



# Federal Register

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### WASHINGTON, DC

- WHEN:** July 11, 2000, at 9:00 a.m.
- WHERE:** Office of the Federal Register  
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(3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



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The President

**225th Anniversary of the United States Army**

**By the President of the United States of America**

## A Proclamation

On June 14, 1775, the Second Continental Congress authorized the enlistment of ten companies of riflemen in Maryland, Pennsylvania, and Virginia as the first units of the Continental Army. Few could have foreseen that this small band of citizen-soldiers would lay the cornerstone of freedom for our Nation and the foundation for what would become the finest army in the world.

For 225 years, in war and in peace, every generation of American soldiers has served our Nation with unwavering courage, skill, and commitment. The first soldiers of the Continental Army gave life to the United States of America in 1776. In the following century, the Army protected our new country's frontiers and preserved our Union through the terrible strife of the Civil War. In the 20th century, American soldiers fought and died in two World Wars to defend democracy and win the global struggle against fascism. And, for the last half of the 20th century, in Korea and Vietnam and throughout the dark decades of the Cold War, our Army shielded the free world from the forces of communism and ensured the triumph of democracy.

Today, the men and women of America's Army—Active, National Guard, and Reserve—continue to advance our Nation's interests around the world. Across the globe, in the face of aggression, tyranny, and despair, our soldiers have responded as allies, liberators, and humanitarians. All Americans rightly take pride in this truly American institution and its enduring strength and vitality.

In the Roosevelt Room of the White House, the flag of the United States Army stands proudly, bearing 173 streamers that mark the battles fought and won. From Lexington in 1775 to Southwest Asia in 1991, these colorful banners are a striking visual reminder of the U.S. Army's glorious history and a silent tribute to the hundreds of thousands of soldiers whose sacrifices have kept our Nation free. As we mark the Army's 225th anniversary, I ask all Americans to join me in reflecting with pride and gratitude on the contributions of the loyal and courageous men and women who have served in the United States Army to preserve our liberty, uphold our values, and advance our interests.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim June 14, 2000, as the 225th Anniversary of the United States Army. I urge all Americans to observe this day with appropriate programs, ceremonies, and activities that celebrate the history, heritage, and service of the United States Army.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of June, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

*William Clinton*

[FR Doc. 00-15417

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# Rules and Regulations

Federal Register

Vol. 65, No. 117

Friday, June 16, 2000

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

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

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

#### **Small Business Size Standards; General Building Contractors, Heavy Construction, Except Building, Dredging and Surface Cleanup Activities, Special Trade Contractors, Garbage and Refuse Collection, Without Disposal, and Refuse Systems**

**AGENCY:** Small Business Administration.

**ACTION:** Final rule.

**SUMMARY:** The Small Business Administration (SBA) is establishing a size standard of \$27.5 million in average annual receipts for all industries in General Building Contractors, Standard Industrial Classification (SIC) Major Group 15, and for all industries except Dredging and Surface Cleanup Activities in Heavy Construction Other Than Building Construction, SIC Major Group 16; \$17.0 million for Dredging and Surface Cleanup Activities, part of SIC 1629, Heavy Construction, Not Elsewhere Classified (NEC); \$11.5 million for all industries in Special Trade Contractors, SIC Major Group 17; and \$10.0 million for Garbage and Refuse Collection, Without Disposal, part of SIC 4212, Local Trucking Without Storage, and Refuse Systems, SIC 4953. These revisions are being made to adjust the Construction and Refuse size standards for the effects of inflation from the time they were established in the mid-1980s through 1999, and to address unique costs trends in the Dredging industry.

**DATES:** This rule is effective on July 17, 2000.

**FOR FURTHER INFORMATION CONTACT:** Robert N. Ray, Office of Size Standards (202) 205-6618.

**SUPPLEMENTARY INFORMATION:** On July 26, 1999, SBA proposed increasing the size standards for the Construction and Refuse Systems and Related Services

industries (see 64 FR 40311). We proposed size standards of \$25 million for all industries in General Building Contractors, SIC Major Group 15, (referred to as the General Construction industry) and for all industries except Dredging and Surface Cleanup Activities in Heavy Construction Other Than Building Construction, SIC Major Group 16, (referred to as the Heavy Construction industry); \$20.0 million for Dredging and Surface Cleanup Activities, part of SIC 1629, Heavy Construction, NEC (referred to as the Dredging industry); \$10.5 million for all Special Trade Contractors industries, SIC Major Group 17 (referred to as the Special Trades industry); and \$9.0 million for Garbage and Refuse Collection, Without Disposal, part of SIC 4212, Local Trucking Without Storage, and Refuse Systems, SIC 4953, (referred to as the Refuse industries).

These proposed increases were designed to adjust the current size standards for the effects of inflation that had occurred since 1984, when all but one of these size standards became effective. (The one exception, the Dredging industry, first became effective on December 9, 1985.) Inflation had increased 48.2% based on the change in the price level for the Implicit Price Deflator for Gross Domestic Product between the third quarter of 1982 and the fourth quarter of 1993 (the time period that most other receipts-based size standards were last adjusted for inflation). By adjusting the Construction and Refuse size standards to the same point in time, we attempted to have all receipts-based size standards adjusted for inflation to a common base year of 1994.

In response to the comments received on the proposed rule, this final rule adopts different size standards than proposed. For all of the Construction industries, except the Dredging industry, and for the Refuse industries, the proposed size standards are further increased to reflect inflation that has occurred through 1999. For the Dredging industry, however, a lower size standard than proposed is adopted to more realistically reflect inflationary trends that have occurred since the establishment of the current \$13.5 million Dredging size standard. The remainder of the final rule discusses the comments we received on the proposed

rule and our reasons for adopting different size standards.

#### **Construction and Refuse Size Standards**

We have decided to increase the size standards for all of the Construction industries (except for the Dredging industry) and the Refuse industries to account for inflation through 1999 rather than through 1994 as proposed. This decision is based on several factors. First, comments on the proposed rule were nearly unanimous that an inflation adjustment to the Construction and Refuse size standards was an acceptable basis for changing these size standards. Second, about one-fourth of the comments to the proposed Construction and Refuse size standards argued for higher size standards than the ones adjusted to the 1994 level. Third, SBA is committed to more frequent inflation adjustments than has occurred in the past, and five years would seem to be sufficient time to wait for an inflationary adjustment. Considering these factors together, we conclude that these size standards should be adjusted for inflation to 1999.

By choosing to inflate its Construction and Refuse size standards to 1999, SBA is again positioning its receipts-based size standards to different base periods. Most receipts-based size standards were changed in 1994 using the inflation rate between 1982 and 1993 (see 59 FR 16513, dated April 7, 1994). This rule, however, changes the Construction and Refuse size standards to a 1999 base. This change results in an additional 10.5% inflation adjustment to these size standards than the inflation rate applied in 1994.

We generally prefer to have all receipts-based size standards adjusted to the same base year. This achieves comparability among industry size standards. Since this rule is inflating a number of size standards to 1999, we anticipate that we will propose in the near future a broad-based inflation adjustment to our receipts-based size standards. Since we have already proposed increases to the Construction and Refuse size standards and received overwhelming support for the concept of increasing these size standards for inflation, we see no need to go through a second rulemaking action to make the changes associated with this final rule.

**Inflation Adjustment Methodology**

To adjust the Construction and Refuse size standards through 1999, we calculated an additional inflation adjustment to the proposed size standards of July 26, 1999. The proposed size standards were based on inflation up to the fourth quarter of calendar year 1993 (the latest available data at the time of the 1994 final rule). Currently, the latest available inflation data is for the fourth quarter of 1999. In determining the rate of inflation, we continue to use the U.S. Department of

Commerce's Gross Domestic Product (GDP) Implicit Price Deflator. Currently, the latest published data show index values of 94.98 for the fourth quarter of 1993 and 104.99 for the fourth quarter of 1999. This change records inflation of 10.5% between the two periods  $((104.99/94.98)-1)*100=10.54\%$ , rounded to 10.5%.

Each of the Construction and Refuse size standards receives an inflationary adjustment of 10.5% from the proposed size standards of \$25.0 million for General and Heavy Construction, \$10.5 million for Special Trades and \$9.0

million for Refuse. The inflated size standards are rounded to the nearest half-million dollar increment similar to previous inflation adjustments to SBA's size standards. This rounding method produces net increases to most industry size standards that are slightly above or below the calculated 10.5% inflation rate. This method is selected because it results in an increase to each size standard that is as close as possible to the calculated 10.5% inflationary increase. The following table shows the calculation of the Construction and Refuse size standards adjusted to 1999.

