the likelihood of entry using the information provided in the risk assessment. Estimates for the likelihood of entry could be obtained by using P5 as the endpoint of the simulation and the values provided in Tables 7 through 10. Regarding the issue of a differential analysis, it is not clear how conducting a differential analysis to emphasize the relative effect of the mitigation measures would aid APHIS' decisionmaking process. We must consider the risk posed by the entire pathway. The decision of whether to proceed with the rulemaking process is based on the risk presented by the entire pathway.

Comment: In the current assessment, the known total mitigation effect for citrus black spot (ratio of infection rates for fruit at the U.S. in the unmitigated versus mitigated scenarios) is controlled solely by the effect of the copper oxychloride treatment, and might amount to a factor of 50 to 200-fold under the conditions of the experiments available in the record. No evidence has been presented in the record for any mitigating effect of the other proposed steps, and there is evidence indicating a lack of effect for the post-harvest treatments. The full system tests are entirely consistent with such minimal effects, given the detection limits of those tests. Moreover, there is no evidence that good results could be achieved consistently over time, with fruit from different areas, with grapefruit, or with different varieties of lemons and oranges. This minimal and relatively unproved mitigation effect might be compared with the much higher and well-proved 30,000-fold (probit 9) mitigation effect afforded against fruit flies by cold treatment, although the absolute probability for subsequent infection in the United States must also be taken into account.

Response: It is not true, as stated by the commenter that ''the known total mitigation effect for citrus black spot (ratio of infection rates for fruit at the U.S. in the unmitigated versus mitigated scenarios) is controlled solely by the effect of the copper oxychloride treatment.'' Although the copper oxychloride treatment is the primary risk mitigation measure against citrus black spot, other measures that will have a mitigating effect on citrus black spot were identified and discussed in the risk assessment; these measures are required by this rule and thus will be applied consistently over time. Specifically, the removal of debris prior to bloom is also an effective mitigation measure in that it reduces inoculum present in the grove. Additionally, the harvest and packinghouse culling reduces the likelihood that diseased, symptomatic fruit will be shipped. It is correct that the post-harvest treatments have little effect on citrus black spot. With the inclusion of the 20-day preharvest incubation to detect latent infection, whereby observation of a single infected fruit will remove the entire grove from the export program for the entire year, the overall systems approach results in a substantial risk reduction. Our estimates of the risk reduction afforded by all these measures, and our use of supporting data and expert judgment in arriving at those estimates, are set forth in the risk assessment.

The commenter concludes by contrasting the 30,000-fold mitigating effect of cold treatment for fruit flies with the smaller (50- to 200-fold) effect of the mitigating measures for citrus black spot. Taken on its face, this comparison would seem to indicate that the mitigating measures for citrus black spot leave something to be desired in terms of their ability to reduce the risk presented by that disease. However, as is clearly presented in table 11 of the risk assessment, the baseline (unmitigated) risk presented by citrus black spot is far lower than that presented by fruit flies (in the mean, 1 chance in 28,653 for citrus black spot versus 1 chance in 7.4 for fruit flies). Thus, even with the comparatively more modest mitigating effect of the citrus black spot measures, the risk estimated for citrus black spot in the mitigated scenario is still lower than that estimated for fruit flies (in the mean, 1 chance in 3.2 million for citrus black spot versus 1 chance in 350,000 for fruit flies).

Comment: APHIS does not have guidelines for performing quantitative pest risk assessments. While such guidelines can, in many cases, be restrictive and prevent development of better approaches, they can also serve a useful purpose by preventing common errors. In view of the myriad problems with the risk assessment, APHIS should consider developing quantitative guidelines, in consultation with experts in probabilistic risk assessment, to prevent similar problems in future quantitative assessments.

Response: APHIS has published very specific guidelines for qualitative plant pest risk assessments (USDA 1995, ''Pathway-Initiated Pest Risk Assessment: Guidelines for Qualitative Assessments, version 4.0,'' USDA–APHIS–PPQ, Riverdale, MD). The only difference between the methods described in that document and our probabilistic assessments is section 8, where we estimate the likelihood of introduction. APHIS has not published a separate document describing the methods it uses to estimate the likelihood of introduction when using probabilistic methods. Although our methods have evolved slightly with each probabilistic assessment as we obtain comments, our methods have remained fairly consistent and clearly illustrated. Additionally, the methods we used in the present risk assessment are clear. Our process was created in consultation with world leaders in the field of probabilistic risk assessment, and our process has indeed been subjected to extensive peer review by experts in probabilistic risk assessment. Subsequent reviews by experts have been very favorable and have led to several improvements in our process.

Although improvements will be made following the present risk assessment, we have not been made aware of any significant errors that require significant changes in our methods.

Risk Assessment—''Principles of Good Practice''

The following comments were generated by a commenter who evaluated the risk assessment against 14 principles of good practice for Monte Carlo risk assessment outlined by Burmaster and Anderson (1944). APHIS is familiar with this publication, has referred to it often, and has used it along with other similar works as a guide when conducting probabilistic risk assessments. However, this particular work represents only one set of suggestions and does not represent an ''industry standard.'' Despite that, as indicated in the individual responses below, our methods are consistent with many of the suggestions listed by the commenter. Below, we have presented each principle and the accompanying critique provided by the commenter, and each is followed by APHIS' response. Further, as discussed in the introductory note to the previous section of this document (''Risk Analysis''), additional documentation regarding the information or data used as the basis for the risk assessment's conclusions is contained in an addendum to the risk assessment that may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Show all formulas used in the risk assessment. We do not agree with the structure of the model used in the risk assessment. However, the only formula used in the APHIS risk assessment is the simple multiplicative formula used to calculate the likelihood of pest establishment. This formula is simple and, while not presented algebraically, is presented in Figure 2 and adequately described in the text. However, Figure 2 is illegible, even in the electronic version of the report available on the Internet, due to the extremely low resolution of the image file. No better copy is available anywhere in the risk assessment or in the rulemaking record.

Response: As indicated by the commenter, our risk assessment is quite transparent. We explained in extensive detail how we conducted our risk assessment, and we and our peer reviewers have found the structure of our model to be appropriate and correct. We apologize if the commenter had difficulty downloading material from our web site and we would be happy to provide additional copies of our model. APHIS regularly supplies paper copies of the risk assessment to anyone requesting a copy.

Calculate and present point estimates of risk. APHIS does not calculate a point estimate of the risk of infestation; however, this principle is not necessarily applicable to a plant pest risk assessment. In a human health risk assessment, such a point estimate provides a point of comparison for the results of the Monte Carlo analysis with standard analyses that are familiar. In a plant pest risk assessment, a point estimate would be somewhat less useful since quantitative point estimates are as unfamiliar as probabilistic estimates, and so may not be necessary.

Response: We agree with the commenter's sense that point estimates are not a necessary element of a plant pest risk assessment, which is why we did not calculate a point estimate of the risk of infestation.

Present the results from sensitivity analyses to identify inputs suitable for probabilistic treatment. APHIS does not perform sensitivity analyses or analyze inputs to determine how given variables affect the predicted risk. As mentioned previously, many of the distributions used in the risk assessment are not based on measured data. A sensitivity analysis could be used to help focus data collection on the most important variables. Additionally, such an analysis could identify variables that drive the risk assessment in two senses: (1) Variables that account for the magnitude of the predicted risks and (2) variables that account for the range of the predicted risks. Understanding which variables drive the resulting risk distribution in these two senses is key to interpreting the results of the risk assessment and focusing future research.

Response: We did perform sensitivity analyses as part of the final step of the probabilistic analysis of the proposed mitigation program; as the earlier steps in the risk assessment were not probabilistic, sensitivity analyses were not performed on those earlier steps. Further, because sensitivity analyses are not particularly useful with a simple, linear, multiplicative model of the type used in the risk assessment, they were not discussed in the risk assessment. If the commenter is interested, our sensitivity analyses are part of the documentation contained in the supplemental information that is available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The commenter suggests that sensitivity analysis could be used to help focus data collection on the most important variables, but that was not the purpose of the risk assessment. Rather, the purpose of the risk assessment was to estimate the risk associated with a particular proposed program, and not to aid in the design of a new program.

The commenter also suggests that: ''Additionally, such an analysis could identify variables that drive the risk assessment in two senses: (1) Variables that account for the magnitude of the predicted risks and (2) variables that account for the range of the predicted risks. Understanding which variables drive the resulting risk distribution in these two senses is key to interpreting the results of the risk assessment and focusing future research.'' Regarding item (1), the risk assessment discusses mitigations that reduce risk, and it provides estimates of the likelihood of pest introduction with and without the system of risk mitigations. The various input parameters do not represent sources of risk per se, they represent events that must occur before a pest can be introduced; some of them represent specific risk mitigations (*e.g.,* P5, cold treatment for fruit flies), not sources of risk, while others reflect the biology of the organism and are not sources of risk (*e.g.,* P7, pest locates suitable host). The sources of risk are identified in the hazard identification section of the assessment (Sections 4–6).

Regarding item (2), the sensitivity analyses we conducted do in a sense identify ''variables that account for the range of the predicted risks,'' but the commenter's wording does not reflect the purpose, outcome, or use of the risk assessment. The risk assessment does not deal with a ''range of predicted risks.'' The probabilistic portion of the risk assessment estimates, for four separate pests, the likelihood of introduction given importations with no specific risk mitigations (the baseline scenario) and with a specific set of mitigations (the proposed program). However, our sensitivity analyses do indeed identify those variables that account for the largest amount of uncertainty in the output (the estimated likelihood of pest introduction). As noted earlier, with the type of model used in the risk assessment (*i.e.,* simple, linear, and multiplicative), that information can be obtained by examination of the input parameters (Tables 7–10).

Restrict the use of probabilistic techniques to issues of regulatory importance. The APHIS risk assessment is restricted to the issue of regulatory importance, *i.e.,* the likelihood that exotic pests imported with Argentine produce will establish themselves in the United States. There are few enough parameters in the model that probabilistic techniques can be used on

all. A more realistic model (*e.g.* including failure modes and correlations) might, however, be too complex for such an approach (particularly using the chosen software).

Response: We agree that our model is appropriate to the task at hand. We disagree that a more complex model would necessarily be more realistic; thus, we see no reason to needlessly complicate our model.

Provide detailed information on the input distributions selected. APHIS presents the parameters necessary to characterize the distributions used in the risk assessment. It also, and unnecessarily, presents the mean, mode, standard deviation, 5th percentile, and 95th percentile of most distributions, at great length and repetitively in the text. This allows an informed reader to reproduce the calculations. APHIS, however, provides very little additional information about the distributions it selected. It presents no graphs of the distributions used in the assessment. Very little justification is provided for the choice of distributions in the report beyond ''expert judgment,'' so that even knowledgeable persons cannot reproduce the full analysis. For some distributions, APHIS identifies data that can be used to support the distribution (such as for sweet orange scab incidence), but offers no justification for the type of distribution selected and no description of how the data are used to construct the distribution.

Response: We agree that the information we provided was sufficient to allow an informed reader to reproduce our calculations. We did not present graphs for a variety of reasons, not the least of which is that graphs would be redundant. However, an informed reader could produce graphs of our distributions using the information provided in the risk assessment. We believe we included sufficient information about the generation of our input distributions in the narrative descriptions that are provided in the risk assessment for each of the input values (F1, P1 through P8) used in our likelihood model. If the commenter is interested, expanded explanations regarding our selection of input distributions are part of the documentation contained in the supplemental information that is available from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Show how the input distributions capture and represent both the variability and the uncertainty in input variables. APHIS makes no effort to distinguish between variability and uncertainty, and offers no discussion of their separate contributions to the results of the analysis. The roles played by uncertainty and variability in the risk assessment depend on the goal of the analysis. If the goal of the analysis is to estimate a distribution for the average annual likelihood that an infestation will occur in the United States, uncertainty will play a larger role in the analysis than variability. Year-to-year variability may be intentionally ignored in the analysis because the analysis would not be focusing on variations in the likelihood of an infestation from year to year. If, instead, the goal of the analysis is to generate a distribution of the likelihood that each box of fruit will cause an infestation, year-to-year variability may play a much larger role. The goal of the analysis should be more clearly defined, and APHIS should include a discussion of the roles of uncertainty and variability in the analysis.

Response: The approach suggested here is relatively new and is appropriate only in certain situations. In other situations, such as the present risk assessment, it is not clear that better results would be obtained. In fact, using this approach would require a significant overinterpretation of available data and would most likely lead to risk estimates that are less, rather than more, accurate. When making a decision about whether to allow importation of a particular commodity, whether uncertainty in the estimate results from variability or other forms of uncertainty may not matter. The primary consideration is the value of the risk, not the shape of the output distribution.

The purpose of our analysis is closer to the first of the possible goals suggested by the commenter (''to estimate a distribution for the average annual likelihood that an infestation in the United States'') than it is to the second (''to generate a distribution of the likelihood that each box of fruit will cause an infestation''). Specifically, in section 8 of the risk assessment, we state: ''The purpose of a probabilistic risk assessment is to estimate the likelihood of an undesirable outcome (bad event). The bad event is represented by the endpoint of the risk model, *i.e.,* introduction of a quarantine pest.''

Use measured data to inform the choice of input distributions whenever possible. As noted above, most of APHIS's distributions are based on expert judgment. The risk assessment includes little discussion of the reasoning behind the selection of distribution type and the parameters used to characterize the distributions. In some cases, APHIS identifies available data, but it is not clear how these data are used in the construction of the distribution.

Response: We did, in fact, use measured data whenever possible to inform our choice of input distributions when preparing the risk assessment. Ideally, existing data would provide the basis for direct estimation of model inputs; however, when conducting probabilistic assessments to inform decisions regarding importation of agricultural commodities, scientific experiments have not, except in rare cases, been conducted that provide data that represent ''direct evidence'' for risk assessments. In fact, results are seldom provided that can even be used as indirect model inputs. As we made clear in the risk assessment, all available data were reviewed and professional judgment then used to represent the available information. Because most of our commodity risk assessments are conducted to support decisions that must be made within relatively narrow time frames, research programs can seldom be designed and conducted to provide data specifically for the assessments (although in the present case, the United States required Argentina to design and conduct additional experiments that were completed before completion of the risk assessment). Beyond directly applicable measured data, USDA bases the estimates needed for its probabilistic commodity risk assessments on pest interception records, the known biology of the organism being assessed (or the known biology of related taxa) as represented in the scientific literature, expert judgment based on laboratory experience with the pest or related organisms, expert judgment based on field experience with the pest or related organisms, expert judgment based on experience conducting commodity inspections at ports of entry or in the exporting country, and experience working with export programs and export-quality commodities.

Discuss the methods and report the goodness-of-fit statistics for any parametric distributions that were fit quantitatively to measured data. It is not clear from the text of the report whether APHIS actually fits distributions to any real data. No goodness-of-fit statistics are reported in the assessment. There is no discussion of any relation between the cited experts' estimates of minimum, maximum, and mode, and the parameters of the distributions, nor is such a relation self-evident. If the data fitting algorithms in @Risk were used to fit distributions to data, the procedure should be clearly described in the text.

Response: The only situation where goodness-of-fit statistics are appropriate was for the distribution used to characterize fruit fly survival with the cold treatment. We did not conduct goodness-of-fit tests because they were completed as part of the scientific research conducted during establishment of the treatment protocol.

Discuss the presence or absence of moderate to strong correlations between input variables. The APHIS report assumes that each of the eight steps in the model is independent from all other steps. It is unlikely that the eight steps are truly independent. Whether or not strong correlations exist, APHIS should discuss the possibility that correlations exist and estimate the effects of such correlations on the results of the analysis.

Response: We did consider the possibility of correlations among the various nodes. As we reported in the risk assessment, we are confident that the nodes are independent, given the model and values used. Our analyses detected no correlations. Our conclusion that the nodes are independent resulted from both prior and ad hoc considerations, as well as model outputs.

Provide detailed information and a graph for each output distribution. APHIS presents the mode, median, mean, and 95th percentile of the output distributions for each pest under the baseline import program and assuming the presence of a pest mitigation program. APHIS does not provide a graph for any of the output distributions.

Response: We have frequently considered whether we should include graphical representations of our output distributions. We have repeatedly reached the conclusion that it is neither necessary nor important to do so. In fact, we believe it could serve to obscure our findings.

Perform probabilistic sensitivity analyses for all key inputs to distinguish the effects of variability from the effects of uncertainty in the inputs. APHIS does not perform any sensitivity analyses to identify the inputs with the greatest contributions to the output distribution. As discussed previously, APHIS makes no attempt to distinguish the effects of variability from those of uncertainty.

Response: We always conduct sensitivity analyses as part of our probabilistic risk modeling, and did so for the Argentine citrus risk assessment; contrary to the commenter's assertion, those analyses did indeed indicate those inputs that contributed the greatest amount of uncertainty to the output. (Those analyses are part of the documentation contained in the supplemental information that is available from the person listed under **FOR FURTHER INFORMATION CONTACT.**) A sensitivity analysis addresses the relationship between variation in the input parameters and variation in the output. Specifically, the analysis quantifies the degree of correlation between variation in individual input parameters and the output parameter. The value of these coefficients does not, however, indicate the amount of uncertainty in an input parameter. Because of the type of model we used (*i.e.,* simple, linear, and multiplicative), the values represent the magnitude of the uncertainty (as represented by the standard deviation of the input distribution) relative to the mean of the input distribution.