Industry  (1)	Proposed size standard in millions of dollars  (2)	Inflation index  (3)	New size standard calculation in millions of dollars (Column 2 times Column 3)  (4)	Size standards in millions of dollars after rounding to the nearest \$0.5 million increment  (5)
General and Heavy Construction .....	\$25.0	1.105	\$27.625	\$27.5
Special Trades industry .....	10.5	1.105	11.603	11.5
Refuse industries .....	9.0	1.105	9.945	10.0

**Discussion of Construction and Refuse Size Standards**

**Comments**

We received 45 comments to the proposed rule. Twenty-six comments addressed the General and Heavy Construction proposed size standard of \$25 million in average annual receipts. Eleven of these comments also addressed the Special Trades size standard that was proposed to be \$10.5 million. All of the comments to the Special Trades, however, discussed all of the Construction size standards rather than narrowly focusing on the Special Trade industries. When references were made to Special Trades, all of the comments except one recommended the proposed \$10.5 million size standard. The one comment not recommending this size standard, supported a size standard in the \$7 to \$10 million range. Significantly, no comment primarily addressing the Construction size standards opposed some increase to the Construction size standards.

Of the 26 comments addressing the General and Heavy Construction size standards, 19 supported the proposed size standard of \$25 million and the concept of an inflationary adjustment, while six argued for a higher size standard between \$27 million and \$32 million, and one comment advocated a size standard of \$17 million for both the Dredging industry and General and Heavy Construction (This comment appeared to be primarily addressing the

Dredging industry size standard rather than the General Construction size standard). Most of the comments arguing for a size standard higher than proposed believed that the current size standard should be increased to reflect inflation through 1999. Four of these comments also noted that there would likely be a lengthy delay before the next inflationary adjustment, and that SBA should set a size standard that would consider the amount of time before it would again propose an inflation adjustment to the receipts-based size standards. Of the three associations commenting on the proposed size standard revision, two supported a higher size standard of \$30 million to \$32 million in average annual receipts, and one recommended more frequent inflation adjustments in the future. The one comment recommending a \$17 million size standard believed that there is sufficient competition among small businesses with a \$17 million size standard to justify the retention of this size standard, however, the comment primarily focused on the Dredging industry.

Of the seven comments addressing the Refuse size standard, three supported the proposed size standard of \$9 million, three argued for a size standard greater than \$9 million and one contended that it should remain at \$6 million. The comments advocating a higher size standard than \$9 million claimed that businesses had to be larger

than \$9 million to be competitive in the industry. According to these comments, consolidations and mergers have made it difficult for small businesses to compete against the resources of the largest businesses in the industry. On the other hand, the comment opposing the proposed size standard was concerned that a \$9 million size standard would qualify a business in the top 100 firms in the industry. Further, small businesses are competitive given their lower costs and overhead, as evidenced by small businesses receiving more than 40% of Federal refuse contracts.

The comments received on the Construction and Refuse industries overwhelmingly support an inflation adjustment to the current size standards. In addition, about one-half of the Refuse comments and about one-fourth of the Construction comments presented reasons supporting a further upward adjustment to the size standards in recognition of the additional inflation that has been present in the economy over the 1994 to 1999 period. Of these latter construction comments, two were from important trade associations representing large segments of the industry.

We believe in light of these comments that we should proceed now with a further inflation adjustment to 1999 levels and avoid the delay that would occur from a second rulemaking action. In the proposed rule, we discussed

adjusting these size standards to the 1999 levels as alternative size standards. We chose not to propose that alternative since it would result in some size standards being adjusted to 1999 while all other receipts-based size standards adjusted to 1994. We would prefer to adjust all size standards to the same period of time. However, the comments have convinced us that a further inflation adjustment to these size standards at this time results in more appropriate size standards than what we proposed. We believe that the comments supporting an inflationary adjustment through 1994 would not oppose an adjustment through 1999. We do not believe, however, that the size standards should be raised beyond the 1999 level in anticipation of future inflation, which in any case is unpredictable.

We are concerned about the trends in the Refuse industry that were cited by six of the eight comments. Although one comment argued that small businesses were very competitive, the industry appears to have been consolidating in recent years. Three comments cited concerns of vertical integration, consolidation and buyouts of smaller firms by larger firms. Three other comments cited a concern over larger Federal contracts in recent years—a trend which normally favors larger companies. Furthermore, small businesses have been obtaining a smaller share of Federal refuse contracts over the past few years. (See the Small Business Administration's report to Congress "The Small Business Competitiveness Demonstration Program October 1, 1997–September 30, 1998," dated December 1999, Table A–2b. This report is available on SBA's web page at [www.sba.gov/opc/pubs/](http://www.sba.gov/opc/pubs/)

compdemo.) We plan to examine these trends closer to determine the implications on the size standard in the future.

#### Dredging Industry Size Standard

SBA received 22 comments to the proposed \$20 million size standard for the Dredging industry. Seven of the comments, or about one-third of the Dredging industry comments, supported the proposed inflationary adjusted size standard of \$20 million. Another seven comments opposed any change in the current \$13.5 million Dredging industry size standard. Three comments supported a size standard that fell between the current size standard of \$13.5 million and the proposed size standard of \$20 million. Four comments argued for a size standard higher than \$20 million. However, three of these comments appeared to be from firms primarily engaged in General and Heavy Construction rather than the Dredging industry, and they essentially focused their comments on the Construction size standards. A comment from a dredging association took no position on the proposed Dredging industry size standard.

Partly in response to these comments, we have decided to adopt a \$17 million size standard for the Dredging industry rather than adjusting the size standard by the proposed inflationary increase (to \$20 million) as applied to the other industry size standards addressed in this final rule. The four major issues raised by the comments and our reason for adopting a \$17 million size standard are discussed below.

(1) One comment pointed out that costs per cubic yard have not matched the general rate of inflation used in the proposed rule. This view appears to be

supported by three other comments that seek a size standard that would be less than a full inflationary adjustment. While these comments did not directly address the inflationary issue, their contention that industry conditions did not merit a full inflationary increase suggests a view that cost pressures may not be as great in the Dredging industry as in the economy generally. Since the proposed rule adjusted for inflation through 1994, dredging costs through 1999, it was argued, did not even match the 1994 general inflation level.

Based on a further review of costs trends in the Dredging industry, we agree that a smaller inflation adjustment is more appropriate for this industry's size standard. While we usually prefer to apply the same inflation adjustment to all industries, the Dredging industry is a relatively small industry and unique in the sense that most of this industry's revenues are derived from U.S. Army Corps of Engineers dredging contracts. As such, we believe relevant data exist for us to more precisely assess inflation trends in the Dredging industry.

The U.S. Corps of Engineers (the Corps) collects data on dredging costs. In lieu of price indexes developed by Federal statistical agencies, these data provide the best source of information to address the impact of inflation in the Dredging industry. Almost all dredging work performed by small businesses is for maintenance dredging. For this reason, we believe the Corps' costs data on maintenance dredging are the most appropriate data to assess the impact of dredging inflation trends on small businesses. The following table shows the Corps data relating to the costs per cubic yard of maintenance dredging from fiscal years 1982 to 1998:

Fiscal year	Maintenance dollars (millions)	Cubic yards (millions)	Cost per cubic yard
1982	\$76.0	60.0	\$1.27
1983	64.0	48.0	1.33
1984	80.0	49.0	1.63
1985	73.0	65.0	1.12
1986	80.0	64.0	1.25
1987	66.0	47.7	1.38
1988	73.4	58.2	1.26
1989	68.5	58.7	1.26
1990	61.8	35.0	1.17
1991	99.6	62.4	1.60
1992	89.2	52.4	1.70
1993	75.0	38.3	1.96
1994	84.3	52.5	1.61
1995	88.8	53.8	1.65
1996	85.4	52.5	1.63
1997	95.9	67.8	1.41
1998	76.6	42.4	1.81

Source: U.S. Army Corps of Engineers Navigation Data Center for data used in calculating the cost per cubic yard of maintenance dredged materials on Corps of Engineers contracts, February 28, 1999 revised data.

From FY 1982 to FY 1998, maintenance dredging costs have increased 42.5%. However, the high cost per cubic yard in FY 1998 appears to be a one year outlier due to a very low volume of maintenance work in that year as compared to the typical amount of maintenance work in previous years. We're reluctant to inflate the Dredging industry size standard by an inflation rate that may have been partially influenced by work load in a single year. To moderate the influence of work load, we have decided to calculate an average cost per cubic yard for the last three fiscal years. For fiscal years 1996–98, the average cost per cubic yard was \$1.617  $(\$1.63 + \$1.41 + \$1.81) / 3$ . Using this figure, maintenance dredging costs have increased 27.3%  $(\$1.617 / \$1.27 - 1) * 100$  since FY 1982. Applying this increase to the current Dredging industry size standard results in a \$17 million size standard  $(\$13.5 * 1.273 = \$17.186$ , or \$17 million rounded to the nearest \$0.5 million increment).