The commenter suggest that sensitivity analysis can be used to distinguish the effects of variability from the effects of uncertainty in the inputs, but we do not believe that is possible. When data are available to allow analysts to distinguish variability from other sources of uncertainty, variability and other forms of uncertainty can be accounted for, and modeled, separately. This is accomplished by having separate inputs for variability and other forms of uncertainty in the input parameters. However, in this particular case (as in the majority of probabilistic risk assessments), the available information did not allow us to model variability separately from other sources of uncertainty. A sensitivity analysis cannot change this fact and cannot provide us with the ability to distinguish the effects of variability from the effects of other sources of uncertainty.

In a simple, linear, multiplicative model of the type used in the Argentine citrus assessment, the sensitivity analysis reflects little more than the ''coefficient of variation'' of the input parameters. The coefficient of variation is obtained by dividing the standard deviation of the distribution by the mean. Parameters with relatively large amounts of variation relative to their mean will have a relatively high ''sensitivity coefficient'' and will have a ''larger impact'' on the output. Another way of stating this is that the output is most sensitive to those input parameters about which the experts were most uncertain. Thus, with this type of model, the sensitivity analysis reflects uncertainty in the input parameters. Tables 7 through 10 reveal those parameters about which the experts were most uncertain (P1, P5, P6, P7, P8, depending on pest and scenario); thus these are the parameters that had the ''biggest impact'' on the output. The values for both the standard deviation and the mean were provided in the tables of input values (Tables 7 through 10), so the information necessary to obtain the coefficient of variation was available in the risk assessment. As the sensitivity analysis provides information that is already available in Tables 7 through 10, we believed that little if any additional information would have been provided by reporting the sensitivity analysis in the risk assessment.

Regarding distinguishing the effects of variability and uncertainty, as stated above, we have not encountered many situations where we had sufficient, directly applicable data to provide separate estimates for variability and other forms of uncertainty. Thus, to conduct such an analysis would constitute overinterpretation of available data.

Investigate the numerical stability of the output distribution. APHIS does not investigate the numerical stability of either the central moments of the output distribution (such as the mean and standard deviation) or the tails of the output distribution. Additionally, APHIS provides no discussion of the sensitivity of the upper tails of the output distribution to the tails of the input distributions. One option for investigating the numerical stability of the output distribution is to calculate the uncertainty for the mean and the 5th and 95th percentiles of the distribution. A second option would be to perform a larger run (*e.g.*, 50,000 iterations instead of 10,000) and to compare the distributions.

Response: The @Risk software we used automatically monitors convergence ''to help monitor the stability of the output distributions created during a simulation'' (@Risk software documentation: *@Risk Advanced Risk Analysis for Spreadsheets,* 1997, Palisade Corporation, Newfield, NY). That documentation states that the statistics monitored on each output distribution are the average percent change in percentile values (0 to 100 percent, in 5 percent steps), the mean, and the standard deviation. Thus, we monitored the stability during all simulations. Although @Risk simulations can be run with an ''automatic shutoff'' option that is triggered when the output distribution has reached stability, and despite the fact that the distributions reached stability before completing all 10,000 iterations, we completed 10,000 iterations on each simulation. Prior to conducting the Argentine citrus

assessment, APHIS conducted informal investigations of the number of simulations needed to reach stability with our simple, linear, multiplicative models. We found that in some cases that running 1,000 iterations was not sufficient to reach stability, so we increased the number of iterations in our simulations to 10,000. In the Argentine citrus risk assessment, 10,000 iterations was found to be sufficient to reach stability.

While considering out response to this comment, we re-ran our simulations with 10,000 iterations (as done in the assessment) and then with 50,000 iterations as suggested by the commenter. We used the same random number generator seed. Results were the same with 10,000 iterations and not significantly different with 50,000 iterations. For example, with the fruit fly program (as opposed to baseline) simulation, the 95th percentile value with 10,000 iterations was 1.07×10^{-5} (0.0000107) and with 50,000 iterations the 95th percentile value was 1.08×10^{-5} (0.0000108). Another example with the same simulation is for the 90th percentile value, the value with 10,000 iterations was 5.80×10^{-6} (0.00000580) and with 50,000 iterations was 5.61×10^{-6} (0.00000561); thus, the 90th percentile value (part of the upper tail) was lower (less risk) with more iterations. Because the 90th and 95th percentile values can be considered representative of the upper tail (upper estimate for the likelihood of pest introduction), we offer this as an indication of the stability of the upper tail. The purpose of conducting a probabilistic assessment is to try a range of values to see how the output changes. When the experts constructed the input distributions, all necessary uncertainty regarding the inputs was captured and the simulations included calculations based on the upper tails of all nine distributions.

Present the name and statistical quality of the random number generator used. APHIS does not present any information about the random number generator used for the risk assessment. We assume that the random number generator provided with @Risk was used in the assessment, but as mentioned previously, the version of @Risk that was used in the assessment is not specified. Even if this was the random number generator used, more information should be provided, such that a reader of the risk assessment could determine the quality of the random number generator without purchasing @Risk.

Response: In section 8.d of the risk assessment, we stated that ''a computer program randomly selects a value from each of the input probability distributions. * * * We use the risk analysis computer software package @Risk for Excel (Palisade Corp., Newfield, NY, USA) to run our simulations.'' As noted previously, we used version 3.5c of that program. We did not supply additional information regarding @Risk's random number generator because we concluded that sufficient information was provided in the @Risk documentation.

Discuss the limitations of the methods and the interpretation of the results. APHIS offers neither a discussion of the limitations of the methods used in the risk assessment nor an interpretation of the results. APHIS does not acknowledge any sources of bias in the risk assessment and does not discuss how additional research or measurements might be able to improve the analysis.

Response: The purpose of our risk assessment was to inform a decision regarding the enterability of commercial citrus from Argentina under a specific risk mitigation program. We improve our risk assessment process as needed, and it was not our purpose to discuss the evolution of our risk assessment process as part of this or any other plant pest risk assessment. An interpretation of our results and specific recommendations are provided on p. 48 in the section titled ''Conclusion: Pest Risk Potential and Phytosanitary Measures.'' In that section we stated that without mitigations, there is a high likelihood that one or more of the analyzed pests will be introduced. Regarding the proposed risk mitigation measures, we state that ''an appropriate level of protection from introduction of plant pests with shipments of commercial citrus from Argentina requires strict adherence to risk mitigation measures such as those analyzed in this assessment,'' *i.e.*, the proposed risk mitigation measures provide an appropriate level of protection. With regard to the commenter's statement regarding a discussion of the ability of additional research or measurement to improve the risk assessment, it is the very nature of risk assessment to deal with incomplete information—otherwise, the risk assessment would be rendered unnecessary. We believe that the available information is sufficient to support the efficacy of the measures required by this rule and our analysis of the risks associated with Argentine citrus.

Economic and Other Analyses

Comment: The proposed rule's economic analysis states that Argentine citrus would enter the U.S. market at a time when few lemons are produced by U.S. growers. This is not true. The California lemon industry has invested heavily in developing specialized lemon trees that are harvested year round. Moreover, although the peak of the California harvest comes from March to June, the fruit is capable of being stored for 90 to 120 days without loss of color, flavor, or quality. Hence, the great majority of California lemons are sold into the summer marketplace at the very time Argentina intends to export fruit.

Response: The proposed rule's economic analysis was not focused on lemon production alone, as the commenter suggests. Rather, our consideration of the domestic citrus market was more general. Specifically, we stated in the proposed rule that ''* * * domestic shipments of citrus fruit are at their lowest during the months of July, August, and September, dropping to approximately 3.5 to 5 percent of average annual shipments * * *. Since the peak production period for citrus in Argentina is from May to October, the entry of Argentine fresh citrus fruits would likely peak during these months, which represent the most likely window of opportunity for Argentine imports to enter the U.S. market * * *. Importers and brokers would likely benefit from the entry of Argentine citrus fruit into the U.S. market because they would be able to provide quality fruits during the months when domestic production is lowest.'' That discussion in the proposed rule was intended to illustrate the complementary nature of production in the northern and southern hemispheres, and not to discount the potential presence of domestically produced fruit in the marketplace.

Comment: The economic analysis prepared for the proposed rule provides an inaccurate representation of the potential economic effects of imported Argentine citrus by: (1) Assuming that oranges, grapefruit and lemons are in the same product market, *i.e.,* that they are perfect substitutes in both production and consumption and that a pound of imported oranges has the same impact on lemon prices as does a pound of imported lemons; (2) asserting that there is very little U.S. citrus production during the summer months when most Argentine exports occur and that few U.S. citrus producers would, therefore, be affected; (3) assuming that the composition of citrus imports (oranges, grapefruit, or lemons) does not alter the

impact of imports; (4) ignoring the multiplier effects of fresh citrus sales; and (5) assuming that marketing margins are constant and that price changes at the producer and wholesale levels are transmitted immediately to the retail level.

Response: The commenter's statements numbered 1, 3, 4, and 5 are addressed in our final economic analysis set forth in this final rule under the heading ''Executive Order 12866 and Regulatory Flexibility Act.'' With regard to point number 2, we noted in the response to the previous comment that our economic analysis did not discount the presence of domestically grown fruit in the marketplace during the summer months. Rather, we stated that because Argentina exports most of its fresh fruit during the summer months, those imports would not compete with the peak production season in the United States (late fall, winter, and early spring), which would limit—not eliminate—the impact on U.S. producers, exporters, and importers of citrus. In several places, including both the introduction and conclusion of our analysis, we explicitly recognized that the magnitude of the economic effect of Argentine citrus would depend on the additional Argentine supply, the U.S. supply and demand for citrus, and price conditions in the rest of the world, and concluded that the larger the share of Argentine imports, relative to U.S. domestic supply, the larger the U.S. producer losses and the larger the U.S. consumer gains. We did not, as the commenter suggests, assert that only a few U.S. producers would be affected by Argentine citrus imports.

Comment: The economic analysis prepared for the proposed rule fails to recognize that the growth in Argentine citrus exports has been and will continue to be concentrated in fresh lemons and that there are significant amounts of lemons now being processed that could be diverted to the fresh export market, since the price paid for lemons for processing is usually much lower than for fresh use. There is, therefore, the potential that fresh lemon imports from Argentina during the summer months could likely range from 40 to 100 million pounds, and not the 10 to 50 million pounds examined in the analysis.

Response: The economic analysis did recognize the growth in Argentine citrus production and, since that growth is predominantly in the lemon sector, implicitly recognized the concentration on fresh lemons noted by the commenter. Indeed, it was the growth in Argentine citrus production levels that served as the basis for our estimates of potential imports of Argentine citrus into the United States, as we expect that Argentina will maintain its well-established export markets in Europe, given the substantial investment that they have made to cultivate those markets and the inadvisability of developing a heavy dependence on a single market such as the United States. With regard to the diversion of lemons from the processing market to the fresh market, we acknowledge that fresh lemons bring higher prices than lemons for processing, but one must also consider that the costs of production will be higher for those groves producing fresh lemons for the U.S. export market in light of this rule's requirements for additional phytosanitary measures during the growing and packing process and the costs of transporting fresh lemons versus the costs of transporting concentrated lemon juice and essential oils. With these considerations in mind, we do not believe that a significant diversion of lemons from the processing market to the fresh market is likely.

Comment: Section 603 of the Regulatory Flexibility Act requires agencies to prepare and make available for comment an initial regulatory flexibility analysis in connection with any proposed rule. The purpose of the analysis is to assess the impact of the proposed rule on small entities. While APHIS correctly recognizes that 96 percent of U.S. citrus fruit farms are small entities, it nonetheless states that ''this action would not have a significant economic impact on a substantial number of small entities.'' We do not understand how APHIS could conclude that the approval of citrus imports, some of which will be in direct competition with domestic growers, would not have a significant economic impact on a significant number of those small growers. Thus, APHIS must prepare the analysis required by 5 U.S.C. 603, including the preparation of an analysis of significant alternatives. Even if APHIS concludes that no significant alternative exists which can accomplish the stated objectives and minimize the impact on small growers, this discussion must still be set forth in the proposed rule.

Response: In the economic analysis provided in the proposed rule, we identified 17,898 farms producing citrus in the United States and stated that 96 percent (17,182) of those farms were small entities with gross sales of less than $500,000. The remaining 4 percent (716) of those farms had gross sales of more than $500,000 and thus were not considered small entities under the applicable Small Business Administration criteria. In the scenario we examined in which 50 million pounds of Argentine citrus entered the United States (the largest import volume of the five scenarios considered), we stated that the expected loss to producers would be $36.674 million. When spread evenly across the 17,898 producers identified, that would amount to a loss of $2,049 per farm. However, we also noted in our analysis that the 4 percent of producers who are not small entities owned 66 percent of the total citrus-growing acreage. If the expected losses are weighted to the relative shares of citrus-producing acreage, the 17,182 small entities could expect to bear a collective loss of $12,469,160 (*i.e.,* $36.674 million multiplied by 0.34), which amounts to $726 per small farm. Under section 605(b) of the Regulatory Flexibility Act, the requirements of section 603 do not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Thus, our statement in the proposed rule that ''this action would not have a significant economic impact on a substantial number of small entities'' was the Administrator's certification of this minimal effect, as required by section 605(b).

Comment: There is no evidence in the proposed rule that APHIS prepared an environmental impact assessment of the rule, which should have been prepared in order for APHIS to comply with the requirements of the National Environmental Policy Act (NEPA). APHIS' NEPA implementing regulations in 7 CFR 372.5(b)(1) require the preparation of such a report. If either the Medfly, various species of *Anastrepha*, or possibly other pests were to enter the United States via Argentine fruit and become established, a significant, and perhaps widespread spraying program would be required. We submit that APHIS is obligated to consider this possibility, and prepare, at a minimum, an environmental impact assessment if such an event were to occur.

Response: For the proposed rule, those issues were considered in the risk assessment in section 7 (Consequences of Introduction: Economic/Environmental Importance) of chapter II (Risk Assessment). An environmental assessment was not prepared for the proposed rule because APHIS previously decided, in accordance with our NEPA implementing regulations in 7 CFR 372.5(c), to classify future amendments to 7 CFR part 319 as categorically excluded actions not requiring the preparation of an

environmental assessment. However, in December 1998, following the publication of the proposed rule, our review and consideration of the comments that had been received by that time led us to prepare an environmental assessment that addresses the concerns raised by the commenter. That environmental assessment, as well as a finding of no significant impact based on the information presented in the environmental assessment, may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

Comment: APHIS has failed to prepare a civil rights impact analysis to analyze the impact of the proposed rule, if adopted, on various minority groups. The potential for the rule to lead to a significant loss of jobs for one or more ethnic groups must be considered.

Response: We did in fact prepare a civil rights impact assessment for the proposed rule. It may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

Miscellaneous

In addition to the changes discussed previously in this document, we are also amending two other sections of the fruits and vegetables regulations to correct outdated and erroneous references to several sections of the regulations, including § 319.56–2f, which will be the location of this rule's provisions regarding the importation of grapefruit, lemons, and oranges from Argentina.

Specifically, paragraph (e) of § 319.56a, ''Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56,'' refers to ''the provisions of §§ 319.56–2d and 319.56–2f to 319.56–2m, inclusive,'' but all of those sections, with the exception of § 319.56–2d, have been removed or redesignated since the time the regulations in § 319.56a became effective in 1959. Therefore, we are amending § 319.56a(e) so that it accurately reflects the locations of those remaining sections of the regulations to which it originally referred.

Similarly, we are amending § 319.56–2i to remove a reference to § 319.56–2f that dates back to when that section contained provisions regarding the importation of Manila mangoes from Mexico. In 1995, § 319.56–2f was removed and reserved and its provisions regarding the importation of oranges, grapefruit, and mangoes from Mexico were integrated into the table contained in § 319.56–2x. Section 319.56–2i should have been amended at that time to reflect the removal of § 319.56–2f, but was not. Further, the inclusion of mangoes from Mexico on the list of commodities in § 319.56–2x that may be imported subject to treatment in accordance with the PPQ Treatment Manual means that it is no longer necessary to include provisions regarding Mexican mangoes in § 319.56–2i. Therefore, we are amending § 319.56–2i by removing the reference to Mexico from the title of the section, eliminating paragraph (a)(2), and removing the reference to § 319.56–2f from paragraph (b).

Therefore, for the reasons set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule with the changes discussed in this document.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**.

Argentina has demonstrated in accordance with international standards that the citrus-growing areas of the States of Catamarca, Jujuy, Salta, and Tucuman are free from citrus canker. Further, we believe that the phytosanitary requirements contained in this rule to prevent the introduction of other plant pests will reduce the risks posed by the importation of grapefruit, lemons, and oranges to a negligible level. Given these considerations, we believe that it is no longer necessary to prohibit the importation of grapefruit, lemons, and oranges from Argentina.

Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. This rule requires that certain measures be taken in order for grapefruit, lemons, and oranges to be imported into the continental United States, including measures that must be applied early in the growing season. Making this rule effective immediately will allow plant health authorities and interested producers in Argentina to initiate the required measures as the growing season begins in order for their fruit to be eligible for export to the continental United States during the 2000 shipping season. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective less than 30 days after publication.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

This rule amends the citrus fruit regulations by recognizing a citrus-growing area within Argentina as being free from citrus canker. This rule also amends the fruits and vegetables regulations to allow the importation of grapefruit, lemons, and oranges from the citrus canker-free area of Argentina under conditions designed to prevent the introduction into the United States of two other diseases of citrus, sweet orange scab and citrus black spot, and other plant pests. These changes will allow grapefruit, lemons, and oranges to be imported into the continental United States from Argentina subject to certain conditions.

The entry of Argentine fresh citrus fruits into the continental United States can be expected to place additional competitive pressure on domestic producers and on exporters from other countries who currently market fresh citrus fruits in the United States. The net benefits of this rule are likely to be positive, where consumers would benefit from lower prices while producers would likely bear the primary losses.

Analysis

This analysis, which also serves as our cost-benefit analysis, considers the potential economic effects on domestic producers and consumers of citrus of allowing the importation of fresh citrus fruits from Argentina into the continental United States. Since entry of Argentine citrus to the continental United States will take place in three stages, the study focuses on citrus production, price and potential economic effects of this rule on consumers and producers during each stage. The major effects considered are losses to domestic producers and gains to consumers due to decreased prices resulting from increased volume. The magnitude of the impact will depend on the size of additional Argentine supply, the U.S. supply and demand for citrus, and price conditions in the rest of the world. Because Argentina already has well-established international markets, particularly in Europe, potential additional Argentine supply to the United States would likely be limited. After brief overviews of U.S. and Argentine production and import/export status and a discussion of prices, we evaluate the impact of increased imports from Argentina on the U.S. lemon, orange, and grapefruit markets.

The data sources used for the analysis include: USDA, National Agricultural

Statistics Service (NASS) production statistics; the 1997 Census of Agriculture; USDA, Economic Research Service, ''Foreign Agricultural Trade of the United States''; USDA, Agricultural Marketing Service, marketing information; USDA, Foreign Agricultural Service, ''Annual Citrus Report''; and United Nations, Food and Agricultural Organization, production and trade statistics. A complete bibliography of the sources used in this analysis is available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

U.S. Citrus Industry

Citrus production

The United States produced 30,270 million pounds of grapefruit, lemons, and oranges (citrus henceforth) in 1996, with a value of $2.4 billion. Four States—Arizona, California, Florida and Texas—accounted for about 98 percent of the grapefruit, lemon, and orange farms and more than 99 percent of the acreage in 1997 (the latest census year).

As shown in Table 1, in 1997 there were 4,410 farms in the four main citrus-producing States that produced grapefruit, 1,978 that produced lemons, and 13,133 that produced oranges. Approximately 97 percent of these fruit farms (Standard Industrial Classification 0272) had gross sales of less than $500,000 and thus are considered to be small entities according to the Small Business Administration size standards (13 CFR 121.601). These small citrus farms accounted for less than 34 percent of the total citrus growing acreage, while the remaining 3 percent of citrus farms (*i.e.,* those with annual gross sales of $500,000 or more) accounted for about 66 percent of the acreage.

TABLE 1.—FARMS BY STATE AND TYPE OF CITRUS, 1997

State	Grapefruit		Lemons		Oranges	
	Number of farms	Small entities (%)	Number of farms	Small entities (%)	Number of farms	Small entities (%)
Arizona	159	100	154	95	266	98
California	1,279	97	1,824	93	5,640	98.5
Florida	2,549	97	.....	.....	6,893	96.2
Texas	423	97	.....	.....	334	99
Total farms	4,410	.....	1,978	.....	13,133	.....

Source: USDA/NASS, *Census of Agriculture 1997.* Note the United States Summary includes farms that may be producing more than one type of citrus and thus reports fewer farms than when farms are added up by States.

Oranges, grapefruit, and lemons account for about 95 percent of the total U.S. citrus production. The 1996 value of U.S.-produced oranges was $1.82 billion; grapefruit, $289 million; and lemons, $261 million. Table 2 below shows the end use of grapefruit, lemons, and oranges for the United States (1993/94 to 1997/98 average). As the table shows, the share of processed fruit is greater than that diverted to the fresh export market or fresh domestic market.

TABLE 2.—END USE OF CITRUS IN THE UNITED STATES: AVERAGE OF 1993/94 TO 1997/98

Fruit	Percentage to:		
	Export	Fresh fruit market	Processing
Grapefruit	18.6	28.7	52.7
Lemons	14.4	36.8	48.8
Oranges	5.4	14.7	79.9

Source: USDA/ERS, Fruit and Tree Nuts: Situation Outlook Yearbook, FTS–287, October 1999.

Production for the fresh orange, grapefruit, and lemon markets accounted for about 25.2 percent of total citrus production or approximately 8,662 million pounds in 1997/98. The share of citrus fruits destined for the fresh market varied by State and by fruit. Table 3 below shows fresh utilized production, fresh fruit share, and distribution by State.

TABLE 3.—FRESH PRODUCTION AND SHARE BY STATE AND TYPE OF CITRUS, 1993/94 TO 1997/98

State	Grapefruit		Lemons		Oranges	
	Fresh utilized production*	Fresh fruit share (%)	Fresh utilized production*	Fresh fruit share (%)	Fresh utilized production*	Fresh fruit share (%)
Arizona	56	68	168	59	84	87
California	400	68	807	50	3,700	78
Florida	1,904	42	.....	.....	940	5
Texas	250	70	.....	.....	69	77

*Fresh utilized production is in millions of pounds.
Source: USDA/ERS, *Fruit and Tree Nuts: Situation Outlook Yearbook,* FTS–287, October 1999.

As can be seen from Table 3, the fresh market accounted for about 87 percent of the oranges, 68 percent of the grapefruit, and 59 percent of the lemons produced in Arizona; about 78 percent of the oranges, 68 percent of the grapefruit, and 50 percent of the lemons produced in California; about 5 percent of the oranges and 42 percent of the grapefruit produced in Florida; and 77 percent of the oranges and 70 percent of the grapefruit produced in Texas.

The annual average consumption of oranges, grapefruit, and lemons in the United States has stayed at around 21.7 pounds per person (12.6 pounds of oranges, 6.5 pounds of grapefruit, and 2.4 pounds of lemons), 1977 to 1997, with a variability of about 10 percent. Fresh citrus fruits are marketed throughout the year, most heavily between October and May. Table 4 shows the marketing seasons for the fruits, by State.

TABLE 4.—MARKETING SEASONS BY FRUIT AND STATE, 1999

Fruit	State	Marketing season
Grapefruit	Arizona	November 1 to July 31.
	California	November 15 to October 30.
	Florida	September 10 to July 31.
	Texas	October 1 to May 30.
Lemons	Arizona	August 15 to March 1.
	California	August 1 to July 31.
Oranges	Arizona	November 1 to August 31.
	California (Navels)	November 1 to June 15.
	California (Valencias)	March 15 to December 20.
	Florida (Early and midseason)	October 1 to April 15.
	Florida (Valencia)	February 1 to July 31.
	Texas	September 25 to May 15.

Source: USDA, NASS, Citrus Fruits 1999 Summary, September 1999.

Domestic shipments of citrus fruit are at their lowest during the months of July, August, and September (the distribution of oranges drops to approximately 6.4 percent of average annual shipments, grapefruit to 0.7 percent, and lemons to 16.3 percent). U.S. citrus exports are also at their lowest during these months. Citrus imports are also widely distributed throughout the year, but with above-average imports during July, August, and September (about 29 percent). Wholesale prices follow the same seasonal supply patterns, as they are lower during peak production months—October to May—and higher during summer months from June to September. Since the peak production period for citrus in Argentina is from May to October, the entry of Argentine fresh citrus fruits will likely peak during these months, which represent the most likely window of opportunity for Argentine imports to enter the U.S. market. The annual average terminal market wholesale price in 1996 in major U.S. cities was approximately 40 cents per pound for oranges, 29 cents per pound for grapefruit, and 43 cents per pound for lemons. (The average monthly wholesale prices were estimated from Terminal Market Prices by cities for January to December 1996; USDA/AMS, Fruit and Vegetable Market News.)

Importers and brokers will likely benefit from the entry of Argentine citrus fruit into the U.S. market because they will be able to provide quality fruits during the months when domestic production is lowest. Consumers will be able to obtain a wide choice of fresh citrus throughout the year and will not need to wait for the peak domestic production season or switch to non-citrus fruits.

Citrus Trade

Foreign markets play an increasingly important role for U.S. producers, accounting for approximately 29 percent of the 1996 annual fresh citrus fruit sales. The total value of the U.S. fresh grapefruit, lemon, and orange exports was approximately $659 million in 1996. In terms of value, oranges accounted for 43.9 percent of citrus exports, grapefruit for 38.1 percent; and lemons for 18 percent. The United States is a net exporter of citrus fruits. Imports of fresh grapefruit, lemons, and oranges were valued at about $26.7 million in 1996; by value, about 5.4 percent of imports were grapefruit, 10.1 percent were lemons, and 84.5 percent were oranges.

A few countries accounted for the bulk of the U.S. fresh citrus export market. In Asia, Japan (46 percent), Hong Kong (10.4 percent), the Republic of Korea (3 percent), and Taiwan (3 percent) together accounted for approximately 62.4 percent of total U.S. exports. Next, exports to Canada were about 25 percent. In Europe, France (3.3 percent), The Netherlands (2.9 percent), and the United Kingdom (1 percent) are the major importers. The United States, as noted above, is not a major importer of fresh citrus fruits. Major suppliers are Australia (67 percent), Mexico (13 percent), and Chile (6.2 percent); these countries together supplied about 86 percent of U.S. fresh citrus imports in 1996.

U.S. fresh orange exports increased at an average growth rate of 4.2 percent between 1985 and 1996; fresh grapefruit exports increased by 3.7 percent during that same period. In contrast, exports of lemons declined by an average rate of 1.1 percent between 1985 and 1996.

Citrus imports to the United States increased at an average annual growth rate of 10 percent between 1985 and 1996. Imports are heaviest during the months when U.S. production and shipments are lowest. There is also a reciprocal window of opportunity for U.S. producers to step in during the months when production is low in countries of southern hemisphere. At present, the United States is exporting approximately $100,000 worth of citrus fruit to Argentina and importing none.

Argentine Citrus Industry

Production

Argentina produced an annual average of 3,104 million pounds of grapefruit, lemons, and oranges between 1985 and 1996. Of this, about 1,632 million pounds is from three States: Jujuy, Salta, and Tucuman. (The fourth State affected by this rule—Catamarca—has little to no commercial citrus production.) Table 5 shows the end use of the three fruits in Argentina.

TABLE 5.—END USE OF CITRUS IN ARGENTINA, 1996–1998 AVERAGE

Fruit	Percentage to:		
	Export	Fresh fruit market	Processing
Grapefruit	13	69	18
Lemons	18	15	67
Oranges	11	71	18

Source: USDA/FAS, Argentina Citrus Annual Report 1999, No. AR9034.

A greater proportion of grapefruit and oranges is consumed domestically as fresh fruit, while a larger proportion of lemon is industrially processed.

The annual rate of increase in Argentine citrus production between 1985 and 1996 is attributable mostly to a 4.7 percent increase in lemon production. For the other citrus varieties, the growth rate was much less (0.7 percent for oranges and 0.4 percent for grapefruit). Export growth rates during this period were 15.4 percent for lemons, 4.1 percent for oranges, and 0.7 percent for grapefruit.

Citrus Trade

Argentina is one of South America's major exporters of grapefruit, lemons, and oranges. It exported 638 million pounds of those varieties in 1996 and an average of 470 million pounds per year between 1992 and 1996 (433, 334, 445, 500, and 638 million pounds per year, respectively). Most of that fruit went to Europe, which accounted for nearly 87 percent of exports. Major destinations included The Netherlands (52 percent), France (14 percent), Spain (8 percent), the United Kingdom (10 percent), and Russia (8 percent). Smaller importers of Argentine citrus include Portugal, Belgium, Germany, Hong Kong, and Saudi Arabia. Since the majority of the U.S. fresh citrus exports went to the Far East, the United States and Argentina appear to be serving distinct markets. Imports of fresh citrus accounted for only about 0.06 percent of the utilized total Argentine citrus supply.

Argentina can be expected to maintain its well-established export markets, which, as noted in the previous paragraph, are mainly in Europe. Exports to the United States would provide another potential outlet for the Argentine citrus industry.

Wholesale Terminal Market Prices

Fresh citrus fruit wholesale prices are lower in Argentina than in the United States. Average wholesale prices in Argentina for fresh grapefruit, oranges, and lemons were 17, 18, and 17 cents per pound, respectively, in 1996. These are lower than the average U.S. wholesale price of 29, 40, and 43 cents per pound of the respective fresh fruits for the same period. However, the Argentine wholesale prices do not reflect the additional costs that exporting these fruits to the United States would entail; *i.e.,* overland transport cost from northwestern Argentina to the south-central coast, the sea freight rate, cold treatment, and the tariff rates, which add about 15 to 20 cents per pound to the average Argentine wholesale price. In addition, even before their fruit is exported to the United States, participating groves will incur added production costs in meeting the requirements of this rule. These requirements include grove cleaning, grove treatment, visual survey of groves 20 days prior to harvest, sampling and laboratory examination of fruit from the grove and buffer area, registered technicians at each packinghouse to verify the origin of fruit coming in, and sodium hypochlorite dipping prior to packing. These additional requirements are expected to add about 3 to 5 cents per pound to costs. Thus, by the time the fresh citrus from Argentina arrives at U.S. ports, the gap in prices will be narrower.

Effects on Producers and Consumers

This section of the analysis examines the potential economic effects on U.S. producers and consumers of allowing fresh lemons, oranges, and grapefruit from Argentina to enter the U.S. market. Because of our conclusion that the importation of Argentine citrus poses a negligible pest risk, we do not believe that it is necessary to evaluate the costs of pest introduction in this analysis.

This analysis is based on expected additional exports of these fruits by Argentina.[1] As noted previously, the entry of Argentine citrus fruit into the continental United States will be phased in over three stages. In the first stage (the 2000 and 2001 shipping seasons), the fruit will be authorized entry into 34 non-citrus-producing, non-buffer States; in the second stage (the 2002 and 2003 shipping seasons), the fruit may enter the original 34 States plus an additional 10 buffer States; and in the final stage (beginning with the 2004 shipping season), the fruit may enter all areas of the continental United States.

A partial equilibrium economic surplus framework is used in this analysis to consider the benefits and the costs of this rule. Potential producer losses and gains to consumers are quantified for each citrus product in terms of changes in producer and consumer surplus resulting from increased imports from Argentina. This analysis measures the direct effects of this rule on domestic producers of oranges, grapefruit, and lemons. Indirect and induced effects on income, output, and employment are not considered.

To simplify the analysis, supply and demand curves are assumed to be linear and the supply shift is assumed to be parallel. We use point estimates for the elasticities of supply and demand, average annual prices, and estimates of annual U.S. production and annual Argentine exports in the analysis. We assume U.S. and Argentine citrus are substitutes for one another. Seasonality in their production, consumption, and distribution are ignored.

To estimate the total exports of oranges, lemons, and grapefruit that could be expected to result from this rule, we use State- and fruit-specific 1995 production data from three of the four eligible Argentine States—Jujuy, Salta, and Tucuman. Because export levels for Argentine citrus fruit have been subject to marked fluctuations over

[1] Producers and exporters in Argentina would not have the flexibility to make adjustments from domestic sales to exports or from processing to fresh, at least not within a single season. The rule essentially requires growers to commit their groves to the U.S. export market before a tree ever blooms, given that they must register with SENASA prior to the start of the growing season and begin applying specific phytosanitary measure (e.g., grove cleaning, field treatments) very early in the season. A non-registered grove that normally produces fruit for the Argentine domestic fresh or processing market could not, in response to high U.S. prices, simply decide to begin shipping fruit to the United States. It is possible that a profitable shipping season in the U.S. market for Argentine export could lead additional Argentine growers to enter into the export program for the following year. Historical export growth is a good indicator of what could happen. The recent growth in lemon exports is used to estimate Argintina's fresh lemon exports to the United States.

time, a simple semi-log model is used to estimate the growth rate of exports of each of the three fresh fruits. Exports to the United States are then calculated by assuming that Argentina would maintain its current exports to the rest of the world and divert its incremental export to the United States.

Exports from Argentina will depend to a large extent on whether Argentine citrus will be price competitive with U.S. citrus. Table 6 shows the average annual prices in Argentina, plus shipping and additional costs imposed by the rule, and U.S. prices. While seasonal prices can vary substantially from the average, we believe that the averages provide some sense of the incentives for Argentine citrus exports to the United States. Price differentials for the three citrus commodities indicate that Argentine lemons will be able to compete effectively with U.S. lemons. It is less likely that oranges and grapefruit from Argentina will have the same competitive advantage and, therefore, it is less likely that they will be exported to the United States.

TABLE 6.—ESTIMATES OF PRICE DIFFERENTIALS FOR CITRUS

Fruit	Per-pound price (dollars)				
	Argentina wholesale price	Transport cost	Additional costs due to rule	Price of Argentine fruit in U.S.	Price of U.S. fruit
Grapefruit	.17	.15–.20	.03–.05	.35–.42	.29
Oranges	.18	.15–.20	.03–.05	.36–.43	.40
Lemons	.17	.15–.20	.03–.05	.35–.42	.43

Lemons

Using a 5-year average (1992/93 through 1996/97) of U.S. consumption, production plus imports minus exports, we estimated U.S. domestic consumption of lemons to be 728 million pounds. The average price is $0.43 per pound. There are very few published elasticity estimates available. Published estimates from quantity-dependent models for lemon demand elasticity are not available, but Ferguson and Carman find an elasticity of demand for lemon of -0.44 in an unpublished study. Another study yielded an elasticity of supply for lemons greater than zero (Kinney *et al.*, 1987, p.9, equation 6). Estimation by various data points, using acreage and per-acre revenue data in Tables 9 and 6, respectively, of Kinney *et al.* yields elasticities of supply for lemons between 0.04 and 0.17. In our analysis we use the -0.44 estimate for the elasticity of demand and assume an elasticity of supply equal to 0.09.