This figure of \$17.0 million would permit a number of businesses presently in the \$9 million to \$13.5 million range to grow without losing eligibility for SBA preference programs based on size. We do not believe that there are any businesses that are primarily in the Dredging industry that presently fall in the \$13.5 million to \$20.0 million size range directly affected by the proposed rule or this final rule. Consequently, there would be no immediate impact from businesses gaining eligibility because of their size in the small business category in which the set-aside program restricts bidding. There will, however, be some businesses that will gain status as emerging small businesses (a business whose size is one-half or less than the size standard). This measure will increase from \$6.75 million to \$8.5 million. This category is reserved for dredging contracts that are \$400,000 or less in value. We estimate that only these dredging businesses will be directly impacted by this final rule, and this impact will be limited because contracts less than \$400,000 in size constitute only a small percentage of total Federal dredging contracts expenditures.

(2) Seven comments believe a higher size standard would hurt other small businesses. They cited the declining importance of small businesses in the Dredging industry in recent years. For example, they pointed out that 45 small businesses were awarded contracts in FY 1991, but only 19 were awarded contracts in FY 1998. Also, only a few small businesses received a majority of Federal contract dollars. A number of small businesses have gone out of

business while other small businesses have been bought out by large businesses or consolidated their operations in recent years.

We do not agree that the level of the current size standard has played a role in reducing the number of small businesses receiving Federal dredging contracts. From year to year, variations will occur in which different size businesses will receive contracts. Data for FY 1997 and FY 1999 present a different picture of small business trends. For FY 1997, 40 small businesses received contracts, with 17 of these small businesses receiving more than one contract award. For FY 1999, 34 small businesses won dredging contracts, with 14 receiving more than one contract. These two years were more similar to the FY 1991 result than the FY 1998 experience.

Furthermore, a review of the top four small businesses receiving awards in FY 1998 and FY 1999 does not suggest that other small businesses are being harmed due to the size of these firms. The small business that received the largest amount of contract dollars in FY 1998 won all of its contracts on an unrestricted basis. Two of the other three small businesses were emerging small businesses (businesses at or below one-half of the size standard). In FY 1999, the top four small businesses received 41% of total small businesses contract dollars—much less than the 54% amount of total small business contracts dollars obtained in FY 1998.

These trends do not suggest that smaller businesses have been harmed by the level of the current Dredging size standard. Based on the comments from other small businesses that supported an increase to size standard, we believe an increase in the current size standard to account for inflation is unlikely to harm smaller dredging businesses.

Also, we generally view a declining share of contract dollars to small businesses in an industry as supporting a higher size standard. Higher size standards usually result in more eligible bidders and a somewhat higher likelihood that preference programs oriented toward small businesses will be utilized. This, in turn, could help the remaining small businesses that are active in the industry to survive and expand operations. Although cost trends in the industry for small firms do not point to the need of a size standard as high as the proposed \$20 million, they do support a size standard of \$17 million.

(3) Several comments stated that Federal dredging contracts have grown larger in size, while total contracting has remained the same in dollar terms.

These comments argued that larger-sized contracts lessen opportunities for small dredging businesses, and thus, support the need for a higher size standard.

We agree that the trend of larger contracts is one factor that may justify a higher size standard. To have smaller businesses in an industry compete for a greater proportion of larger-sized dredging contracts, a higher size standard may be warranted. We believe a \$17 million size standard will assist currently defined small businesses in obtaining some additional dredging opportunities in light of a trend towards larger-sized contracts.

(4) Four comments cited the fact that most Federal contracting goes to a few large businesses that are awarded the larger contracts as a reason for SBA to increase the Dredging size standard. We generally agree, noting that small dredging businesses have been receiving about 20% or less of Federal dredging contracts while the top four businesses in the industry received 56% in FY 1999. We believe a higher Dredging industry size standard might result in greater use of small business preference programs and partially offset a pattern in which a majority of Federal contracting consistently has been awarded to a few large businesses.

**Compliance With Executive Orders 13132, 12988, and 12866, the Regulatory Flexibility Act, (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)**

SBA has determined that this rule is a significant regulatory action within the meaning of Executive Order 12866 since it is expected to have an annual economic effect of over \$100 million. For purposes of the Regulatory Flexibility Act, this rule has a significant impact on a substantial number of small businesses. Immediately below, SBA sets forth a regulatory flexibility analysis and economic impact analysis of this final rule.

*1. Description of Entities to Which the Rule Applies*

SBA estimates that 2,548 additional businesses would be considered small as a result of this rule. These businesses would be eligible to seek available SBA assistance provided that they meet other program requirements. Many of those businesses that were in existence in 1984 undoubtedly had small business status at the time when the size standards were established, but have since lost eligibility because of inflationary increases.

Of the additional businesses gaining eligibility, 654 operate as General Construction, 394 operate in Heavy Construction, 1,363 operate in the Special Trades industries, while 137 operate in Refuse.

Businesses becoming eligible for SBA assistance as a result of this rule cumulatively generate \$33.7 billion in annual sales, which represents 6% of the \$564 billion of total sales in these industries. Of the \$33.7 billion in annual sales for newly eligible businesses, \$13.1 billion are in General Construction, \$7.6 billion are in Heavy Construction, \$12.0 billion are in Special Trades, and \$1.0 billion are in Refuse.

SBA estimates that out of approximately \$7.85 billion in total initial Federal contracts per year, an additional \$471 million worth of contracts could be awarded to businesses designated as small businesses in the four industry groups affected by this rule. (This estimate assumes the newly categorized small businesses will receive 6% of the \$7.85 billion in total initial Federal contracts per year.) Of these contracts, \$445 million may be awarded to newly defined small businesses and \$26 million to currently defined small businesses. These contracts could be obtained through awards under the small business set-aside Program, the 8(a) Program, the Small Disadvantaged Business (SDB) Program, the HUBZone Empowerment Contracting Program, or on an unrestricted basis.

Also, these newly defined small businesses would be eligible for SBA's financial assistance programs and could potentially receive an estimated \$24.8 million in loans under the 7(a) Guaranteed Loan Program and \$4.6 million in loans under the Certified Development Company (504) Program.

## 2. Description of Potential Benefits of the Rule

This rule will result in an increase in the number of businesses eligible for small business set-aside contracts, the 8(a) Program, and SDB and HUBZone price preferences. For Federal contracts set aside for small business or competed under the 8(a) and HUBZone Programs, this rule will lead to an increase in competition for these contracts and lower overall costs to the government.

When an SDB or a HUBZone business competes for an unrestricted contract, the Federal government generally allows them a price preference of up to 10%. An increase in the size standard will

increase the number of businesses competing for these contracts in two ways. First, the number of SDB and HUBZone businesses will increase. Second, with more small businesses competing on unrestricted contracts, the government may decide to set aside more contracts for competition among all small businesses where they had previously awarded price preferences. Any increase in competition that results in a more efficient or competitive business being awarded a contract will result in a benefit.

## 3. Description of Potential Costs of the Rule

In areas where the rule acts to decrease competition for contracts, it may lead to an increase in costs to the Federal government. This may occur in areas where small businesses are currently not present or are not bidding on Federal contracts. If, after issuance of this rule, small businesses bid on these contracts and require the government to provide a price preference, or the rule causes a decision to set aside a size a contract under one of the procurement preference programs, it may increase costs to the Federal government on some contracts. These additional costs, however, are likely to be relatively minor since, as a matter of policy, procurements may be set aside for small businesses or under the 8(a), HUBZone or SDB Programs only if awards are expected to be made at fair and reasonable prices

## 4. Transfers

The primary effect of this rule will be transfers among the four parties—Federal government, large businesses, businesses gaining small business status under this rule, and businesses that are currently small businesses. SBA estimates that of the \$471 million Federal contracts expected to be awarded to small businesses and the newly defined small businesses, approximately 11.3%, or \$53.2 million, may be reallocated from large businesses to current small businesses and the newly defined small businesses.

The remaining \$417.8 million of contracts will not change hands, rather, the businesses holding the contracts will be reclassified as small under the rule. In addition, \$3.9 billion of initial contracts awarded to small businesses, SBA estimates that \$52.4 million could be transferred from small businesses to larger, more efficient or competitive, newly defined small businesses.