Because export levels for Argentine lemons have been subject to marked fluctuations over time (*e.g.,* increases of 73 percent in 1994, 17 percent in 1995, 49 percent in 1996, and almost 10 percent in 1997 and decreases of 55 percent in 1986, 15 percent in 1989, and 25 percent in 1993), the quantities of fruit considered in this analysis are based on growth rates in Argentina's fresh lemon exports to the rest of the world. As discussed above, a simple semi-log model was used to estimate the growth rate of lemon exports between 1985 and 1998. The results show that lemon exports increased at the rate of 15 percent during that period. Using 1994–1998 average exports from the eligible Argentine States, 293.6 million pounds, as a baseline number, the total expected increase in exports would be 44.04 (293.6×0.15) or, rounding, 44 million pounds.

We assume that the elasticities, the quantity of the domestic lemons produced and consumed, and the quantity of Argentine lemons imported would not change over the 3-stage phase-in period.

Estimated results of introducing imported fresh lemons from the Argentine States of Jujuy, Salta, and Tucuman into the U.S. market are as shown in Tables 7, 8, and 9. Because the price differential between Argentine lemons and U.S.-produced lemons shown in Table 6 appears to be sufficient to make export of lemons profitable to Argentine exporters, we estimate the impacts on consumers and producers considering three scenarios for each phase of the rule's implementation. The three scenarios examine the impact of 60 percent, 80 percent, and 100 percent of the 44-million-pound increase in lemon exports being shipped to U.S. markets.

We assume that the elasticities and the quantity of Argentine lemons imported would not change over the 3-stage phase-in. Our point of comparison in each stage is the absence of lemon imports from Argentina. In other words, the analysis at each stage assumes the same level of domestic production and consumption and the same price prior to importation of Argentine lemons. We have made no attempt to assess the incremental effects of the rule over the 3-stage phase-in period and, furthermore, it is not appropriate to compare the impacts of the various stages or to sum across the stages to obtain a total effect.

Table 7 provides an analysis of expected impacts during Stage 1, including percent change in price, percent change in quantity, resultant producer losses, consumer benefits, and net benefits, for each diversion scenario. Stage 1 allows for importation of citrus into 34 States. These States account for approximately 60 percent of fresh lemon consumption in the United States, about 437 million pounds.

TABLE 7.—THE IMPORTATION OF FRESH LEMONS FROM ARGENTINA TO APPROVED STATES (STAGE 1)

	Percentage of average Argentine lemon export growth diverted to the U.S. market:		
	60	80	100
Imports (millions of pounds)	26.4	35.2	44
Percent change in price	−11.4	−15.2	−19
Percent change in quantity	−1.03	−1.37	−1.71

TABLE 7.—THE IMPORTATION OF FRESH LEMONS FROM ARGENTINA TO APPROVED STATES (STAGE 1)—Continued

	Percentage of average Argentine lemon export growth diverted to the U.S. market:		
	60	80	100
Decrease in producer surplus (millions of dollars)	−22.251	−29.616	−36.957
Increase in consumer surplus (millions of dollars)	22.926	30.817	38.833
Net benefit (millions of dollars)	0.675	1.201	1.876

As Table 7 shows, during the first stage producer losses could potentially range between $22.251 million and about $36.957 million, while consumer gains could range between $22.926 million and $38.33 million. The net benefits, therefore, would be between $675,000 and about $1.876 million.

In Stage 2, Argentine imports will be shipped to 44 States, which account for 72.4 percent of lemon consumption, approximately 527 million pounds. Table 8 shows that the expansion in Stage 2 will yield about the same results as Stage 1.

TABLE 8.—THE IMPORTATION OF FRESH LEMONS FROM ARGENTINA TO APPROVED STATES (STAGE 2)

	Percentage of average Argentine lemon export growth diverted to the U.S. market:		
	60	80	100
Imports (millions of pounds)	26.4	35.2	44
Percent change in price	−9.452	−12.602	−15.753
Percent change in quantity	−0.851	−1.134	−1.418
Decrease in producer surplus (millions of dollars)	−22.270	−29.651	−37.011
Increase in consumer surplus (millions of dollars)	22.830	30.647	38.567
Net benefit (millions of dollars)	0.560	0.996	1.556

Table 9 presents the results for the third stage, when fresh lemons imported from Argentina are allowed in all areas of the continental United States.

TABLE 9.—THE IMPORTATION OF FRESH LEMONS FROM ARGENTINA (STAGE 3)

	Percentage of average Argentine lemon export growth diverted to the U.S. market:		
	60	80	100
Imports (millions of pounds)	26.4	35.2	44
Percent change in price	−6.84	−9.12	−11.4
Percent change in quantity	−0.62	−0.82	−1.03
Decrease in producer surplus (millions of dollars)	−21.35	−28.44	−35.52
Increase in consumer surplus (millions of dollars)	21.74	29.13	36.59
Net benefit (millions of dollars)	0.39	0.69	1.07

As shown in Table 9, both producer losses and consumer gains during this final period would be slightly less than during the previous two stages, as Argentine imports would compete with the entire domestic fresh supply. Producer losses in this scenario range between $21.35 million and $35.52 million, while consumer gains are between $21.74 million and $36.59 million. The net benefits would thus be between $390,000 and $1.07 million.

One of the commenters who responded to our proposed rule stated that in Argentina, 30 percent of lemon acreage is due to begin bearing during the next 5 years, thus annual production of lemons will increase significantly. This commenter reported that estimated lemon production increased 240 million pounds from 1996 to 1997 and concluded that within 5 years, Argentine citrus exporters, with an established distribution network, could very easily export 100 to 200 million pounds or more of fresh lemons to the United States during the summer months, a much larger export level than was considered in the proposed rule's economic analysis.

With regard to current increases and potential suitable land for future expansion of lemon groves in Argentina, both planted acres and harvested acres have increased from their 1996 levels. Planted acreage increased from 76,763 acres to 102,698 acres in 1998, while harvested acreage increased from 69,854 acres to 95,095 acres. As can be seen, harvested acres accounted for about 92.6 percent of the planted acreage in 1998. For 1999, acres planted are forecasted to increase to 106,210 acres, while harvested acres are forecasted to decline to 93,860 acres as older groves are replaced by younger, non-fruit-bearing trees. Over 90 percent of the planted acreage is being harvested, and about 5 percent of new plantings are replacement plantings. If these expansions continue and if weather conditions are favorable, Argentina will have a much larger potential to export more fresh lemons to all countries,

including the United States. (USDA/FAS, Argentina Citrus Annual Reports for 1997 [AR7043], 1998 [AR8032], and 1999 [AR9034], U.S. Embassy, Buenos Aires, Argentina; Randall J. Hager, Agricultural Attache, Office of Agricultural Affairs, U.S. Embassy, Buenos Aires, August 1999, personal communication; and Mariano Ripari, Agricultural Attache, Embassy of Argentina, Washington DC, August 1999, personal communication).

Whether this expansion will continue, and how it will affect the United States, depends not only on the availability of suitable land in Argentina and the capital to convert that land to lemon groves, but also on many other factors such as production costs, relative world prices for fresh lemons, U.S. prices, the exchange rates for major currencies, changes in consumer taste for fresh lemons, growth in the demand for fresh lemons in other countries that are already importing from Argentina, the opening of other potential markets (*e.g.,* new markets for Argentine lemons are opening in the Far East), and the profitability of alternative land use. Since inclement weather can affect both the quantity and quality of fresh lemons, there is added uncertainty in predicting Argentina's fresh lemon export capacity. For example, although production increased from about 1,905 million pounds in 1997 to 2,260 million pounds in 1998, this did not translate to large export levels for fresh lemons. Instead, exports declined from 388 million pounds to 344 million pounds, as fresh lemons were diverted for processing due to rainy weather that caused poor quality.

Table 10 shows an import of 100 million pounds of fresh lemon to the United States would result in price decline of about 26 percent and producer loss of about $80 million. However, consumer benefit would be about $86 million dollars, yielding a net benefit of about $5.57 million. We do not expect this level of lemon imports from Argentina to be realized.

TABLE 10.—IMPACT IN THE UNITED STATES OF LARGER ARGENTINE LEMON EXPORTS TO THE UNITED STATES

[Price elasticity of demand is −0.44 and price elasticity of supply is 0.09]

Potential exports to the United States (millions of pounds) ...	*100
Percent change in price	−25.92
Percent change in quantity**	−2.33
Decrease in producer surplus (millions of dollars)	−80.19
Increase in consumer surplus (millions of dollars)	85.76
Total surplus (millions of dollars)	5.57

*Less than perfectly inelastic supply.

**This decrease in quantity may be due to diversion of fresh lemons to the processing sector as the price of fresh lemons declines.

Increased ability to export will translate to sales only if there is a comparable market demand for fresh lemons. Over the last several years, per capita consumption (between 2.54 and 2.90 pounds per person) has remained stable, with very small variability (a mean of 2.7 pounds per person and a standard deviation of 0.12 pounds per person). U.S. consumption of fresh lemons over the last 3 years has declined from 766.3 million pounds (peak amount in 1995/96) to 747.9 million and 675.8 million pounds in 1996/97 and 1997/98, respectively (USDA/ERS, ''Fruit and Tree Nuts: Situation and Outlook Report,'' October 1999, p.74). Most available estimates for the price elasticity of demand for fresh lemon are below -0.5, implying that the demand for fresh lemons is price inelastic. This means that for every 1 percent decrease in their price, the demand for fresh lemons would increase by less than 0.5 percent. Given an estimated price elasticity of -0.44, a 100-million-pound increase in supply of fresh lemons would require a price decrease of about 26 percent. In other words, for a large quantity of fresh lemons to be absorbed, the price of fresh lemons has to decrease substantially. If 100 million or more pounds of fresh lemons were to be imported from Argentina, the negative effect on domestic producers would be much larger than predicted under the importation scenario of 44 million pounds. Consumer benefits would still outweigh producer losses. Since such a large influx of fresh lemons would require a large price decline to be absorbed, it would not be profitable for Argentina to export fresh lemons in such large quantities to the United States.

Oranges

Using a 5-year average (1992/93 through 1996/97) of U.S. consumption, production plus imports minus exports, we estimated U.S. domestic consumption of oranges to be 3,479 million pounds. The average price is $0.40 per pound. As with lemons, there are very few published elasticity estimates available. The two studies most often referred to are by Huang (1993) and Thompson *et al.* (1990) and relate to oranges and grapefruit. Huang provides estimates both for Marshallian and Hicksian demand systems. The results of the Marshallian demand system are reported and used here—a demand elasticity of -0.849 for oranges. Thompson, *et al.* estimate -0.719 for the demand elasticity for oranges. A recent study showed that the elasticity of supply for California oranges was 0.149 (Villezca-Becerra and Shumway 1992). In our analysis, we use the -.849 estimate made by Huang for the elasticity of demand and assume an elasticity of supply equal to 0.149.

Similar to lemons, our estimate for Argentine orange exports to the United States are based on growth rates in Argentina's fresh orange exports to the rest of the world. As above, a simple semi-log model was used to estimate the growth rate of orange exports between 1985 and 1996. The results show that orange exports increased at the rate of 4.1 percent during that period. Using 1992–1996 average exports from the Argentina, 171 million pounds, as a baseline number and assuming the share of exports from the eligible Argentine States would continue to be 26.59 percent, the total expected increase in exports would be 1.86 million pounds ($171 \times 0.2659 \times .041$) or, rounding, 2 million pounds.

Table 11 reports the potential effects of orange imports from Argentina during the first, second, and third stages of the import program. We believe the price differential between U.S. and Argentine oranges illustrated in Table 6 suggests that a lower proportion of Argentine orange exports will be diverted to the United States. Therefore, we assume a 20 percent diversion of the 2 million pounds of the expected increase in Argentine exports, or 400,000 pounds. Table 11 shows that price decreases as the volume of imported oranges increases, given domestic supply in the approved States during every stage.

TABLE 11.—THE IMPORTATION OF FRESH ORANGES FROM ARGENTINA TO APPROVED STATES FOR STAGES 1 THROUGH 3, ASSUMING 20 PERCENT OF AVERAGE ARGENTINE ORANGE EXPORT DIVERTED TO THE U.S. MARKET

	Stage		
	1	2	3
Imports (millions of pounds)	0.4	0.4	0.4
Percent change in price	−0.04	−0.03	−0.012
Percent change in quantity	−0.003	−0.003	−0.002
Decrease in producer surplus (millions of dollars)	−0.3019	−0.3019	−0.16032
Increase in consumer surplus (millions of dollars)	0.3019	0.3019	0.16033
Net benefit (millions of dollars)	0.0000	0.0000	0.00001

Note: The utilized supply for Stage 1 is 2,089 million pounds for approved States; for Stage 2 it is 2,518 million pounds.

Consumer gains in every stage are approximately equal to producer losses.

Grapefruit

Using a 5-year average (1992/93 through 1996/97) of U.S. consumption, production plus imports minus exports, we estimated U.S. domestic consumption of grapefruit to be 1,602 million pounds. The average price is $0.29 per pound. As with lemons, there are very few published elasticity estimates available. The two studies most often referred to are by Huang (1993) and Thompson *et al.* (1990) and relate to oranges and grapefruit. Huang provides estimates both for Marshallian and Hicksian demand systems. The results of the Marshallian demand system are reported and used here—a demand elasticity of -0.455 for grapefruit.

Thompson, *et al.* estimate -0.523 for the demand elasticity for grapefruit. A recent study showed that the elasticity of supply for California grapefruit was 0.409 (Villezca-Becerra and Shumway 1992). In our analysis we use the -0.455 estimate made by Huang for the elasticity of demand and assume an elasticity of supply equal to 0.409.

Similar to lemons and oranges, our estimate for Argentine grapefruit exports to the United States are based on growth rates in Argentina's fresh grapefruit exports to the rest of the world. As above, a simple semi-log model was used to estimate the growth rate of grapefruit exports between 1985 and 1996. The results show that grapefruit exports increased at the rate of 1 percent during that period. Using 1992–1996 average exports from the Argentina, 79.72 million pounds, as a baseline number and assuming the share of exports from the eligible Argentine States would continue to be 51.22 percent, the total expected increase in exports would be 0.41 million pounds ($79.72 \times 0.5122 \times 0.01$).

Given the price advantage possessed by U.S. producers of grapefruit (see Table 6), we believe that it is highly unlikely that Argentine grapefruit will be marketed in the United States.

However, if we perform an analysis of the impact of grapefruit imports similar to the analysis done for oranges and lemons, we find that there is not a significant effect on either U.S. producers or consumers. On the basis of the growth rate of grapefruit production in Argentina, which was less than 1 percent, the maximum that could be diverted would be about 410,000 pounds. This amount, when compared to about 1,603 million pounds of domestic supply of fresh grapefruit in the United States, is very small. As a result, price would decrease by only about 0.03 percent with 100-percent diversion in Stage 3. Producers losses and consumer gains both would be around $137,600, yielding a net benefit of zero.

Conclusion

Overall, the estimated net economic effects of this rule are positive. There is a direct relationship between producer losses and consumer gains on the one hand and the quantity of imports on the other hand. Therefore, the larger the share of imports from Argentina, relative to U.S. domestic supply, the larger the U.S. producer losses and the larger the U.S. consumer gains. In all cases, consumer gains are equal to or slightly outweigh grower losses.

As seen in Tables 7 through 11, the entry of fresh citrus fruits from Argentina into U.S. markets would induce producer losses and consumer gains. The greatest effect would be due to importation of lemons because the price differential between domestic fresh lemons and Argentine lemons may be largest. The expected lemon imports from Argentina would represent a larger proportion of the U.S. domestically available fresh lemon volume compared to that for fresh oranges and grapefruit.

Overall, considering all three stages of the import program, fresh lemon prices could potentially decrease between 6.84 percent and 19 percent. Producers would possibly lose between $21.35 million and $36.96 million, while consumers would potentially gain between $21.74 million and $38.83 million annually as the result of importing fresh lemons from Argentina, yielding a net benefit of between $390,000 and $1.876 million. In all cases, consumer gains slightly outweigh grower losses.

The extent of any actual decrease in prices would depend to a great degree upon the size of the price elasticity of demand, the magnitude of the change in supply, and the size of the baseline price. For lower price elasticities, both losses and gains would be higher. Since fresh fruit exports from Argentina, especially of oranges and grapefruit, are not expected to be large, they are not expected to change citrus fruit production and consumption patterns in the United States.

Because Argentina's peak season of production complements the U.S. low season of production (particularly for oranges and grapefruit) and vice versa, this rule should have a positive effect for consumers. U.S. prices during the months of June through September are higher than the annual average. The effect would vary by commodity, with the largest effect on lemon prices. As a result of the highest expected additional fresh lemon supply, the average lemon price in the United States would decrease by as much as 19 percent (in Stage 1), from 43 cents per pound to about 34.83 cents per pound. Orange prices would decline by as much as 0.04 percent (in Stage 1), from 40 cents per pound to 39.98 cents per pound. The effect on grapefruit prices is even more insignificant.

In addition, it is important to note that the analysis implicitly assumes the worst-case scenario because the partial equilibrium analysis does not allow for substitution among producers. If the price of fresh citrus fruits decreases significantly, then the producers may choose to channel their products to overseas markets or to processing

markets. Under those scenarios, the decrease in prices expected to result from this rule would be less than that estimated in this analysis, resulting in less of a decrease in producer surplus.

This rule would have a net positive effect on the overall economy, since consumer benefits would be slightly higher than producer losses. The increased potential for trade and facilitation of flow of goods will benefit the welfare of both countries. These trading relationships benefit numerous sectors in the U.S. national economy. Increased trade in these sectors have dual benefits. Those employed are also consumers of fresh citrus fruit. Since fresh citrus fruits are normal goods, with positive income elasticities, increased jobs, outputs, and income in those sectors can also mean increased consumption of citrus products.

The only significant alternative to this rule would be to make no changes in the regulations; *i.e.*, to continue to prohibit the importation of grapefruit, lemons, and oranges from Argentina. We have rejected that alternative because we believe that Argentina has demonstrated that the citrus-growing areas of the States of Catamarca, Jujuy, Salta, and Tucuman are free from citrus canker and because we believe that the systems approach offered by Argentina to prevent the introduction of other plant pests reduces the risks posed by the importation of grapefruit, lemons, and oranges to a negligible level.

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

Executive Order 12988

This final rule allows the importation of grapefruit, lemons, and oranges from Argentina under certain conditions. State and local laws and regulations regarding grapefruit, lemons, and oranges imported under this rule are preempted while the fruit is in foreign commerce. Grapefruit, lemons, and oranges are generally imported for immediate distribution and sale to the consuming public and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for the conclusion that the importation of grapefruit, lemons, and oranges under the conditions specified in this rule will not present a risk of introducing or disseminating plant pests and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule have been approved by the Office of Management and Budget (OMB). The assigned OMB control number is 0579–0134.

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant diseases and pests, Quarantine.

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending title 7, chapter III, of the Code of Federal Regulations as follows:

PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 continues to read as follows:

Authority: 7 U.S.C. 150ee, 154, 161, 162 and 167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 300.1, paragraph (a), the introductory text is revised to read as follows:

§ 300.1 Materials incorporated by reference.

(a) *Plant Protection and Quarantine Treatment Manual.* The Plant Protection and Quarantine Treatment Manual, which was reprinted November 30, 1992, and includes all revisions through May 2000, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

PART 319—FOREIGN QUARANTINE NOTICES

3. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

§ 319.28 [Amended]

4. In Subpart—Citrus Fruit, § 319.28 is amended as follows:

a. In paragraph (a)(1), by adding the words ''Argentina (except for the States of Catamarca, Jujuy, Salta, and Tucuman, which are considered free of citrus canker),'' immediately after the word ''Seychelles,''.

b. In paragraph (a)(2), by adding the words ''(except as provided by § 319.56–2f of this part)'' immediately after the word ''Argentina''.

c. In paragraph (a)(3), by adding the words ''(except for the States of Catamarca, Jujuy, Salta, and Tucuman, which are considered free of Cancrosis B)'' immediately after the word ''Argentina''.

§ 319.56a [Amended]

5. In § 319.56a, paragraph (e), the first sentence is amended by removing the words ''and 319.56–2f to 319.56–2m, inclusive,'' and adding the words '', 319.56–2e, 319.56–2g, 319.56–2k, 319.56–2l, and 319.56–2p'' in their place.

6. In Subpart Fruits and Vegetables, a new § 319.56–2f is added to read as follows:

§ 319.56–2f Administrative instructions governing importation of grapefruit, lemons, and oranges from Argentina.

Fresh grapefruit, lemons, and oranges may be imported from Argentina into the continental United States (the contiguous 48 States, Alaska, and the District of Columbia) only under permit and only in accordance with this section and all other applicable requirements of this subpart.

(a) *Origin requirement.* The grapefruit, lemons, or oranges must have been grown in a grove located in a region of Argentina that has been determined to be free from citrus canker. The following regions in Argentina have been determined to be free from citrus canker: The States of Catamarca, Jujuy, Salta, and Tucuman.

(b) *Grove requirements.* The grapefruit, lemons, or oranges must have been grown in a grove that meets the following conditions:

(1) The grove must be registered with the citrus fruit export program of the Servicio Nacional de Sanidad y Calidad Agroalimentaria (SENASA).

(2) The grove must be surrounded by a 150-meter-wide buffer area. No citrus fruit grown in the buffer area may be offered for importation into the United States.

(3) Any new citrus planting stock used in the grove must meet one of the following requirements:

(i) The citrus planting stock originated from within a State listed in paragraph (a) of this section; or

(ii) The citrus planting stock was obtained from a SENASA-approved citrus stock propagation center.

(4) All fallen fruit, leaves, and branches must be removed from the ground in the grove and the buffer area before the trees in the grove blossom. The grove and buffer area must be inspected by SENASA before blossom to verify that these sanitation measures have been accomplished.

(5) The grove and buffer area must be treated at least twice during the growing season with an oil-copper oxychloride spray. The timing of each treatment shall be determined by SENASA's expert system based on its monitoring of climatic data, fruit susceptibility, and the presence of disease inoculum. The application of treatments shall be monitored by SENASA to verify proper application.

(6) The grove and buffer area must be surveyed by SENASA 20 days before the grapefruit, lemons, or oranges are harvested to verify the grove's freedom from citrus black spot (*Guignardia citricarpa*) and sweet orange scab (*Elsinoe australis*). The grove's freedom from citrus black spot and sweet orange scab shall be verified through:

(i) Visual inspection of the grove and buffer area; and

(ii) The sampling of 4 fruit from each of 298 randomly selected trees from each grove and buffer area covering a maximum area of 800 hectares. If the area to be sampled exceeds 800 hectares, SENASA must contact APHIS for APHIS' determination as to the number of trees to be sampled. The sampled fruit must be taken from those portions of the trees that are mostly likely to have infected, symptomatic fruit (*i.e.* near the outer, upper part of the canopy on the sides of the tree that receive the most sunlight). The sampled fruit must be held in the laboratory for 20 days at 27 °C, 80 percent relative humidity, and in permanent light to promote the expression of symptoms in any fruit infected with citrus black spot.

(c) *After harvest.* After harvest, the grapefruit, oranges, or lemons must be handled in accordance with the following conditions:

(1) The fruit must be moved from the grove to the packinghouse in field boxes or containers of field boxes that are marked to show the SENASA registration number of the grove in which the fruit was grown. The identity of the origin of the fruit must be maintained.

(2) During the time that any grapefruit, lemons, or oranges from groves meeting the requirements of paragraph (b) of this section are in the packinghouse, no fruit from groves that do not meet the requirements of paragraph (b) of this section may enter the packinghouse. A packinghouse technician registered with SENASA must verify the origin of all fruit entering the packinghouse.

(3) After arriving at the packinghouse, the fruit must be held at room temperature for 4 days to allow bruises or other fruit damage to become apparent.

(4) After the 4-day holding period, bruised or damaged fruit must be culled and the fruit must be inspected by SENASA to verify its freedom from citrus black spot and sweet orange scab. The fruit must then be chemically treated as follows:

(i) Immersion in sodium hypochlorite (chlorine) at a concentration of 200 parts per million for 2 minutes;

(ii) Immersion in orthophenilphenate of sodium;

(iii) Spraying with imidazole; and

(iv) Application of 2–4 thiazalil benzimidazole and wax.

(5) Before packing, the treated fruit must be individually labeled with a sticker that identifies the packinghouse in which they were packed and must be inspected by SENASA to verify its freedom from citrus black spot and sweet orange scab and to ensure that all stems, leaves, and other portions of plants have been removed from the fruit.

(6) The fruit must be packed in clean, new boxes that are marked with the SENASA registration number of the grove in which the fruit was grown and a statement indicating that the fruit may not be distributed in Hawaii, Guam, the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, or in any State (each of which must be individually listed) into which the distribution of the fruit is prohibited pursuant to paragraph (g)(1) or (g)(2) of this section.

(d) *Phytosanitary certificate.* Grapefruit, lemons, and oranges offered for entry into the United States from Argentina must be accompanied by a phytosanitary certificate issued by SENASA that states the grapefruit, lemons, or oranges were produced and handled in accordance with the requirements of paragraphs (a), (b), and (c) of this section and that the grapefruit, lemons, or oranges are apparently free from citrus black spot and sweet orange scab.

(e) *Cold treatment.* Due to the presence in Argentina of Mediterranean fruit fly (Medfly) (*Ceratitis capitata*) and fruit flies of the genus *Anastrepha*, grapefruit, lemons (except smooth-skinned lemons), and oranges offered for entry from Argentina must be treated with an authorized cold treatment listed in the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter. The cold treatment must be conducted in accordance with the requirements of § 319.56–2d of this subpart.

(f) *Disease detection.* If, during the course of any inspection or testing required by this section or § 319.56–6 of this subpart, or at any other time, citrus black spot or sweet orange scab is detected on any grapefruit, lemons, or oranges, APHIS and SENASA must be notified and the grove in which the fruit was grown or is being grown shall be removed from the SENASA citrus export program for the remainder of that year's growing and harvest season, and the fruit harvested from that grove may not be imported into the United States from the time of detection through the remainder of that shipping season.

(g) *Limitations on distribution.* The distribution of the grapefruit, lemons, and oranges is limited to the continental United States (the 48 contiguous States, Alaska, and the District of Columbia.). In addition, during the 2000 through

2003 shipping seasons, the distribution of the grapefruit, lemons, and oranges is further limited as follows:

(1) During the 2000 and 2001 shipping seasons, the fruit may be distributed in all areas of the continental United States except Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, and Utah.

(2) During the 2002 and 2003 shipping seasons, the fruit may be distributed in all areas of the continental United States except Arizona, California, Florida, Louisiana, and Texas.

(3) For the 2004 shipping season and beyond, the fruit may be distributed in all areas of the continental United States.

(h) *Ports of entry.* The grapefruit, lemons, and oranges may enter the United States only through a port of entry located in a State where the distribution of the fruit is authorized pursuant to paragraph (g) of this section.

(i) *Repackaging.* If any grapefruit, lemons, or oranges are removed from their original shipping boxes and repackaged, the stickers required by paragraph (c)(5) of this section may not be removed or obscured and the new boxes must be clearly marked with all the information required by paragraph (c)(6) of this section.

(Approved by the Office of Management and Budget under control number 0579–0134)

7. Section 319.56–2i, including the section heading, is revised to read as follows:

§ 319.56–2i Administrative instructions prescribing treatments for mangoes from Central America, South America, and the West Indies.

(a) *Authorized treatments.* Treatment with an authorized treatment listed in the Plant Protection and Quarantine Treatment Manual will meet the treatment requirements imposed under § 319.56–2 as a condition for the importation into the United States of mangoes from Central America, South America, and the West Indies. The Plant Protection and Quarantine Treatment Manual is incorporated by reference. For the full identification of this standard, see § 300.1 of this chapter, ''Materials incorporated by reference.''

(b) *Department not responsible for damage.* The treatments for mangoes prescribed in the Plant Protection and Quarantine Treatment Manual are judged from experimental tests to be safe. However, the Department assumes no responsibility for any damage sustained through or in the course of such treatment.

Done in Washington, DC, this 8th day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–14851 Filed 6–9–00; 10:00 am]

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Federal Register

Thursday,
June 15, 2000

Part III

Securities and Exchange Commission

17 CFR Parts 230, 240, and 270

Offer and Sale of Securities to Canadian Tax-Deferred Retirement Accounts; Final Rule; and In the Matter of the Investment Dealers Association of Canada; Order Granting Exemption; Notice

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240 and 270

[Release Nos. 33–7860, 34–42905, IC–24491; File No. S7–10–99 International Series Release No.1226]

RIN 3235–AH32

Offer and Sale of Securities to Canadian Tax-Deferred Retirement Savings Accounts

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a new rule that would permit foreign securities to be offered to U.S. participants in certain Canadian tax-deferred retirement accounts and sold to those accounts without being registered under the Securities Act of 1933. The Commission also is adopting a new rule that would permit foreign investment companies to offer securities to those U.S. participants and sell securities to their Canadian retirement accounts without registering under the Investment Company Act of 1940. These rules will enable investors who hold securities in certain Canadian tax-deferred retirement accounts, and who reside or are temporarily present in the United States, to manage their investments within those accounts.

EFFECTIVE DATE: June 23, 2000.

FOR FURTHER INFORMATION CONTACT: Curtis A. Young, Senior Counsel, or C. Hunter Jones, Assistant Director, at (202) 942–0690, Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0506.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (''Commission'') today is adopting rule 237 [17 CFR 230.237] under the Securities Act of 1933 [15 U.S.C. 77a–aa] (the ''Securities Act''), rule 7d–2 [17 CFR 270.7d–2] under the Investment Company Act of 1940 [15 U.S.C. 80a] (the ''Investment Company Act''), and amendments to rule 12g3–2 under the Securities Exchange Act of 1934 [15 U.S.C. 78a–mm] (the ''Exchange Act'').

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Executive Summary

In Canada, individuals can invest a portion of their earnings in tax-deferred retirement savings accounts (''Canadian retirement accounts''), which operate in a manner similar to Individual Retirement Accounts (''IRAs'') in the United States. Individuals who have established Canadian retirement accounts and later moved to the United States (''Canadian/U.S. Participants'' or ''participants'') have been unable to make changes in their retirement accounts because the changes would involve the sale of unregistered securities and investment companies (''funds'') in violation of U.S. securities laws.

The Commission is adopting two rules that are designed to enable Canadian/U.S. Participants to manage the assets in their Canadian retirement accounts. The new rules: (i) permit securities of foreign issuers, including securities of foreign funds, to be offered to Canadian/U.S. Participants and sold to their Canadian retirement accounts without being registered under the Securities Act or the Exchange Act, and (ii) permit foreign funds to offer securities to Canadian/U.S. Participants and sell securities to their Canadian retirement accounts without registering as investment companies under the Investment Company Act. The offer and sale of these securities, however, will remain fully subject to the antifraud provisions of the U.S. securities laws. The Commission also is issuing an order exempting Canadian broker-dealers that maintain these retirement accounts for Canadian/U.S. Participants, from the registration requirements and certain related provisions of the Exchange Act.

I. Discussion

The Commission has received complaints from many Canadian/U.S. Participants that the application of the U.S. securities laws to their retirement accounts has left them unable to manage their investments in those accounts. In response, we proposed rules last year to provide relief from the registration requirements of the federal securities laws for offers of securities to participants in Canadian retirement accounts, and sales to their accounts.[1] We received 35 comment letters on the proposed rules, all of which supported the proposal.[2] Today we are adopting the rules substantially as proposed, with modifications that reflect a number of technical changes suggested by commenters.[3]

A. Rule 237 Under the Securities Act[4]

Rule 237 exempts from the registration requirements of the Securities Act the offer of a foreign issuer's securities to a ''participant'' and the sale of those securities to his or her Canadian retirement account.[5] A ''participant'' includes an individual permanently or temporarily in the United States who contributes to or is (or will be) entitled to receive the assets from a Canadian retirement account.[6] A

[1] See Offer and Sale of Securities to Canadian Tax-Deferred Retirement Savings Accounts, Securities Act Release No. 7656 (Mar. 19, 1999) [64 FR 14648 (Mar. 26, 1999)] (''Proposing Release''). The registration requirements of the Securities Act generally would not preclude Canadian/U.S. Participants from purchasing some types of securities for their Canadian retirement accounts in secondary market transactions on stock exchanges or in other markets. However, there are generally no secondary markets for the securities of open-end management funds (or ''mutual funds''), which continuously publicly offer and redeem securities. The requirement that public offers and sales be registered under the Securities Act thus deters most foreign mutual funds from offering securities to Canadian/U.S. Participants.

[2] The commenters included sixteen financial institutions, eight professional and trade associations, seven investors, two government agencies, one elected official, and one consultant firm. The comment letters, and a summary of the comment letters received during the comment period, are available in the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC (File No. S7–10–99).

[3] We are also issuing an order that provides exemptive relief from the broker-dealer registration requirements of the Exchange Act for certain Canadian broker-dealers that effect transactions for Canadian/U.S. Participants with respect to their Canadian retirement accounts. *See* In the Matter of the Investment Dealers Association of Canada; Order Granting Exemption, Release No. 34–42906 (June 7, 2000).

[4] The following discussion focuses on the scope and conditions of rule 237. The scope and conditions of rule 7d–2, as discussed below, are largely identical.

[5] The rule exempts sales to a Canadian/U.S. Participant's retirement account in connection with an exchange or re-allocation of existing Canadian retirement account investments, as well as sales in connection with new investments made with additional contributions to the account. Commenters confirmed our understanding that most Canadian/U.S. Participants will not make significant additional contributions to their Canadian retirement accounts because Canadian tax law penalizes contributions greater than a specified percentage of an individual's Canadian earned income (*i.e.,* income that is earned and taxable in Canada), which an individual employed in the United States ordinarily would not have. *See* Proposing Release, *supra* note 1, at n.4.

[6] *See* rule 237(a)(6). The proposed definition of ''participant'' would have included only individuals who are entitled to receive the income and assets from a Canadian retirement account (*i.e.,* beneficiaries). We revised the definition, at the suggestion of commenters, to include individuals

Canadian retirement account includes a Registered Retirement Savings Plan (''RRSP''), Registered Retirement Income Fund (''RRIF''), and similar retirement accounts established under Canadian law to provide tax-deferred retirement benefits. The accounts covered by the rule are limited to those that are managed by the participants, *i.e.,* are plans for which the participant selects or controls the securities in the account.[7]

The exemption provided by rule 237 would be available for offers and sales of securities of foreign issuers, if the securities are available for purchase by Canadian investors other than Canadian/U.S. Participants. The requirement that the issuer be a ''foreign issuer'' is designed to prevent a U.S. issuer from using the rule to sell unregistered securities to persons in the United States.[8]

An issuer or other person who relies on rule 237 must comply with two conditions. First, all written offering materials for eligible securities (including advertisements and newsletters) delivered to a participant must prominently disclose that the securities are not registered with the U.S. Securities and Exchange Commission.[9] Second, a person relying on the rule must not disclaim the applicability of Canadian law or jurisdiction[10] in any proceeding involving eligible securities.[11]

We have eliminated a number of restrictions included in proposed rule 237 that on further reflection we believe are unnecessary. First, the proposed rule would have specified the activities in which persons relying on the rule would be permitted to engage with respect to participants, such as paying dividends on investments and sending updated offering materials. One commenter pointed out the difficulty in identifying all permitted activities and expressed concern that the rule could prohibit activities that are consistent with the purpose of the rule. We share this concern and have revised the rule to exclude any description of permitted activities.