## 5. Description of Reasons Why This Action is Being Taken and Objectives of Rule

SBA has provided in the supplementary information a statement of the reasons why these new size standards should be established and a statement of the reasons for and the objectives of the rule.

For the purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, SBA has determined that this rule would not impose new reporting or record keeping requirements. For purposes of Executive Order 13132, SBA has determined that this rule does not have any federalism implications warranting the preparation of a Federalism Assessment. For purposes of Executive Order 12988, SBA certifies that this rule is drafted to the extent practicable, in accordance with the standards set forth in that order.

## List of Subjects in 13 CFR Part 121

Government procurement, Government property, Grant programs—business, Loan Programs—business, Small business.

For the reasons stated in the preamble, SBA amends 13 CFR part 121 as follows:

## PART 121—SMALL BUSINESS SIZE REGULATIONS

1. The authority citation for part 121 continues to read as follows:

**Authority:** 15 U.S.C. 632(a), 634(b)(6), 637(a), 644(c), and 662(5); and Sec. 304, Pub. L. 103—403, 108 Stat. 4175, 4188.

### § 121.201 [Amended]

2. In § 121.201, the table "SIZE STANDARDS BY SIC INDUSTRY" is amended as follows:

a. Revise DIVISION C—CONSTRUCTION

b. Under DIVISION E—TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES, MAJOR GROUP 42—MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING, revise the entry 4212 (Part):

c. Under DIVISION E—TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES, MAJOR GROUP 49—ELECTRIC, GAS AND SANITARY SERVICES, revise the entry 4953 to read as follows:

SIZE STANDARDS BY SIC INDUSTRY

SIC code and description	Size standards in number of employees or millions of dollars
<b>DIVISION C—CONSTRUCTION</b>	
MAJOR GROUP 15—BUILDING CONSTRUCTION—GENERAL CONTRACTORS AND OPERATIVE BUILDERS .....	\$27.5
MAJOR GROUP 16—HEAVY CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION—CONTRACTORS .....	27.5
EXCEPT:	
1629 (Part) Dredging and Surface Cleanup Activities .....	17.0
MAJOR GROUP 17—CONSTRUCTION—SPECIAL TRADE CONTRACTORS .....	11.5
<b>DIVISION E—TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES</b>	
4212 (Part) Garbage and Refuse Collection, Without Disposal .....	10.0
4953 Refuse Systems .....	10.0

<sup>1</sup> SIC code 1629—Dredging: To be considered small for purposes of Government procurement, a firm must perform at least 40 percent of the volume dredged with its own equipment or equipment owned by another small dredging concern.

Dated: March 27, 2000.  
**Aida Alvarez,**  
*Administrator.*  
 [FR Doc. 00-15258 Filed 6-15-00; 8:45 am]  
**BILLING CODE 8025-01-U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Dock No. 00-AGL-06]

**Modification of Class E Airspace; Holland, MI**

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Final rule.

**SUMMARY:** This action modifies Class E airspace at Holland, MI. An Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 26 has been developed for Tulip City Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing this approach. This action increases the radius of the existing Class E airspace for Tulip City Airport.

**EFFECTIVE DATE:** 0901 UTC, August 10, 2000.

**FOR FURTHER INFORMATION CONTACT:** Denis C. Burke, Air Traffic Division,

Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

**SUPPLEMENTARY INFORMATION:**

**History**

On Tuesday, March 14, 2000, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Holland, MI (65 FR 13704). The proposal was to modify controlled airspace extending upward from the 700 feet above the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to 14 CFR part 71 modifies Class E airspace at Holland, MI, to accommodate aircraft executing

instrument flight procedures into and out Tulip City Airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) Is not a “significant rule” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, incorporation by reference, Navigation (air).

**Adoption of the Amendment**

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

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

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

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

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

\* \* \* \* \*

**AGL MI E5 Holland, MI [Revised]**

Holland, Park Township Airport, MI  
(Lat. 42° 47' 45"N., long. 86° 09' 43"W.)  
Holland, Tulip City Airport, MI  
(Lat. 42° 44' 35"N., long. 86° 06' 18"W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Park Township Airport, and within 2.7 miles each side of the 037° bearing from Park Township Airport, extending from the 6.3-mile radius to 7.4 miles northeast of the airport, and within a 7.9-mile radius of the Tulip City Airport.

Issued in Des Plaines, Illinois on May 23, 2000.

**Christopher R. Blum,**

*Manager, Air Traffic Division.*

[FR Doc. 00–15209 Filed 6–15–00; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 00–ASO–13]

**Established of Class E Airspace; Copperhill, TN**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Copperhill TN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Copperbasin Medical Center, Copperhill, TN. As a result, controlled airspace extending upward from 700 feet Above Ground

Level (AGL) is needed to accommodate the SIAP.

**DATES:** 0901 UTC, October 5, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

**SUPPLEMENTARY INFORMATION:****History**

On May 5, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Copperhill, TN (65 FR 26160). This action provides adequate Class E airspace for IFR operations at Copperbasin Medical Center. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9G, dated September 1, 1999 and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Copperhill, TN.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation, as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

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

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

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

\* \* \* \* \*

**ASO TN E5 Copperhill, TN [New]**

Copperbasin Medical Center  
Point in Space Coordinates  
(Lat. 35° 00' 48" N, long. 84° 22' 25" W)

That airspace extending upward from 700 feet or more above the surface within a 6-mile radius of the point in space (lat. 35° 00' 48" N, long. 84° 22' 25" W) serving Copperbasin Medical Center.

\* \* \* \* \*

Issued in College Park, Georgia, on June 7, 2000.

**Richard E. Biscomb,**

*Acting Manager, Air Traffic Division, Southern Region.*

[FR Doc. 00–15280 Filed 6–15–00; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 00–ASO–11]

**Amendment of Class E Airspace; Livingston, TN**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Livingston, TN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has

been developed for Livingston Community Hospital, Livingston, TN. As a result, additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP.

**DATE:** 0901 UTC, October 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5627.

**SUPPLEMENTARY INFORMATION:**

**History**

On May 5, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Livingston, TN (65 FR 26157). This action provides adequate Class E airspace for IFR operations at Livingston Community Hospital. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Livingston, TN.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation, as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by Reference, Navigation (air).

**Adoption of the Amendment**

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

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

**§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

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

\* \* \* \* \*

**ASO TN E5 Livingston, TN [Revised]**

Livingston Municipal Airport, TN  
Lat. 36°24'44" N, long. 85°18'42" W  
Livingston VORTAC

Lat. 36°35'04" N, long. 85°10'00" W  
Livingston Community Hospital, Livingston, TN

Point in Space Coordinates  
Lat. 36°22'43" N, long. 85°20'23" W

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Livingston Municipal Airport and within 2 miles each side of the Livingston VORTAC 214° radial extending from the 7-mile radius to the VORTAC and that airspace within a 6-mile radius of the point in space (lat. 36°22'43" N, long. 85°20'23" W) serving Livingston Community Hospital, Livingston, TN.

\* \* \* \* \*

Issued in College Park, Georgia, on June 7, 2000.

**Richard E. Biscomb,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

[FR Doc. 00-15279 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 00-ASO-14]

**Establishment of Class E Airspace; Dunlap, TN**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Dunlap, TN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for North Valley Medical Center, Dunlap, TN. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP.

**DATES:** 0901 UTC, October 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5627.

**SUPPLEMENTARY INFORMATION:**

**History**

On May 5, 2000, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Dunlap, TN (65 FR 26155). This action provides adequate Class E airspace for IFR operations at North Valley Medical Center. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9G, dated September 1, 1999 and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Dunlap, TN.

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

current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation, as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

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

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

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

\* \* \* \* \*

##### ASO TN E5 Dunlap, TN [New]

North Valley Medical Center  
Point in Space Coordinates

(Lat. 35°23'50" N, long. 85°22'01" W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the point in space (lat. 35°23'50" N, long. 85°22'01" W) serving North Valley Medical Center.

\* \* \* \* \*

Issued in College Park, Georgia, on June 7, 2000.

**Richard E. Biscomb,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

[FR Doc. 00–15278 Filed 6–15–00; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 170

RIN 1076–AD99

#### Distribution of Fiscal Year 2000 Indian Reservation Roads Funds

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Temporary rule.

**SUMMARY:** We are issuing a temporary rule requiring that we distribute the remaining fiscal year 2000 Indian Reservation Roads funds to projects on or near Indian reservations using the relative need formula. This rule includes more accurate data for the States of Washington and Alaska in the relative need formula distribution process for fiscal year 2000.

**DATES:** This temporary rule is effective on June 16, 2000. Section 170.4b expires September 30, 2000.

#### FOR FURTHER INFORMATION CONTACT:

LeRoy Gishi, Chief, Division of Transportation, Office of Trust Responsibilities, Bureau of Indian Affairs, 1849 C Street, NW, MS–4058–MIB, Washington, DC 20240. Mr. Gishi may also be reached at 202–208–4359 (phone), 202–208–4696 (fax), or leroygishi@bia.gov (electronic mail).

#### SUPPLEMENTARY INFORMATION:

##### Background

*Where Can I Find General Background Information on the Indian Reservation Roads Program, the Relative Need Formula, and the Transportation Equity Act for the 21st Century Negotiated Rulemaking Process?*

The background information on the IRR program, the relative need formula, and the Transportation Equity Act for the 21st Century (TEA–21) Negotiated Rulemaking process is detailed in the first temporary rule published in the **Federal Register** on February 15, 2000 (65 FR 7431). You may obtain additional information on the Indian Reservation Roads (IRR) program web site at [www.irr.bia.gov](http://www.irr.bia.gov).

*What Was the Basis for the Distribution of the First Half of Fiscal Year 2000 IRR Funds?*

TEA–21 provided that the Secretary develop rules and a funding formula for fiscal year 2000 and subsequent fiscal years to implement the Indian Reservation Roads program section of the Act. The Negotiated Rulemaking Committee created under Section 1115 of TEA–21 and comprised of

representatives of tribal governments and the Federal Government has been diligently working to develop a funding formula, but has not yet been able to agree on a permanent funding formula. Without a permanent funding formula recommendation from the Committee, under TEA–21 the Secretary did not have a basis on which to distribute fiscal year 2000 IRR funds. Therefore, on January 26, 2000, the TEA–21 Negotiated Rulemaking Committee agreed, based on the tribal committee members' consensus, to recommend to the Secretary that fiscal year 2000 IRR funds be distributed under the current relative need formula. The tribal committee members' consensus and recommendation to the Bureau of Indian Affairs (BIA) stated: "We request that the BIA resolve this problem for non-reporting states by using the price index data from the most recent year for which the state submitted data."

In addition, in order to distribute \$18.3 million under Public Law 106–96, an extra, one-time Department of Transportation appropriation for fiscal year 2000 IRR program, the consensus agreement provided that the BIA distribute the funds to federally-recognized Indian tribes and Alaskan Native Villages based on a timely receipt of applications and scopes of work who have not completed adequate transportation planning within the last 5 years or that have deficient IRR bridges. The BIA published the **Federal Register** Notice on March 7, 2000 (65 FR 12026), requesting proposals from eligible tribes and Alaskan Native Villages by April 6, 2000.

*How is the FHWA Price Trends Report Used in the Current Relative Need Formula?*

The cost to construct one mile of road (cost-to-construct) changes from year-to-year due to fluctuations in the cost of overall highway construction prices (materials, techniques and demand). The cost-to-construct fluctuates from BIA Region-to-Region and State-to-State. The method used within the IRR program to track and adjust for the fluctuations in the cost-to-construct between BIA Regions is through the use of price trend data. This data is found in the FHWA report, Price Trends for Federal-Aid Highway Construction. This report indicates the fluctuations in the cost of overall highway construction prices.

The FHWA Federal-Aid Division offices and States compile and report construction cost data annually to the FHWA. The reports reflect unit contract quantities with their associated unit bid costs for highway construction. The

FHWA computes an index for each State from the bid information submitted. If no information is provided, a zero index is recorded.

From these unit bid costs reports, FHWA publishes price trend reports quarterly. The Price Trend report is broken down into five categories and are implemented into the relative need formula as incidental construction, grade and drain construction, gravel construction, pavement construction and bridge construction.

Because the price trend report reflects the latest highway construction price trends, it is used to adjust and update existing BIA Regional cost-to-construct amounts for incidental construction, grade and drain construction, gravel construction, pavement construction and bridge construction. The adjusted and updated cost-to-construct amounts are then used to update the cost to improve portion of the relative need formula.

*How Will the Secretary Distribute the Remaining Fiscal Year 2000 IRR Funds?*

Upon publication of this temporary rule, the Secretary will distribute the remaining fiscal year 2000 IRR funds using the current relative need formula, adjusting the indices from the FHWA Price Trends Report using the latest reported data from non-reporting states in the relative need formula distribution process. This includes an adjustment that replaces the zero indices with the most recent data reported for those states that did not report data for the report. In making this decision, the Secretary considered the tribal committee members' consensus which was adopted by the full TEA-21 Negotiated Rulemaking Committee on January 26, 2000, as well as public comments received as a result of the **Federal Register** Notice of February 15, 2000. The agreement provided that the Secretary review the FHWA Price Trends Report and make adjustments in the cost-to-construct factor of the current relative need formula by using the latest reported data from the two states, Alaska and Washington, which did not report in 1998. The Secretary decided to use the 1996 and 1997 partial indices for Alaska and the 1997 indices for Washington. The Secretary determined that this manner of dealing with 1998 non-reporting states fulfills the TEA-21 committee's intent in its January 26, 2000, consensus agreement.

*How Does Distribution of the Remaining Fiscal Year 2000 IRR Funds Differ From the Partial Distribution Under the First Temporary Rule?*

The Secretary partially distributed fiscal year 2000 IRR funds using the current relative need formula on February 15, 2000, in order to get crucial funds to ongoing IRR projects. In this second distribution, the Secretary is distributing funds under the relative need formula by correcting FHWA price trend indices for the two non-reporting states that impacts tribes in those non-reporting states. This adjustment affects the distribution of IRR funds to each IRR Region for the entire fiscal year 2000, including those funds already distributed. This adjustment is required for fiscal year 2000 funds since any adjustment to the FHWA price trend indices affects each regions funding amount because the total amount to distribute is constant.

*Why is it Necessary for the Secretary to Publish a Second Temporary Rule for Distribution of the Remaining Fiscal Year 2000 IRR Funds?*

Without this second temporary rule, the Secretary has no authority to distribute the remaining fiscal year 2000 IRR funds under TEA-21. On February 15, 2000, the Secretary issued a temporary rule for distributing the one-half of the fiscal year 2000 IRR funds using the current relative need formula. After requesting public comments in the first temporary rule and upon review, the Secretary has decided the distribution method for the remaining fiscal year 2000 IRR funds. By publishing this second temporary rule for the remaining fiscal year 2000 distribution of IRR funds and making it effective upon publication, the Secretary is ensuring distribution of all available IRR funds in this fiscal year. Tribes depend on continued funding during their planned one-to-three year road and bridge construction projects. There are approximately 950 ongoing road and bridge construction projects on over 25,000 road miles and 740 bridges on or near Indian reservations that will not continue without the remaining fiscal year 2000 funds. This temporary rule allows the Secretary to continue to fund the IRR program to provide safe and adequate bridges and road access to and within Indian reservations and Indian lands and communities. Furthermore, the TEA-21 Committee and the Secretary agreed to distribute these funds using the relative need formula, adjusting the FHWA Price Trends indices, because both the tribes and the

BIA understand its use and there is no other available funding formula.

*What Public Comments Did You Receive on the Distribution of the Remaining Fiscal Year 2000 IRR Funds?*

Over half of the commenters supported using the current relative need formula to distribute the remaining fiscal year 2000 IRR funds. The Secretary is distributing the remaining fiscal year 2000 IRR funds based on the current relative need formula.

Several commenters advised adjusting the FHWA Price Trends for Federal-Aid Highway Construction Report data to reflect the latest indices data for 1998 non-reporting states. The Secretary considered these comments and considered the TEA-21 Committee tribal members' caucus suggestion that the FHWA Report indices be adjusted to account for the 1998 non-reporting states. The Secretary determined, based on these comments, to adjust the FHWA Report data to account for the non-reporting states.

Several commenters opposed using the FHWA Report data to adjust distribution under the current relative need formula. As stated above, the Secretary determined that adjusting the FHWA Report data to reflect the latest data from non-reporting states for the relative need formula most consistently reflected the current and past use of the relative need formula.

A few commenters stated that BIA should correct the FHWA's price trend indices only for non-reporting states. The Secretary corrected the indices only for non-reporting states, as stated above.

One commenter noted that BIA continues to use adjusted mileage in determining the Alaska Region's relative need and states that this method is improper and should be discontinued. The current relative need formula uses adjusted miles for all Regions in determining the distribution based on relative need and the Secretary continues to use adjusted mileage in the relative need formula in determining the relative need for all Regions.