Second, proposed rule 237 would have permitted a person relying on the rule to solicit a Canadian/U.S. Participant only if the person was an authorized agent of the participant before the solicitation. That condition was designed to prevent the exemption from being used as an avenue for a distribution of securities in the United States beyond the rule's limited purposes. In the order we are issuing today, we are requiring that, as a condition for exemptive relief from the broker-dealer registration requirements of the Exchange Act, the broker-dealer must have had a bona fide, pre-existing relationship with the participant before he or she entered the United States.[12] We believe this condition of the exemptive order is sufficient and therefore have not included the condition in the rule.

Finally, proposed rule 237 would have prohibited persons relying on the rule from engaging in activities that would condition the U.S. market for the securities (such as advertising the securities in the United States) or that would facilitate secondary trading in the securities. We believe this provision also is unnecessary. As one commenter noted, such marketing activities would almost certainly result in a ''public offering'' to U.S. persons other than Canadian/U.S. Participants, and thus would not be exempted under the rule from the registration requirements of the Securities Act.

B. Rule 7d–2 Under the Investment Company Act

Rule 7d–2 under the Investment Company Act provides that a foreign fund's offer of securities to Canadian/U.S. Participants, and a sale to their accounts, are not ''public offerings'' that would require the fund to register as an investment company under that Act.[13] The scope of this rule, and the conditions that must be met by a foreign fund relying on the rule, are substantially the same as the scope and conditions of rule 237 under the Securities Act.[14]

C. Amendments to Rule 12g3–2 Under the Exchange Act

The Commission is adopting as proposed amendments to rule 12g3–2, which exempts securities of a foreign private issuer from the registration requirements of the Securities Exchange Act if the issuer has fewer than 300 shareholders resident in the United States. The amendments provide that Canadian/U.S. Participants who hold shares of a foreign private issuer only through their Canadian retirement accounts do not count towards the 300 shareholders in the United States.[15]

II. Effective Date

The effective date will be June 23, 2000. This effective date is less than 30 days after publication so that Canadian/U.S. Participants, issuers, and others may benefit sooner from the relief provided by the rule changes.[16]

III. Cost Benefit Analysis

The Commission is sensitive to the costs and benefits imposed by its rules.

who contribute to a Canadian retirement account but are not beneficiaries, and those who are beneficiaries but have yet to reach the age when they may receive income and assets from the plan.

[7] *See* rule 237(a)(2). The proposed rule used the term ''self-directed,'' which we have not included in the final rule. Commenters expressed concern that the term might not be understood in Canada to include certain plans in which the participant selects or controls the investments.

[8] A ''foreign issuer'' includes foreign governments and political subdivisions, foreign nationals, and foreign private issuers as defined under Securities Act rule 405 [17 CFR 230.405].

[9] A ''prominent'' statement under the rule would be one that is designed to attract the reader's attention. *See, e.g.,* Securities Act rule 421 [17 CFR 230.421] (guidelines on presenting information in a prospectus in a clear, concise, and understandable manner); U.S. Securities and Exchange Commission, Office of Investor Education and Assistance, A Plain English Handbook: How to Create Clear SEC Disclosure Documents 43–54 (1998) (providing suggestions for emphasizing information, such as extra white space, bold type, shading, boxes, and sidebars).

[10] The rule defines Canadian law as the federal, provincial, or territorial laws and regulations of Canada, as well as the rules and regulations of any Canadian self-regulatory authority. See rule 237(a)(1). Unlike the proposed rule, the rule as adopted does not prevent a person relying on the rule from asserting that the law or jurisdiction of a particular Canadian province or territory should apply in a legal action rather than the law or jurisdiction of another Canadian province or territory.

[11] *See* rule 237(b)(2). We are not adopting the proposed condition that a person relying on the rule not disclaim the applicability of U.S. law or the jurisdiction of U.S. courts, in any proceeding involving eligible securities. Rule 237 is premised on the availability of investor protections afforded by Canadian law for Canadian retirement account investments. Because the rule is premised on the availability of Canadian remedies, we believe, on further reflection, that conditioning the rule on not disclaiming U.S. remedies is unnecessary.

[12] *See* In the Matter of the Investment Dealers Association of Canada; Order Granting Exemption, Release No. 34–42906 (June 7, 2000). Under the order, a broker-dealer also may not solicit individuals in the United States for new Canadian retirement accounts.

[13] *See* rule 7d–2(b).

[14] *See supra* Part I.A (discussion of the scope and conditions of proposed rule 237). The one difference is that rule 7d–2 requires written offering materials for eligible securities to disclose prominently not only that the securities are not registered with the Commission, but also that the foreign fund that issued those securities is not registered with the Commission. Rule 7d–2(b)(1).

[15] *See* rule 12g3–2(a)(2).

[16] *See* 5 U.S.C. 553(d)(1) (permitting exemptive rules to become effective less than 30 days after publication).

The rules provide substantial benefits to Canadian/U.S. Participants. Because most securities that are held in Canadian retirement accounts, and the Canadian funds that issue many of those securities, are not registered under the U.S. securities laws, those securities generally cannot be sold by issuers to persons in the United States without violating the registration requirements of the Securities Act and, in the case of securities of an unregistered fund, the Investment Company Act.[17] As a consequence, Canadian/U.S. Participants have not been able to purchase or exchange securities for their Canadian retirement accounts as needed to meet their changing investment goals or income needs.[18] Rules 237 and 7d–2 permit offers of a foreign issuer's securities to a Canadian/U.S. Participant and sales to his or her account, under certain conditions consistent with the protection of investors. The rules thus will benefit these investors by making it possible for them to manage their Canadian retirement account investments.

Rules 237 and 7d–2 also will benefit foreign issuers (including foreign funds) and persons that sell securities of foreign issuers to Canadian retirement accounts in two ways. First, absent the rules, these persons likely could not offer foreign securities to Canadian/U.S. Participants or sell foreign securities to their accounts. Second, absent the rules, they could be exposed to substantial liability if they sold securities of foreign issuers to participants accidentally.

Foreign issuers and other persons may incur costs when relying on the rules to offer or sell securities. The rules require that any written offering materials delivered to a Canadian/U.S. Participant in reliance on the rules include a prominent statement that the securities are not registered with the Commission and, in the case of securities issued by a foreign fund, that the fund also is not registered with the Commission. To meet the requirements, the foreign issuer, underwriter, or broker-dealer may redraft an existing prospectus or other written offering material to add this disclosure statement, or may draft a sticker or supplement containing this disclosure to be added to existing offering materials. The associated costs are likely to be minimal and are justified by the benefits of the relief provided by the new rules, which are, of course, not mandatory.

Rules 237 and 7d–2 also may result in some U.S. issuers, including some U.S. funds, incurring costs in the form of lost new business from Canadian/U.S. Participants who, absent the proposals, might cash out their Canadian retirement accounts and invest those assets in securities that are registered in the United States. Based on comments that the Commission has received from Canadian/U.S. Participants, however, it appears that many currently do not choose this investment strategy because of the adverse tax consequences that likely would result. It therefore appears that the rules will not significantly affect the number of participants that may cash out their Canadian retirement accounts in order to invest their retirement assets in U.S.-registered securities. The rules thus should not result in significant costs for U.S. issuers, including U.S. funds, in the form of lost new business. Because the rules primarily will affect foreign issuers and other foreign persons, it appears that the rules also will not cause any other costs or benefits for U.S. issuers.

The amendments to rule 12g3–2(a) provide that a foreign issuer need not count the Canadian/U.S. Participants who hold its securities only through their Canadian retirement accounts for purposes of determining whether the issuer has fewer than 300 shareholders resident in the United States and thus qualifies for the exemption from Exchange Act registration afforded by the rule. These amendments will benefit any foreign issuer whose securities might not qualify for the rule 12g3–2(a) exemption from Exchange Act registration if it were required to count participants who hold its securities in Canadian retirement accounts for purposes of determining whether it has fewer than 300 U.S. shareholders. The amendments also will benefit Canadian/U.S. Participants, because without the amendments foreign issuers and broker-dealers might be reluctant to sell foreign securities to participants' Canadian retirement accounts out of concern that those sales might make the foreign securities subject to registration under section 12(g). There appear to be no significant costs to foreign issuers, domestic issuers, or investors associated with these amendments.

IV. Effects On Efficiency, Competition and Capital Formation

Section 23(a)[19] of the Exchange Act requires the Commission, in adopting rules under the Exchange Act, to consider the competitive effects of such rules, if any, and to refrain from adopting a rule that would impose a burden on competition not necessary or appropriate in furthering the purposes of the Exchange Act. In addition, section 2(b) of the Securities Act, section 2(c) of the Investment Company Act, and section 3(f) of the Exchange Act provide that when the Commission is engaged in rulemaking and is required to consider whether an action is necessary or appropriate in the public interest, it must consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.[20]

The Commission does not believe rule 237, rule 7d–2, and the amendment to rule 12g3–2 will impose any burden on competition. Based on the reasons stated in the cost-benefit analysis above, the Commission believes that the rules will promote efficiency, competition, and capital formation. Two commenters stated that the rules would promote efficiency by removing the regulatory barrier that hinders the ability of participants to manage their Canadian retirement accounts. One of these commenters also stated that the rules would promote competition among the issuers of eligible securities because participants represent a significant market segment in terms of dollar value of assets held in their Canadian retirement accounts.

As discussed above, we anticipate that the rules will not result in any major increase in costs to funds or fund investors.

V. Paperwork Reduction Act

Certain provisions of the rules constitute a ''collection of information'' requirement within the meaning of the Paperwork Reduction Act of 1995 [44 U.S.C. 3501–3520]. The Commission solicited, but did not receive, comments on the collection of information requirements in the Proposing Release.[21] The Commission submitted the proposed rules to the Office of Management and Budget (''OMB'') pursuant to 44 U.S. 3507(d) and received approval of the rules' collection of information requirements (OMB control number 3235–0527). An agency may not conduct or sponsor, and

[17] *See* Proposing Release, supra note 1, at text accompanying nn. 9–10.

[18] The U.S. securities laws do not directly prohibit participants from managing their accounts, but offers and sales to participants and their accounts necessitate registration in the United States.

[19] 15 U.S.C. 78w(a).

[20] 15 U.S.C. 77b(b), 80a–2(c), and 78c(f).

[21] As stated in the Proposing Release, the Commission estimates that the annual reporting and recordkeeping burden for the rule 237 disclosure requirement will be approximately 17.5 hours. *See* Proposing Release, *supra* note 1, at Part IV.B. The Commission estimates that the annual reporting and recordkeeping burden for the rule 7d–2 disclosure requirement will be approximately 32.5 hours. *See id.* at Part IV.A.

a person is not required to respond to, a collection of information unless it displays a currently valid control number.

VI. Summary Of Final Regulatory Flexibility Analysis

The Commission has prepared a Final Regulatory Flexibility Analysis (''FRFA'') in accordance with 5 U.S.C. 604 regarding rules 237 and 7d–2, and the proposed amendments to rule 12g3–2. 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. We received no comments on the IRFA.

A. Need for the Rules and Rule Amendments

As discussed more fully in the FRFA, the rules and rule amendments are intended to give participants the ability to manage the assets in their tax-deferred retirement savings accounts. To permit this, the Commission is adopting two new rules that provide relief from the U.S. registration requirements, under certain conditions, for offers of foreign securities to Canadian/U.S. Participants and sales to their accounts. Rule 237 under the Securities Act permits securities of foreign issuers, including securities of foreign funds, to be offered to Canadian/U.S. Participants and sold to their Canadian retirement accounts without being registered under the Securities Act. Rule 7d–2 under the Investment Company Act permits foreign funds to offer securities to Canadian/U.S. Participants and sell securities to their Canadian retirement accounts without registering as investment companies under the Investment Company Act.

The FRFA notes that to ensure that the securities registration requirements of the Exchange Act do not deter foreign issuers from relying on rules 237 and 7d–2 to sell their securities to Canadian retirement accounts of Canadian/U.S. Participants, the Commission also is amending rule 12g3–2 under the Exchange Act. Section 12(g)(1) of the Exchange Act [15 U.S.C. 78l(g)(1)] provides that an issuer whose securities are traded by any means of interstate commerce must register its equity securities with the Commission under the Exchange Act if it has more than 500 shareholders and total assets over $1 million.[22] The Commission is authorized to exempt securities of foreign issuers from this registration requirement, and has adopted rule 12g3–2 to exempt (i) securities of a foreign private issuer if it has fewer than 300 shareholders resident in the United States (rule 12g3–2(a)), and (ii) securities of a foreign private issuer with 300 or more shareholders resident in the United States if the issuer furnishes certain information to the Commission that it provides to shareholders in its home country, and meets certain other requirements (rule 12g3–2(b)).

B. Small Entities Subject to the Rules and Rule Amendments

As discussed more fully in the FRFA, the rules will affect foreign issuers and other persons that offer foreign securities to Canadian/U.S. Participants and sell those securities to Canadian retirement accounts. Foreign businesses, however, are not small entities for purposes of the Regulatory Flexibility Act.[23] Therefore, these rules are unlikely to have a significant economic impact on a substantial number of small entities.

The FRFA notes that it is possible that, as a result of the rules, some domestic issuers may incur costs in the form of lost new business from Canadian/U.S. Participants who, absent the rules, might choose to cash out their Canadian retirement accounts and invest those assets in securities registered under the U.S. securities laws. However, it appears that many Canadian/U.S. Participants currently do not choose this investment strategy. Moreover, even if absent the rules some participants would cash out their Canadian retirement accounts and invest those assets in domestic issuers, including domestic funds, we have no basis for predicting whether they would invest in domestic issuers that are small entities.[24] Therefore, it appears that these rules are unlikely to have a significant economic impact on a substantial number of domestic issuers that are small entities.

As discussed more fully in the FRFA, because foreign businesses are not small entities for purposes of the Regulatory Flexibility Act,[25] it appears that the amendments to rule 12g3–2 will not have a significant economic impact on a substantial number of small entities.

C. Reporting, Recordkeeping, and Other Compliance Requirements

The FRFA notes that rule 237 and rule 7d–2 would require written offering materials relating to securities that are offered and sold in reliance on the rules to disclose prominently that those securities are not registered with the Commission and that the securities are being offered or sold in the United States under an exemption from registration. Rule 7d–2 would require that written offering materials also disclose that the foreign fund that issued the securities is not registered with the Commission. Rule 237 and rule 7d–2 are available only for offers and sales of securities of foreign issuers. This compliance requirement thus would have no impact on small entities, because foreign businesses are not small entities for purposes of the Regulatory Flexibility Act.[26] Rules 237 and 7d–2, and the amendments to rule 12g3–2, do not involve any other reporting, recordkeeping, or compliance requirements.

D. Alternatives to Minimize Effect on Small Entities

As discussed more fully in the FRFA, the Commission considered various alternatives that might minimize any significant economic impact of the rules on small entities. These include (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; or (iv) exempting small entities from coverage of all or part of the rules. The FRFA concludes that alternative requirements or simplification or consolidation of the requirements is unnecessary because the amendments are designed to reduce the compliance burdens for all funds, including small entities. In addition, an exemption from any of the requirements for small entities would increase their regulatory burden rather than decrease it.

A copy of the FRFA may be obtained by contacting Curtis A. Young, Division of Investment Management, Securities and Exchange Commission, 450 Fifth

[22] Rule 12g–1 under the Exchange Act [17 CFR 240.12g–1] exempts an issuer from this section 12(g)(1) registration requirement if its total assets at fiscal year end do not exceed $10 million and, with respect to a foreign private issuer, the securities were not quoted in an automated inter-dealer quotation system.

[23] *See* 13 CFR 121.105 (defining ''business concern'' for purposes of the Small Business Administration's definition of ''small business'').

[24] For purposes of the rules, a domestic issuer (other than an investment company) that has total assets of $5 million or less and that is engaged or proposes to engage in small business financing is considered a small entity. 17 CFR 230.157. A domestic investment company that, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less is considered a small entity. 17 CFR 270.0–10.

[25] *See supra* note 23 and accompanying text.

[26] *See id.*

Street, NW, Washington, DC 20549–0506.

VII. Statutory Authority

The Commission is adopting rule 237 under the authority in sections 19(a) and 28 of the Securities Act [15 U.S.C. 77s(a); 77z–3], rule 7d–2 under the authority in section 38(a) of the Investment Company Act [15 U.S.C. 80a–37(a)], and the amendments to rule 12g3–2 under the authority in section 19(a) of the Securities Act and section 12(g)(3) of the Exchange Act [15 U.S.C. 78l(g)(3)].

List of Subjects

17 CFR Parts 230 and 270

Investment companies, Reporting and recordkeeping requirements, Securities.

17 CFR Part 240

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 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. The authority citation for Part 230 continues to read, in part, as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77r, 77s, 77sss, 77z–3, 78c, 78d, 78*l*, 78m, 78n, 78o, 78w, 78*ll*(d), 79t, 80a–8, 80a–24, 80a–28, 80a–29, 80a–30 and 80a–37, unless otherwise noted.

* * * * *

2. Section 230.237 is added to read as follows:

§ 230.237 Exemption for offers and sales to certain Canadian tax-deferred retirement savings accounts.

(a) *Definitions.* As used in this section:

(1) *Canadian law* means the federal laws of Canada, the laws of any province or territory of Canada, and the rules or regulations of any federal, provincial, or territorial regulatory authority, or any self-regulatory authority, of Canada.