A few commenters asked that BIA distribute the remaining fiscal year 2000 IRR funds as soon as possible. The Secretary is publishing this rule to expedite the distribution upon publication of this rule.

One commenter suggested a special town hall meeting for tribes to discuss a new relative need formula. By statute, the TEA-21 Negotiated Rulemaking Committee was created to develop a funding formula using relative need and the Committee is in the process of developing a formula.

Some commenters supported freezing FHWA price trend indices at the 1999 level. By using the current data for 31 of the 33 states that reported adequate data for 1999, the Secretary is continuing to use the current relative need formula so there is no need to freeze the indices at the 1999 level.

A few commenters supported rolling back non-reporting states' price trend indices to their most recent reporting years. By using the current data for 31 of the 33 states that reported adequate data for 1999, the Secretary is continuing to use the current relative need formula which uses the 1999 FHWA price trend indices. In addition, the Secretary has determined to use the most recent reporting years for FHWA price trend indices for the states of Alaska and Washington since they had no reports for 1999.

A number of commenters were dissatisfied with the language of the first temporary rule because it did not explain each of the TEA-21 Committee tribal caucus members points in its January 26, 2000, consensus agreement which was the basis of the recommendation to the Secretary to distribute fiscal year 2000 IRR funds under the current relative need formula. This issue has been addressed in an earlier part of this rule on how the first half of fiscal year 2000 IRR funds were distributed by describing the full consensus agreement.

*Why Does This Second Temporary Rule Not Allow For Notice and Comment on the Distribution of the Remaining Fiscal Year 2000 IRR Funds, and Why Is It Effective Immediately?*

Under 5 U.S.C. 553(b)(3)(B), notice and public procedure on this temporary rule are impracticable, unnecessary, and contrary to the public interest. In addition, we have good cause for making this rule effective immediately under 5 U.S.C. 553(d)(3). Notice and public procedure would be impracticable because of the urgent need to distribute the remaining fiscal year 2000 IRR funds. Approximately 950 road and bridge construction projects are at various phases that depend on this fiscal year's remaining funds, including 169 deficient bridges and the construction of approximately 400 miles of roads. The remaining fiscal year 2000 IRR funds will be used to design, plan, and construct improvements (and, in some cases, to reconstruct bridges). The construction season (which is very short for some of the reservations) ends in the next few months.

Waiting for notice and comment on this temporary rule would be contrary to

the public interest. In some of our Regions, approximately 80 percent of the roads in the IRR system (and the majority of the bridges) are designated school bus routes. Roads are essential access to schools, jobs, and medical services. Many of the priority tribal roads are also emergency evacuation routes and represent the only access to tribal lands. Two-thirds of the road miles in Indian country are unimproved roads. Deficient bridges and roads are health and safety hazards. Partially constructed road and bridge projects jeopardize the health and safety of the traveling public. Further, over 200 current projects currently in progress are directly associated with environmental protection and preservation of historic and cultural properties. This second temporary rule is going into effect immediately because of the urgent need for distributing the remaining fiscal year 2000 funds to continue these construction projects before the end of the construction seasons in the 12 Regions.

Under this second temporary rule, we are only distributing the remaining fiscal year 2000 IRR funds to IRR projects in the 12 BIA Regions. The TEA-21 Negotiated Rulemaking Committee is working on a permanent funding formula which will be subject to full public notice and comment before we promulgate it as a final rule.

**Clarity of This Temporary Rule**

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this temporary rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the temporary rule clearly stated? (2) Does the temporary rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the temporary rule (grouping and order of sections, paragraphing, etc.) aid or reduce its clarity? (4) Is the description of the temporary rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the temporary rule? What else could we do to make the temporary rule easier to understand?

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

Under the criteria in Executive Order 12866, this second temporary rule is a significant regulatory action, and the Office of Management and Budget has reviewed it, because it will have an annual effect of \$100 million or more on the economy. As noted in the preamble to the first temporary rule (65 FR 7431,

February 15, 2000), the total amount of the fiscal year 2000 IRR funds is approximately \$200 million, \$100 million of which we distributed to the 12 BIA Regions for IRR projects on February 15, 2000. Under this second temporary rule we will distribute the remaining IRR funds to the 12 BIA regions. Congress has already appropriated these funds and FHWA has already allocated them to BIA. The cost to the government of distributing the IRR funds, especially under the relative need formula with which the tribal governments and tribal organizations and the BIA are already familiar, is therefore negligible. The distribution of the IRR funds does not require the tribal governments and tribal organizations to expend any of their own funds; in fact, distribution of the remaining fiscal year 2000 IRR funds is a benefit. Approximately 950 road and bridge construction projects are at various phases that depend on this fiscal year's remaining funds, including 169 deficient bridges and the construction of approximately 400 miles of roads. Leaving these ongoing projects unfunded in the second half of fiscal year 2000 would create undue hardship on tribes and tribal members. Lack of this funding would also pose safety threats by leaving partially constructed road and bridge projects to jeopardize the health and safety of the traveling public. Thus, the benefits of this rule far outweigh the costs.

This second temporary rule is consistent with the policies and practices that currently guide our distribution of IRR funds. This second temporary rule continues to adopt the relative need formula that we have used since 1993. However, based on comments we received on the first temporary rule and data compiled and reviewed by the BIA Division of Transportation, we are adjusting the FHWA Price Trends Report indices for the two states that do not have current data reports. The yearly FHWA Report is used as part of the process to determine the cost-to-improve portion of the relative need formula. All states except Alaska and Washington have updated reports through 1998. For the indices for those two states, we have gone back to their latest reporting years and used those figures in the relative need formula. By accounting for the indices for the two non-reporting states, we are adjusting the relative need formula in those Regions, which adjusts the allocation for all BIA Regions for the distribution of the remaining fiscal year 2000 IRR funds. The adjustments in this second distribution account for any

differences between the amounts that were distributed under the first temporary rule and this one.

This temporary rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another Federal agency. FHWA has transferred the IRR funds to us, and the FHWA representatives on the Committee have joined in the consensus mentioned above.

This temporary rule does alter the budgetary effects on some tribes, but does not alter entitlement, grants, user fees, or loan programs or the rights or obligations of their recipients.

This temporary rule does not raise novel legal or policy issues. This temporary rule is based on the relative need formula, in use since 1993. We are changing the current practice of determining relative need only by accounting for the two states that did not report data for the 1998 FHWA Price Trends Report.

#### **Regulatory Flexibility Act**

A Regulatory Flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required for this second temporary rule because it applies only to tribal governments, not State and local governments.

#### **Small Business Regulatory Enforcement Fairness Act (SBREFA)**

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act, because it has an annual effect on the economy of \$100 million or more. As noted in the preamble to the first temporary rule (65 FR 7431, February 15, 2000), the total amount of fiscal year 2000 IRR funds is approximately \$200 million, \$100 million of which we distributed to IRR projects under the first temporary rule. Congress has already appropriated these funds and FHWA has already allocated them to BIA. The cost to the government of distributing the IRR funds, especially under the relative need formula with which the tribal governments, tribal organizations, and the BIA are already familiar, is therefore negligible. The distribution of the IRR funds does not require the tribal governments and tribal organizations to expend any of their own funds; in fact, distribution of the IRR funds is a benefit. Approximately 950 road and bridge construction projects are at various phases that depend on this fiscal year's remaining funds, including 169 deficient bridges and the construction of approximately 400 miles of roads. Delaying work on many of these projects in fiscal year 2000 would create undue hardship on

tribes and tribal members, since partially constructed road and bridge projects would jeopardize the health and safety of the traveling public. Thus, the benefits of this rule far outweigh the costs.

This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Actions under this rule will distribute Federal funds to Indian tribal governments and tribal organizations for road improvements.

This rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. In fact, actions under this rule will provide a beneficial effect on employment through funding for construction jobs.

#### **Critical Need for This Rule**

Under 5 U.S.C. 553(B), this temporary rule may take effect immediately upon publication in the **Federal Register** (as noted above in the **DATES** section) because notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. Notice and public procedure would be impracticable because of the urgent need to distribute the remaining fiscal year 2000 IRR funds for ongoing projects. Approximately 950 road and bridge construction projects are at various phases that depend on this fiscal year's remaining funds, including 169 deficient bridges and the construction of approximately 400 miles of roads. The fiscal year 2000 IRR funds are used to design, plan, and construct improvements and, in some cases, to reconstruct bridges. They are also used to address safety problems in almost every ongoing project. Completion of ongoing fiscal year 2000 projects must take place before the construction season (which is very short for some of the reservations) ends in the next few months.