(2) *Canadian Retirement Account* means a trust or other arrangement, including, but not limited to, a ''Registered Retirement Savings Plan'' or ''Registered Retirement Income Fund'' administered under Canadian law, that is managed by the Participant and:

(i) Operated to provide retirement benefits to a Participant; and

(ii) Established in Canada, administered under Canadian law, and qualified for tax-deferred treatment under Canadian law.

(3) *Eligible Security* means a security issued by a Qualified Company that:

(i) Is offered to a Participant, or sold to his or her Canadian Retirement Account, in reliance on this section; and

(ii) May also be purchased by Canadians other than Participants.

(4) *Foreign Government* means the government of any foreign country or of any political subdivision of a foreign country.

(5) *Foreign Issuer* means any issuer that is a Foreign Government, a national of any foreign country or a corporation or other organization incorporated or organized under the laws of any foreign country, except an issuer meeting the following conditions:

(i) More than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and

(ii) Any of the following:

(A) The majority of the executive officers or directors are United States citizens or residents;

(B) More than 50 percent of the assets of the issuer are located in the United States; or

(C) The business of the issuer is administered principally in the United States.

(iii) For purposes of this definition, the term *resident,* as applied to security holders, means any person whose address appears on the records of the issuer, the voting trustee, or the depositary as being located in the United States.

(6) *Participant* means a natural person who is a resident of the United States, or is temporarily present in the United States, and who contributes to, or is or will be entitled to receive the income and assets from, a Canadian Retirement Account.

(7) *Qualified Company* means a Foreign Issuer whose securities are qualified for investment on a tax-deferred basis by a Canadian Retirement Account under Canadian law.

(8) *United States* means the United States of America, its territories and possessions, any State of the United States, and the District of Columbia.

(b) *Exemption.* The offer to a Participant, or the sale to his or her Canadian Retirement Account, of Eligible Securities by any person is exempt from Section 5 of the Act (15 U.S.C. 77e) if the person:

(1) Includes in any written offering materials delivered to a Participant, or to his or her Canadian Retirement Account, a prominent statement that the Eligible Security is not registered with the U.S. Securities and Exchange Commission and the Eligible Security is being offered or sold in the United States under an exemption from registration.

(2) Has not asserted that Canadian law, or the jurisdiction of the courts of Canada, does not apply in a proceeding involving an Eligible Security.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

3. The authority citation for Part 240 continues to read, in part, as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78j–1, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*(d), 78mm, 79q, 79t, 80a–20, 80a–23, 80a—29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

4. Section 240.12g3–2 is amended by revising paragraph (a) to read as follows:

§ 240.12g3–2 Exemptions for American depositary receipts and certain foreign securities.

(a) Securities of any class issued by any foreign private issuer shall be exempt from section 12(g) (15 U.S.C. 78*l*(g)) of the Act if the class has fewer than 300 holders resident in the United States. This exemption shall continue until the next fiscal year end at which the issuer has a class of equity securities held by 300 or more persons resident in the United States. For the purpose of determining whether a security is exempt pursuant to this paragraph:

(1) Securities held of record by persons resident in the United States shall be determined as provided in § 240.12g5–1 except that securities held of record by a broker, dealer, bank or nominee for any of them for the accounts of customers resident in the United States shall be counted as held in the United States by the number of separate accounts for which the securities are held. The issuer may rely in good faith on information as to the number of such separate accounts supplied by all owners of the class of its securities which are brokers, dealers, or banks or a nominee for any of them.

(2) Persons in the United States who hold the security only through a Canadian Retirement Account (as that term is defined in rule 237(a)(2) under the Securities Act of 1933 (§ 230.237(a)(2) of this chapter)), shall not be counted as holders resident in the United States.

* * * * *

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

5. The general 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:

* * * * *

6. Section 270.7d–2 is added to read as follows:

§ 270.7d–2 Definition of ''public offering'' as used in section 7(d) of the Act with respect to certain Canadian tax-deferred retirement savings accounts.

(a) *Definitions.* As used in this section:

(1) *Canadian law* means the federal laws of Canada, the laws of any province or territory of Canada, and the rules or regulations of any federal, provincial, or territorial regulatory authority, or any self-regulatory authority, of Canada.

(2) *Canadian Retirement Account* means a trust or other arrangement, including, but not limited to, a ''Registered Retirement Savings Plan'' or ''Registered Retirement Income Fund'' administered under Canadian law, that is managed by the Participant and:

(i) Operated to provide retirement benefits to a Participant; and

(ii) Established in Canada, administered under Canadian law, and qualified for tax-deferred treatment under Canadian law.

(3) *Eligible Security* means a security issued by a Qualified Company that:

(i) Is offered to a Participant, or sold to his or her Canadian Retirement Account, in reliance on this section; and

(ii) May also be purchased by Canadians other than Participants.

(4) *Foreign Government* means the government of any foreign country or of any political subdivision of a foreign country.

(5) *Foreign Issuer* means any issuer that is a Foreign Government, a national of any foreign country or a corporation or other organization incorporated or organized under the laws of any foreign country, except an issuer meeting the following conditions:

(i) More than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and

(ii) Any of the following:

(A) The majority of the executive officers or directors are United States citizens or residents;

(B) More than 50 percent of the assets of the issuer are located in the United States; or

(C) The business of the issuer is administered principally in the United States.

(iii) For purposes of this definition, the term *resident,* as applied to security holders, means any person whose address appears on the records of the issuer, the voting trustee, or the depositary as being located in the United States.

(6) *Participant* means a natural person who is a resident of the United States, or is temporarily present in the United States, and who contributes to, or is or will be entitled to receive the income and assets from, a Canadian Retirement Account.

(7) *Qualified Company* means a Foreign Issuer whose securities are qualified for investment on a tax-deferred basis by a Canadian Retirement Account under Canadian law.

(8) *United States* means the United States of America, its territories and possessions, any State of the United States, and the District of Columbia.

(b) *Public Offering.* For purposes of section 7(d) of the Act (15 U.S.C. 80a–7(d)), the term ''public offering'' does not include the offer to a Participant, or the sale to his or her Canadian Retirement Account, of Eligible Securities issued by a Qualified Company, if the Qualified Company:

(1) Includes in any written offering materials delivered to a Participant, or to his or her Canadian Retirement Account, a prominent statement that the Eligible Security, and the Qualified Company that issued the Eligible Security, are not registered with the U.S. Securities and Exchange Commission, and that the Eligible Security and the Qualified Company are relying on exemptions from registration.

(2) Has not asserted that Canadian law, or the jurisdiction of the courts of Canada, does not apply in a proceeding involving an Eligible Security.

Dated: June 7, 2000.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15086 Filed 6–14–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42906; International Series Release No. 1227]

In the Matter of the Investment Dealers Association of Canada; Order Granting Exemption

June 7, 2000.

On January 7, 1999, the Investment Dealers Association of Canada, on behalf of itself and the Toronto Stock Exchange, the Vancouver Stock Exchange, the Alberta Stock Exchange, and the Montreal Exchange (collectively, the ''Canadian SROs''), requested that the U.S. Securities and Exchange Commission (''Commission'') issue an exemptive order under sections 15(a)(2) and 36 of the Securities Exchange Act of 1934 (''Exchange Act'') with respect to the broker-dealer registration requirements and certain related provisions of the Exchange Act. This request, which is outlined below, has been considered in connection with two new rules being adopted today by the Commission that will permit foreign securities to be offered and sold to certain Canadian tax-deferred retirement accounts without being registered under the Securities Act of 1933 (''Securities Act''), and that will permit foreign investment companies to offer and sell their securities to those accounts without registering under the Investment Company Act of 1940 (''Investment Company Act'').[1] The relief we provide today responds to this request but applies to a broader group of account holders and retirement accounts in order to be consistent with these new rules.[2]

Specifically, the Canadian SROs request that, subject to the conditions set forth below, the Commission grant exemptive relief pursuant to section 15(a)(2) of the Exchange Act for Canadian broker-dealers that are members of the Canadian SROs. The requested relief would permit such broker-dealers to offer their services with respect to RRSP or RRIF accounts to persons formerly resident in Canada who established RRSP or RRIF accounts and who now reside in the United States, but continue to maintain their RRSP and RRIF accounts in Canada.[3]

In addition, the Canadian SROs request that the Commission grant such member Canadian broker-dealers exemptive relief pursuant to section 36 of the Exchange Act, with respect only to the services relating to RRSP or RRIF accounts described above, from the reporting and other requirements specifically imposed by the Exchange Act and the rules and regulations thereunder on a broker or a dealer that is not registered with the Commission. Such exemptive relief would be conditioned on compliance by the member Canadian broker-dealer with all of the terms and conditions to the exemptive relief under section 15(a)(2) of the Exchange Act.

The Canadian SROs advance several grounds for the relief sought. First, because Canadian law requires that RRSP and RRIF accounts maintain 80% of their assets in Canadian securities and comply with various tax regulations, account holders will be disadvantaged if they cannot continue to deal with Canadian broker-dealers familiar with both Canadian securities and the requirements of Canadian tax law. Second, because Canadian law requires that these accounts be sited in Canada with a Canadian trustee and maintained by a qualified Canadian financial institution, the transfer of RRSP and RRIF accounts to a U.S. broker-dealer is highly impracticable, if not impossible, if the account holder wishes to avoid immediate taxation of such funds. Third, the requested relief will apply only to Canadian broker-dealers that are members of the Canadian SROs. Finally, the requested relief would promote the public policies of both the U.S. and Canadian governments of encouraging individuals to save for retirement.[4]

To further the protection of investors, the Canadian SROs propose five conditions to the relief sought. These conditions, among other things, help assure that the permitted activities are limited to those necessary to maintain pre-existing relationships with respect to RRSP and RRIF accounts (with certain narrow exceptions), that U.S. account holders know that these accounts and Canadian broker-dealers are not fully regulated under U.S. securities laws, and that Canadian broker-dealers relying upon the exemption provide the Commission with information relating to their U.S. transactions upon request. Specifically, the Canadian SROs represent, on behalf of their member Canadian broker-dealers, that (1) the member broker-dealers and their respective associated persons will not advertise RRSPs or RRIFs in the United States; (2) the member broker-dealers will disclose to U.S. account holders, at least annually (and at any time a new account is opened as described below), that RRSP and RRIF accounts are not regulated under the securities laws of the United States and the member broker-dealers are not subject to the broker-dealer regulations of the United States; (3) except as provided below, the member broker-dealers and their respective associated persons will not solicit individuals residing in the United States for new RRSP or RRIF accounts; (4) except as provided below, the member broker-dealer or the associated person will have had a bona fide pre-existing relationship with the account holder before he or she entered the U.S.; and (5) the member broker-dealers will provide the Commission with the information, documents, testimony, and assistance contemplated by Rule 15a–6(a)(3)(i)(B) under the Exchange Act with respect to RRSP and RRIF account transactions subject to the exemption. Notwithstanding the foregoing clauses (3) and (4), associated persons of member broker-dealers may solicit existing clients who reside in the United States and continue to hold RRSP or RRIF accounts at each time that the associated person soliciting such account changes brokerage firms, so that the account holder may elect whether the relationship maintained by the account holder is with the brokerage firm or the associated person. In addition, a bona fide pre-existing relationship will not be required to the extent the account holder, having determined to switch broker-dealers, establishes the relationship with the member broker-dealer or the associated person in an unsolicited transaction that meets the requirements of the exemption set forth in Rule 15a–6(a)(1) under the Exchange Act.

The matter has been considered and the Commission finds, on the basis of the information provided by the

[1] See Rule 237 under the Securities Act (''Rule 237'') and Rule 7d–2 under the Investment Company Act (''Rule 7d–2''); Release Nos. 33–7860, 34–42905, IC–24491, International Series Release No. 1226 (June 7, 2000)

[2] The Canadian SROs' request is limited to specified activities of member broker-dealers with respect to certain Canadian retirement accounts, known as Registered Retirement Savings Plans (''RRSPs'') and Registered Retirement Income Funds (''RRIFs''), maintained by U.S. persons. As discussed in more detail below, the relief we provide today will apply not only to RRSP and RRIF accounts, but also to certain Canadian retirement accounts that meet the criteria set forth in Rule 237 and Rule 7d–2.

[3] The Canadian SROs note that the exemption in Rule 15a–6(a)(4)(iii) under the Exchange Act is available to Canadian broker-dealers only to the extent they effect transactions with persons who are temporarily present in the U.S.

[4] The Canadian SROs also note that the North American Securities Administrators Association (''NASAA'') adopted an amendment to the Uniform Securities Act that would enable Canadian broker-dealers to trade on behalf of individual owners of RRSPs and RRIFs, including those present in the U.S., without registering as broker-dealers under state law. (NASAA Cross Border Trading Committee Bulletin, Nov. 9, 1995).

Canadian SROs, that granting the requested exemptions is appropriate and consistent with the public interest and the protection of investors. We believe it is clearly in the public interest to encourage individuals to save for retirement. In conjunction with this exemptive order, the Commission is adopting Rule 237 which would permit foreign securities to be offered to U.S. participants in certain Canadian tax-deferred retirement accounts, and sold to those accounts, without being registered under the Securities Act, and Rule 7d–2 which would permit foreign investment companies to offer and sell their securities to those accounts without registering under the Investment Company Act.[5] For purposes of clarity and consistency, this exemptive order applies to ''Participants'' (rather than ''account holders'') and ''Canadian Retirement Accounts'' (including, but not limited to RRSPs and RRIFs) as these terms are defined in Rules 237 and 7d–2.[6]

The Commission notes that the exemptions are narrow in scope, and are intended only to permit member Canadian broker-dealers that are not registered in the U.S. to conduct activities necessary to allow individuals, who have established Canadian Retirement Accounts and later moved to the U.S., to effectively manage the assets in those accounts.

Accordingly, *It Is Ordered*, pursuant to section 15(a)(2) of the Exchange Act, that any Canadian broker-dealer that is a member of a Canadian SRO shall be exempt from the requirements of section 15(a)(1) of the Exchange Act, to the extent it effects transactions in securities with or for, or induces or attempts to induce the purchase and sale of any security by, Participants for their Canadian Retirement Accounts. This exemption is subject to compliance by any member Canadian broker-dealer intending to rely upon it with all of the following conditions:

(1) Except as provided below, the member broker-dealer and its associated persons will not advertise Canadian Retirement Accounts in the United States;

(2) The member broker-dealer will disclose to its Participants, at least annually (and at any time a new account is opened as described below), that Canadian Retirement Accounts are not regulated under the securities laws of the United States and the member broker-dealer is not subject to the broker-dealer regulations of the United States;

(3) Except as provided below, the member broker-dealer and its associated persons will not solicit individuals residing in the United States for new Canadian Retirement Accounts;

(4) Except as provided below, the member broker-dealer or the associated person will have had a bona fide pre-existing relationship with the Participant before he or she entered the U.S.; and

(5) The member broker-dealer will provide the Commission with the information, documents, testimony, and assistance contemplated by Rule 15a-6(a)(3)(i)(B) under the Exchange Act with respect to Canadian Retirement Account transactions subject to this exemption (as if such Rule applied to this exemption).

Notwithstanding the foregoing clauses (1) and (3), a Canadian broker-dealer may provide its Participants with the ability to effect transactions in their Canadian Retirement Accounts (and access information relating to those accounts), as well as provide all Participants with general information regarding Canadian Retirement Accounts, through the broker-dealer's Web site.[7]

Notwithstanding the foregoing clauses (3) and (4), an associated person of a member broker-dealer may solicit existing clients who reside in the United States and continue to hold Canadian Retirement Accounts at each time that the associated person soliciting such clients changes brokerage firms. This exception is intended to allow the Participant to elect whether the relationship maintained by the Participant is with the brokerage firm or the associated person.

Notwithstanding the foregoing clause (4), a member broker-dealer may open a Canadian Retirement Account for a Participant who has determined to switch broker-dealers in an unsolicited transaction that meets the requirements of the exemption set forth in Rule 15a–6(a)(1) under the Exchange Act. Although a transaction over a foreign broker-dealer's Web site ordinarily would be solicited for purposes of Rule 15a–6(a)(1),[8] for purposes of this order only, a Canadian broker-dealer will be permitted to rely on the Rule 15a–6(a)(1) exemption if Participants access, and subsequently transfer their Canadian Retirement Accounts to the broker-dealer through that broker-dealer's Web site.[9]

It Is Further Ordered, pursuant to section 36 of the Exchange Act, that any such member Canadian broker-dealer shall be exempt, with respect only to the services relating to Canadian Retirement Accounts described above, from all reporting and other requirements specifically imposed by the Exchange Act and the rules and regulations thereunder, on a broker or a dealer that is not registered with the Commission.[10]

This exemption is subject to compliance by any member Canadian broker-dealer intending to rely upon it with all of the conditions to the exemption under section 15(a)(2) under the Exchange Act described above.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15087 Filed 6–14–00; 8:45 am]

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[5] 5 See fn. 1, supra.

[6] Rules 237(a)(2) and 7d–2(a)(2) define a ''Canadian Retirement Account'' as a trust or other arrangement, including, but not limited to, a ''Registered Retirement Savings Plan'' or ''Registered Retirement Income Fund'' administered under Canadian law, that is managed by the Participant and: (i) Operated to provide retirement benefits to a Participant; and (ii) Established in Canada, administered under Canadian law, and qualified for tax-deferred treatment under Canadian law. Rules 237(a)(6) and 7d–2(a)(6) define a ''Participant'' as a ''natural person who is a resident of the United States, or is temporarily present in the United States, and who contributes to, or is or will be entitled to receive the income and assets from, a Canadian Retirement Account.''