Waiting for notice and comment on this second temporary rule would be contrary to the public interest. In some of our Regions, approximately 80 percent of the roads in the IRR system (and the majority of the bridges) are designated school bus routes. Roads are essential access to schools, jobs, and medical services. Many of the priority tribal roads are also emergency evacuation routes and represent the only access to tribal lands. Two-thirds of the road miles in Indian country are unimproved roads. Defective bridges and roads are health and safety hazards.

Partially constructed road and bridge projects jeopardize the health and safety of the traveling public. Further, over 200 current projects (for which funding would be jeopardized by waiting) are directly associated with environmental protection and preservation of historic and cultural properties.

#### **Unfunded Mandates Reform Act**

Under the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*), the temporary rule will not significantly or uniquely affect small governments, or the private sector. A Small Government Agency Plan is not required.

This temporary rule will not produce a federal mandate that may result in an expenditure by State, local, or tribal governments of \$100 million or greater in any year. Rather, the overall effect of this temporary rule is to provide money to tribal governments for ongoing IRR construction projects.

#### **Takings (E.O. 12630)**

With respect to Executive Order 12630, the temporary rule does not have significant takings implications since it involves no transfer of title to any property. A takings implication assessment is not required.

#### **Federalism (E.O. 13132)**

With respect to Executive Order 13132, the temporary rule does not have significant Federalism implications to warrant the preparation of a Federalism Assessment. This temporary rule should not affect the relationship between State and Federal governments because this temporary rule concerns administration of a fund dedicated to IRR projects on or near Indian reservations that has no effect on Federal funding of state roads. Therefore, the rule has no Federalism effects within the meaning of E.O. 13132.

#### **Civil Justice Reform (E.O. 12988)**

This temporary rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988. This temporary rule contains no drafting errors or ambiguity and is written to minimize litigation, provides clear standards, simplifies procedures, reduces burden, and is clearly written. This temporary rule does not preempt any statute. We are still pursuing the TEA-21 mandated negotiated rulemaking process. The temporary rule is not retroactive with respect to any funding from any previous fiscal year (or prospective to funding from any future fiscal year), but applies only to pending fiscal year 2000 funding.

### Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this temporary rule does not impose recordkeeping or information collection requirements or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.* We already have all of the necessary information to implement this rule.

### National Environmental Policy Act

This temporary rule is categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, because its environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and the road projects funded as a result of this temporary rule will be subject later to the National Environmental Policy Act process, either collectively or case-by-case. Further, no extraordinary circumstances exist to require preparation of an environmental assessment or environmental impact statement.

### Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of May 14, 1998, "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655) and 512 DM 2, we have evaluated any potential effects upon federally-recognized Indian tribes and have determined that this temporary rule preserves the integrity and consistency of the relative need formula process we have used since 1993. However, based on comments we received on the first temporary rule and data compiled and reviewed by the BIA Division of Transportation, we are adjusting the FHWA Price Trends Report data for two states which do not have current data reports. The yearly FHWA Report is used as part of the process to determine the cost-to-improve portion of the relative need formula. All states except Alaska and Washington have updated reports through 1998. For the indices for those two states, we have gone back to their latest reporting years and used those figures in the cost-to-improve portion of the relative need formula. By accounting for the two indices for the two non-reporting states, we are adjusting the relative need formula in those regions which adjusts the allocation for all regions for the remaining distribution of

fiscal year 2000 IRR funds. The adjustments in this distribution account for any differences between the amounts distributed under the first temporary rule and this one. Consultation with tribal governments and tribal organizations is ongoing as part of the TEA-21 negotiated rulemaking process.

### List of Subjects in 25 CFR Part 170

Indians—Highways and roads.

For the reasons set out in the preamble, we are temporarily amending part 170 in chapter I of title 25 of the Code of Federal Regulations as follows.

### PART 170—ROADS OF THE BUREAU OF INDIAN AFFAIRS

1. The authority citation for part 170 continues to read as follows:

**AUTHORITY:** 36 Stat. 861; 78 Stat. 241, 253, 257; 45 Stat. 750 (25 U.S.C. 47; 42 U.S.C. 2000e(b), 2000e-2(i); 23 U.S.C. 101(a), 208, 308), unless otherwise noted.

2. Revise § 170.4b to read as follows:

#### § 170.4b What formula will you use to distribute the remaining fiscal year 2000 Indian Reservation Roads funds?

From June 16, 2000 through September 30, 2000, the Secretary will distribute the remaining fiscal year 2000 IRR funds authorized under Section 1115 of the Transportation Equity Act for the 21st Century, Public Law 105-178, in accordance with this section.

(a) The Secretary will distribute funds to Indian Reservation Roads and Bridges projects on or near Indian reservations under the relative need formula established and approved in January 1993.

(b) The Secretary will adjust the relative need formula to account for non-reporting states by inserting the latest data reported for those states for use in the relative need formula process (23 U.S.C. 202(d)).

Dated: June 9, 2000.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 00-15151 Filed 6-15-00; 8:45 am]

**BILLING CODE 4310-02-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 8888]

RIN 1545-AU96

#### Real Estate Mortgage Investment Conduits; Reporting Requirements and Other Administrative Matters

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document eliminates the regulatory requirement that the issuer of a collateralized debt obligation (CDO) or regular interest in a real estate mortgage investment conduit (REMIC) set forth certain information on the face of the CDO or regular interest. This action eliminates a reporting burden imposed on issuers of CDOs and regular interests. **EFFECTIVE DATE:** These regulations are effective June 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Christman, (202) 622-3950 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

#### Background

On May 19, 1999, the IRS published in the **Federal Register** a notice of proposed rulemaking [REG-100905-97(64 FR 27221)] intending to eliminate the regulatory requirement that certain information be set forth on the face of a certificate representing a CDO or REMIC regular interest.

The public hearing scheduled for September 13, 1999, was canceled because no one requested to speak, and the only written comment received supports finalizing the regulations in the form proposed. This Treasury decision, therefore, adopts the proposed regulations with no change.

#### Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and, because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for

Advocacy of the Small Business Administration for comment on its impact on small business.

#### Drafting Information

The principal author of these regulations is Kenneth Christman, Office of Assistant Chief Counsel (Financial Institutions and Products). However, other personnel from the IRS and Treasury Department participated in their development.

#### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

#### Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

#### PART 1—INCOME TAXES

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

**Authority:** 26 U.S.C. 7805 \* \* \*

#### § 1.6049-7 [Amended]

**Par. 2.** In § 1.6049-7, paragraph (g) is removed.

**John M. Dalrymple,**

*Acting Deputy Commissioner of Internal Revenue.*

Approved: June 1, 2000.

**Jonathan Talisman,**

*Deputy Assistant Secretary of the Treasury.*  
[FR Doc. 00-15050 Filed 6-15-00; 8:45 am]

**BILLING CODE 4830-01-U**

#### DEPARTMENT OF THE INTERIOR

#### Office of the Secretary

#### 43 CFR Part 12

RIN 1090-AA67

#### Administrative and Audit Requirements and Cost Principles for Assistance Programs

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Final rule.

**SUMMARY:** This action finalizes an interim rule the Department of the Interior (Department) published in response to the issuance of Executive Order 13043 of April 16, 1997, "Increasing Seat Belt Use in the United States" (Order). Under Section 1(c), after the date of the Order, each Federal agency was required to seek to encourage contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt policies and programs

for their employees when operating company-owned, rented, or personally owned vehicles. Section 2 of the Order directed all agencies of the executive branch to promulgate rules and take other appropriate measures within their existing programs to further the policies of the Order.

The Department published an interim final rule on December 27, 1999, because there had been no government-wide implementation of this policy. This final rule applies to grants and cooperative agreements awarded by the Department, and provides a regulatory basis for the inclusion of a provision in grants and cooperative agreements awarded by the Department.

In the event that the Office of Management and Budget (OMB) chooses to implement this requirement through the issuance of a government-wide directive, the Department will revise this regulation, as appropriate.

**DATES:** Effective July 17, 2000.

**FOR FURTHER INFORMATION CONTACT:** Debra E. Sonderman, (Director, Office of Acquisition and Property Management), (202) 208-6431.

**SUPPLEMENTARY INFORMATION:** On April 16, 1997, Executive Order 13043, "Increasing Seat Belt Use in the United States," was signed by President Clinton. Section 1(c) directed each Federal agency, in contracts, subcontracts, and grants entered into after the date of the Order, to encourage contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally-owned vehicles. Section 2 directed all agencies of the executive branch to promulgate rules and take other appropriate measures within their existing programs to further the policies of the Order.