[7] The Commission recognizes how, under the unique and limited circumstances addressed by this order, the ability of Participants to access, and effect transactions in, their Canadian Retirement Accounts over the Internet might serve as an effective tool in the overall management of these accounts. The Commission also recognizes that general Canadian Retirement Account information contained on the Web sites of Canadian broker-dealers may help all Participants to continuously assess and evaluate the effectiveness of their retirement accounts. However, a Canadian broker-dealer must continue to take reasonable measures to ensure that it does not otherwise effect, induce, or attempt to induce, securities transactions with any other U.S. resident (this includes soliciting Participants for new Canadian Retirement Accounts who are not existing clients of the broker-dealer), or in any other type of account of a U.S. resident that is a Participant, as a result of these Internet activities. These measures should be consistent with the Commission's position on foreign broker-dealer advertising and solicitation over the Internet. See Interpretation Re: Use of Internet Web Sites to Offer Securities, Solicit Securities Transactions, or Advertise Investment Services Offshore; Securities Exchange Act Release No. 39779 (March 23, 1998) (''Internet Release'').

[8] See Internet Release, fn. 56 and accompanying text.

[9] However, any Canadian broker-dealer that has a Web site and intends to rely on Rule 15a–6(a)(1) for transactions with any other U.S. resident, or in any other type of account of a U.S. resident that is a Participant, should continue to ensure that the ''unsolicited'' customer's transactions are not in fact solicited, either directly or indirectly, through customers accessing its Web site. *Id.*

[10] Such member Canadian broker-dealers remain subject to all other applicable provisions of the federal securities laws, including without limitation Section 10(b) of the Exchange Act and Rule 10b–5 thereunder.

Federal Register

Thursday,
June 15, 2000

Part IV

Department of Education

Elementary and Secondary Education; Special Education and Rehabilitative Services; Native Hawaiian Programs; Notices

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education-School Improvement Programs; Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program

AGENCY: Department of Education.

ACTION: Notice of Final Priorities for Fiscal Year (FY) 2000.

SUMMARY: The Secretary announces final funding priorities for the Fiscal Year (FY) 2000 grant competition under the Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program. After funding continuation awards, the Secretary would use the remaining FY 2000 funds available under the program to award new grants to support activities in one or more of the following areas: (1) Computer literacy and technology education, (2) agriculture education partnerships, (3) astronomy, (4) indigenous health, (5) waste management innovation, (6) prisoner education, and (7) marine resource management.

EFFECTIVE DATE: July 17, 2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Lynn Thomas, U.S. Department of Education, 400 Maryland Avenue, SW., FOB6, Room 3C124, Mail Stop 6140, Washington, DC 20202. Telephone 202–260–1541. The e-mail address for Mrs. Thomas is: lynn_thomas@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.

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Note: This notice of final priorities does not solicit applications. A notice inviting applications under this competition is published elsewhere in this issue of the **Federal Register**. The notice inviting applications will specify the deadline date which applications for an award must be mailed or hand-delivered to the Department.

SUPPLEMENTARY INFORMATION: The Secretary published a notice of proposed priorities for this competition in the **Federal Register** on March 21, 2000, (65 FR 15139–15140). There are no differences between the priorities in the notice of proposed priorities and this notice of final priorities.

Comment: In the notice of proposed priorities, the Secretary invited comments on the proposed priorities. The only substantive comment we received suggested that prisoner education receive the highest priority and the largest portion of the funding.

Discussion: The Secretary believes that there is a need for services in each of the priority areas, and will determine the amount of funding to be awarded under each priority on the basis of the quality of the applications received.

Changes: None.

Absolute Priorities: Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that focus entirely on activities in one of the following seven areas:

(1) Computer literacy and technology education—to support curriculum development, teacher training, and model programs designed to increase computer literacy and access for Native Hawaiian elementary and secondary school students;

(2) Agriculture education partnerships—to support the integration of agricultural and businesses practices into high school curriculum through the expansion of partnerships between community-based agricultural businesses and high schools with high concentrations of Native Hawaiian students;

(3) Astronomy—to support the development of educational programs in astronomy for Native Hawaiian elementary and secondary school students to assist them in reaching challenging science and mathematics standards and to encourage them to enter the field of astronomy;

(4) Indigenous health—to support curriculum development, teacher training, and instruction activities that will foster a better understanding and knowledge of Native Hawaiian traditional medicine, particularly among Native Hawaiian elementary and secondary students;

(5) Waste management innovation—to study and document traditional Hawaiian practices of sustainable waste management and to prepare teaching materials for educational purposes and for demonstration on the use of native Hawaiian plants and animals for waste treatment and environmental remediation;

(6) Prisoner education—to support programs that target juvenile offenders and/or youth at risk of becoming juvenile offenders. Comprehensive and culturally sensitive strategies for reaching the target population will include family counseling, basic education/jobs skills training, and the involvement of community elders as mentors; and

(7) Marine resource management—to support programs designed to teach Native Hawaiian elementary and secondary students about traditional fishery management techniques used in the Native Hawaiian culture.

Program Authority: Section 9209 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 7909).

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Dated: June 12, 2000.

Michael Cohen,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 00–15247 Filed 6–14–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

[CFDA No.: 84.297A]

Office of Elementary and Secondary Education-School Improvement Programs; The Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2000.

Purposes of Program: The Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program supports—

(1) *Curricula Development*—the development of curricula to address the needs of Native Hawaiian students, particularly elementary and secondary students, which may include programs of instruction conducted in the Native Hawaiian language and mathematics and science curricula incorporating the relevant application of Native Hawaiian culture and traditions;

(2) *Preteacher Training*—the development and implementation of preservice teacher training to ensure

that student teachers within the State, particularly those who are likely to be employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

(3) *Inservice Teacher Training*—the development and implementation of inservice teacher training to ensure that teachers, particularly those employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions; and

(4) *Teacher Recruitment*—the development and implementation of teacher recruitment programs to enhance teacher recruitment within communities with a high concentration of Native Hawaiian students and to increase the numbers of teachers who are of Native Hawaiian ancestry.

Consistent with these statutory purposes, the Secretary has established absolute priorities (published elsewhere in this issue of the **Federal Register**) that will govern the distribution of funds under the program.

Eligible Applicants: Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language.

Applications Available: June 14, 2000.

Deadline for Transmittal of Applications: July 14, 2000.

Deadline for Intergovernmental Review: September 14, 2000.

Available Funds: $2,600,000.

Estimated Number of Awards: 7.

Estimated Size of Awards: $371,429.

Estimated Range of Awards: $50,000—$400,000.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

Absolute Priorities: The Secretary has published elsewhere in this issue of the **Federal Register** a notice of final priorities, which establishes absolute priorities in the following areas under the Curriculum Development, Teacher Training and Recruitment Program: (1) Computer literacy and technology education; (2) agriculture education partnerships; (3) astronomy; (4) indigenous health; (5) waste management; (6) prisoner education; and (7) marine resource management.

Under 34 CFR 75.105(c)(3), the Secretary will fund under this competition only applications that focus entirely on activities in one of the seven absolute priorities.

Statutory Priorities: In accordance with section 9209(b) of the Elementary and Secondary Education Act, the Secretary gives priority to awarding grants for activities that—

(1) Focus on the needs of at-risk youth; or

(2) Employ a program of instruction conducted in the Native Hawaiian language.

These statutory priorities are included in the selection criteria for this competition.

SUPPLEMENTARY INFORMATION: Applications will be reviewed on the basis of the selection criteria included in this notice. All funded projects must meet one of the absolute priorities. While applicants have discretion in determining how best to address the absolute priorities, the Secretary is particularly interested in receiving quality proposals that include the components described below. Funded proposals may lack some of these specific components, but must then address the absolute priorities in other effective ways.

(1) *Computer literacy and technology education.* While computer skills have become increasingly necessary for both academic and employment success in today's society, many Native Hawaiian students lack meaningful access to computers and computer training. The Secretary believes that high-quality computer literacy and technology education programs should be conducted for Native Hawaiian elementary and secondary school students. These model programs should consist of curricula development, teacher training, and programs of instruction designed to increase both academic and career opportunities for elementary and secondary students. In providing these services, eligible entities are encouraged to partner with other organizations or institutions with expertise in utilizing state-of-the-art centralized computer systems and teleconferencing capabilities.

(2) *Agriculture education partnerships.* In order to improve the economic and social conditions in many rural areas of Hawaii, the Secretary supports the expansion of partnerships between community-based agricultural businesses and high schools with high concentrations of Native Hawaiian students. These agriculture education partnerships would integrate agricultural and business practices into high school curricula through model programs involving curricula development, teacher training, and instructional programs.

(3) *Astronomy.* The Secretary believes that the development of instructional programs for elementary and secondary school students in astronomy would assist Native Hawaiians in reaching challenging science and mathematics standards. Model programs would include the development of culturally appropriate advanced mathematics and science curricula based upon recent scientific findings in the field of astronomy. Exposure to the use of observatory and other astronomical equipment as well as other experiential and hands-on activities would be fostered through such programs.

(4) *Indigenous health programs.* Because of a lack of available instruction in Native Hawaiian traditional medicine, knowledge of traditional healing practices is being lost for younger generations of Native Hawaiians. Younger Native Hawaiians are not being trained adequately, for example, on where traditional medicines can be found, how they can be harvested in a manner that will conserve the resource, and how such medicines are to be applied. The Secretary believes that this problem can be addressed through the support of teacher training, curriculum development, and instructional activities in traditional medicine.

(5) *Prisoner education.* In Hawaii, the number of incarcerated Native Hawaiians, including Native Hawaiian juveniles, far exceeds their relative percentage of the State's population. The Secretary believes that a successful prisoner education program would target convicted, at-risk Native Hawaiian youths as an alternative to incarceration. A comprehensive program should consist of prevention, intervention, and treatment services as well as education, job training, judicial, and case management services. A funded applicant should have experience in working with, and in encouraging the re-integration of, youth offenders into schools or career paths or both within the community in a culturally sensitive manner. To help ensure success of the program, funded applicants should work in partnership with the Hawaii State Department of Labor and Industrial Relations, the Office of Youth Services, or other appropriate agencies.

(6) *Waste management treatment programs.* Funds under this priority support curriculum development, teaching training, and instructional programs related to the study and documentation of traditional Hawaiian practices of sustainable waste management, including activities to prepare Native Hawaiians to participate actively in the risk assessment and remediation of environmental health hazards that affect Native Hawaiians. A successful applicant should have specific knowledge of the capacities of Native Hawaiian plants and animals to contribute to the management of modern waste materials. The applicant should have experience in educational programming, especially for elementary and secondary school grades, so that knowledge about traditional Hawaiian methods of sustainable waste management can be developed and used. The project may include an emphasis on environmental technologies applicable to the remediation of environmental health risks in Hawaiian homelands and in surplus Federal lands subject to reuse.

(7) *Marine resource management.* To support programs designed to teach Native Hawaiian elementary and secondary students about traditional fishery management techniques used in the Native Hawaiian culture.

Selection Criteria: The Secretary will use the following selection criteria in 34 CFR 75.210 to evaluate applications under each of the competitions in the notice. (The specific selection criteria and factors that will be used in evaluating applications are detailed in the application package). The maximum score for all of the selection criteria is 100 points. The maximum points for each criterion is as follows:

(a) *Significance*—15 points.

(a) *Quality of Project Design*—35 points.

(b) *Quality of Project Personnel*—10 points.

(c) *Adequacy of Resources*—5 points.

(d) *Quality of Management Plan*—15 points.

(e) *Quality of the Project Evaluation*—20 points.

For Applications and Information Contact: Mrs. Lynn Thomas, U.S. Department of Education, 400 Maryland Avenue, SW., FOB6, Room 3C124, Mail Stop 6140, Washington, DC 20202. Telephone 202–260–1541. The e-mail address for Mrs. Thomas is: lynn_thomas@ed.gov.

If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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Individuals with disabilities may obtain a copy of the application package in an alternative format, also, by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

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Dated: June 12, 2000.

Michael Cohen,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 00–15248 Filed 6–14–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.209A, 84.210A, 84.296A, and 84.221A]

Office of Elementary and Secondary Education and Office of Special Education and Rehabilitative Services; Combined Notice Inviting Applications for New Awards for Fiscal Year 2000 Awards for Fiscal Year (FY) 2000 Under Four Direct Grant Competitions Under the Native Hawaiian Education Act

Organization of Notice: The accompanying chart includes the following information for each program and competition:

- The CFDA number and name of each affected program.
- The date on which applications will be available.
- The application deadline date.
- Project period.
- The deadline for intergovernmental review.
- The estimated amount of available funds.
- The estimated average size of awards.
- The estimated number of awards.

In addition, the selection criteria and applicable regulations below apply to each program or competition in this notice.

84.209A—Native Hawaiian Family-Based Education Centers Program

Purpose of Program: To expand the operation, throughout the Hawaiian Islands, of Family-Based Education Centers that include: (1) Parent-infant programs for prenatal through three-year-olds; (2) preschool programs for four-and five-year-olds; (3) continued research and development; and (4) a long-term follow-up and assessment program, which may include educational support services for Native Hawaiian language immersion programs or transition to English speaking programs.

Eligible Applicants: Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language.

Program Authority: 20 U.S.C 7905.

84.210A—Native Hawaiian Gifted and Talented Program

Purpose of Program: To support a program for gifted and talented education that is designed to: (1) Address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students; and

(2) provide those support services to families of such students that are needed to enable such students to benefit from the program.

Eligible Applicants: Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language.

Program Authority: 20 U.S.C. 7907.

84.296A—Native Hawaiian Community-Based Education Learning Centers Program

Purpose of Program: To support collaborative efforts between community-based Native Hawaiian organizations and community colleges to develop, establish and operate a

minimum of three community-based education learning centers that meet the needs of families and communities through the coordination of programs and services such as preschool programs, after-school programs, and vocational and adult education programs.

Eligible Applicants: Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language.

Program Authority: 20 U.S.C. 7910.

84.221A—Native Hawaiian Special Education Program

Purpose of Program: To support projects that address the special education needs of Native Hawaiian students consistent with the purposes of the program as authorized by section 9208 of the Elementary and Secondary Education Act.

Eligible Applicants: Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language.

Program Authority: 20 U.S.C. 7908.

Selection Criteria: The Secretary will use the following selection criteria in 34 CFR 75.210 to evaluate applications under each of the competitions in the notice. (The specific selection criterion and factors that will be used in evaluating applications are detailed in the application package). The maximum score for all of the selection criteria is 100 points. The maximum points for each criterion is as follows:

(a) *Significance*—15 points.

(b) *Quality of Project Design*—35 points.

(c) *Quality of Project Personnel*—10 points.

(d) *Adequacy of Resources*—5 points.

(e) *Quality of Management Plan*—15 points.

(f) *Quality of Project Evaluation*—20 points.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

For Applications and Information Contact: Mrs. Lynn Thomas (202) 260–1541. U.S. Department of Education, 400 Maryland Avenue, SW., FOB6, Room 3C124, Mail Stop 6140, Washington, DC 20202.

The e-mail address for Mrs. Thomas is: lynn_thomas@ed.gov.

For the Native Hawaiian Special Education Program

Application and Information Contact: Mr. Ray Miner (202) 205–9805, U.S. Department of Education, 400 Maryland Avenue, S.W., MES Room 4611, Washington, DC 20202. The e-mail address for Mr. Miner is: ray_miner@ed.gov.

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Dated: June 12, 2000.

Michael Cohen,

Assistant Secretary, Elementary and Secondary Education.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

BILLING CODE 4000–01–U

CHART OF COMPETITIONS WITH CLOSING DATES

CFDA Number and Name of Program	Date Applications Available	Application Deadline Date	Project Period	Deadline for Intergovernmental Review	Estimated Available Funds	Estimated Average Size of Awards	Estimated Number of Awards
84.209A Native Hawaiian Family-Based Education Centers Program	6/14/00	7/14/00	36 months	9/14/00	$7,003,648	$411,979	17
84.210A Native Hawaiian Gifted and Talented Program	6/14/00	7/14/00	36 months	9/14/00	$2,200,000	$2,200,000	1
84.296A Native Hawaiian Community-Based Education Learning Centers	6/14/00	7/14/00	36 months	9/14/00	$1,100,000	$275,000	4
84.221A Native Hawaiian Special Education Program	6/14/00	7/14/00	60 months	9/14/00	$2,200,000	$2,200,000	1

NOTE: The Department of Education is not bound by any estimates in this notice.

[FR Doc. 00–15246 Filed 6–14–00; 8:45 am]
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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.

S.J. Res. 44/P.L. 106–205
Supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II. (May 26, 2000; 114 Stat. 312)

H.R. 154/P.L. 106–206
To allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes. (May 26, 2000; 114 Stat. 314)

H.R. 371/P.L. 106–207
Hmong Veterans' Naturalization Act of 2000 (May 26, 2000; 114 Stat. 316)

H.R. 834/P.L. 106–208
National Historic Preservation Act Amendments of 2000 (May 26, 2000; 114 Stat. 318)

H.R. 1377/P.L. 106–209
To designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the ''John J. Buchanan Post Office Building''. (May 26, 2000; 114 Stat. 320)

H.R. 1832/P.L. 106–210
Muhammad Ali Boxing Reform Act (May 26, 2000; 114 Stat. 321)

H.R. 3629/P.L. 106–211
To amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III. (May 26, 2000; 114 Stat. 330)

H.R. 3707/P.L. 106–212
American Institute in Taiwan Facilities Enhancement Act (May 26, 2000; 114 Stat. 332)

S. 1836/P.L. 106–213
To extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama. (May 26, 2000; 114 Stat. 334)

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