The Department is revising Subpart A of 43 CFR part 12, to implement the requirements of the Executive Order for grants/cooperative agreements awarded by bureaus/offices. The requirements also apply to subawards made under a grant or cooperative agreement.

OMB generally publishes government-wide administrative requirements for grants and cooperative agreements and agencies implement these requirements in regulations. Agencies have not been officially notified by OMB that they intend to publish government-wide requirements to implement the Order.

Because of the need to implement the Order's requirements, the Department is publishing this regulation to cover the Department's awards of grants and cooperative agreements. Through this regulation the Department will include

a provision in grants and cooperative agreements awarded by the Department encouraging recipients to adopt and enforce on-the-job seat belt use policies and programs consistent with the Order. For those bureaus/offices within the Department which prefer to simply reference this rule as 43 CFR part 12, inclusion of the specific provision will not be required.

#### Compliance With Laws, Executive Orders, and Department Policy

This document was not subject to review by the Office of Management and Budget under Executive Order 12866.

This 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.

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

This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

This rule does not raise novel legal or policy issues.

The Department 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.*). The Department has determined that this rule will not have a significant economic impact on small entities since any efforts undertaken by grantees to implement the requirements of the Order are not expected to have a significant economic impact and no additional costs will be imposed as a result of this rule. Most grantees probably already have programs in place to conduct education and awareness programs about the importance of wearing seat belts and the consequences of not wearing them.

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

a. Does not have an annual effect on the economy of \$100 million or more. Most grantees probably already have programs in place to conduct education and awareness programs about the importance of wearing seat belts and the consequences of not wearing them.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Grantees are being encouraged to adopt and enforce on-the-

job seat belt use policies and programs and no additional costs are expected to be imposed.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on the fact that the provision simply encourages Federal grantees to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. Federal grantees are also encouraged to conduct education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. This rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Grantees are being encouraged to adopt and enforce on-the-job seat belt use policies and programs and no additional costs are expected to be imposed. Most grantees probably already have programs in place to conduct education and awareness programs about the importance of wearing seat belts and the consequences of not wearing them. No additional costs are expected to be imposed. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) was not required.

In accordance with Executive Order 12630, this rule does not have significant takings implications. A takings implication assessment is not required. No takings of personal property will occur as a result of this rule.

In accordance with Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Awards to governmental entities are governed by 43 CFR part 12, Subpart C. Under section 12.76, a State is required to ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Therefore, this requirement is not considered to be interference by the Federal Government with State rights as described in Executive Order 13132. A Federalism Assessment is not required.

In accordance with Executive Order 12988, the Office of the Solicitor determined that this rule does not

unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

This regulation does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act was not required. An OMB form 83-I was not required.

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

#### Analysis of Comments

One public comment was received in response to the publication of the interim final rule. A respondent from the State of Ohio commented that the rule was an arbitrary, unnecessary and unwarranted intrusion by the federal government to affect behavior in an area tangential, at best, to its constitutional responsibilities. The commenter recommended that the rule be withdrawn so that federal employees could focus on their real and important work. The Department is publishing the regulation because of the requirement in Section 2 of the Order which directed all agencies of the executive branch to promulgate rules to further the policies of the Order.

An internal commenter objected to the requirement to include the manual add-in provision in their grants and cooperative agreements and asked that Section 12.2 (e)(3) and its provision be deleted entirely since it was redundant and unnecessary. This comment was the only one received of this nature and to accommodate their concerns, the final rule will allow either the inclusion of the provision or a reference to the applicability of 43 CFR part 12.

#### List of Subjects in 43 CFR Part 12

Administrative practice and procedure, Contract programs, Cooperative agreements, Grant programs, Grants administration, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 43 CFR part 12 which was published at 64 FR 72287 on December 27, 1999, is adopted as a final rule without change.

Dated: May 31 2000.

#### Lisa Guide,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 00-15175 Filed 6-15-00; 8:45 am]

BILLING CODE 4310-RF-U

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 52

[CC Docket No. 99-200; FCC 00-104]

#### Numbering Resource Optimization

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document implements numbering resource optimization measures which will minimize the negative impact on consumers of premature area code exhausts; ensure sufficient access to numbering resources for all service providers to enter into or to compete in telecommunications markets; avoid, at least delay, exhaust of the NANP and the need to expand the NANP; impose the least societal cost possible, and ensure competitive neutrality, while obtaining the highest benefit; ensure that no class of carrier or consumer is unduly favored or disfavored by our optimization efforts, and minimize the incentives for carriers to build and carry excessively large inventories of numbers.

**DATES:** The rules in this document are effective July 17, 2000, except for § 52.15(f) which contains information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of § 52.15(f).

**ADDRESSES:** Federal Communications Commission, Secretary, 445 12th Street, SW, Room TW-B204F, Washington, DC 20554.

#### FOR FURTHER INFORMATION CONTACT:

Aaron Goldberger, (202) 418-2320 or email at [agoldberg@fcc.gov](mailto:agoldberg@fcc.gov) or Cheryl Callahan at (202) 418-2320 or [ccallaha@fcc.gov](mailto:ccallaha@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order* adopted on March 17, 2000, and released on March 31, 2000. The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC 20554. The complete text may also be obtained through the world wide web, at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders>, or may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW, Washington, DC 20036.

## Synopsis of Report and Order

1. In this *Report and Order* the Commission adopted administrative and technical measures that will allow us to monitor more closely the way numbering resources are used within the NANP. Specifically, we adopted a mandatory data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently.

2. In addition, the Commission adopted a system for allocating numbers in blocks of one thousand, rather than ten thousand, wherever possible ("thousands-block number pooling"), and establish a plan for national rollout of thousands-block number pooling. Furthermore, we adopt numbering resource reclamation requirements to ensure the return of unused numbers to the NANP inventory for assignment to other carriers.

3. The Commission also mandated sequential assignment of numbering resources within thousands blocks to facilitate reclamation and the establishment of thousands-block number pools.

4. The Commission addressed and resolved two of the major factors that contribute to numbering resource exhaust: the absence of regulatory, industry or economic control over requests for numbering resources, which permits carriers to abuse the allocation system and stockpile numbers, and the allocation of numbers in blocks of 10,000, irrespective of the carrier's actual need for new numbers.

5. In initially concentrating on these two areas, the Commission does not intend to abandon our examination of those optimization measures not specifically addressed in this *Report and Order*. To the contrary, we intend to pursue all viable methods available to us to increase the life of each area code and of the NANP as a whole and to forestall, as long as possible, the need for area code relief and ultimately for the expansion of the NANP. We first focus on the above-noted measures because we are convinced that they can be implemented quickly and will produce immediate and measurable results. We intend to address the remaining issues discussed in the *Notice of Proposed Rulemaking* (64 FR 32471, June 17, 1999) as well as the additional issues raised in the *Further Notice of Proposed Rulemaking* in subsequent orders as expediently as possible.

## Paperwork Reduction Act of 1995 Analysis

6. The actions contained in this *Report and Order* have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose a new reporting requirement or burden on the public. The rules in this document are effective July 17, 2000, except for § 52.15(f) which contains information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

## Final Regulatory Flexibility Analysis

7. As required by the Regulatory Flexibility Act, 5 U.S.C. 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Notice*. The Commission sought written public comment on the proposals in the *Notice*, including comment on the IRFA. There were no comments received on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Public Law 104-121, 100 Stat. 847 (1996).

8. *Need for and Objectives of this Report and Order*. In the *Notice* the Commission sought public comment on how best to create national standards for numbering resource optimization. In doing so, the primary objective was to ensure sufficient access to numbering resources for all service providers that need them to enter into or to compete in telecommunications markets; avoid, or at least delay, exhaust of the NANP and the need to expand the NANP; minimize the negative impact on consumers; impose the least cost possible, in a competitively neutral manner, while obtaining the highest benefit. To ensure that no class of carrier or consumer is unduly favored or disfavored by our numbering resource optimization efforts; and minimize the incentives for building and carrying excessively large inventories of numbers.

9. In this *Report and Order* the Commission adopted administrative and technical measures that will allow it to monitor more closely the way numbering resources are used within the NANP. Specifically, we adopt a mandatory data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. In addition, we

adopt a system for allocating numbers in blocks of one thousand, rather than ten thousand, wherever possible ("thousands-block number pooling"), and establish a plan for national rollout of thousands-block number pooling. Furthermore, we adopt numbering resource reclamation requirements to ensure the return of unused numbers to the NANP inventory for assignment to other carriers. We also mandate sequential assignment of numbering resources within thousands blocks to facilitate reclamation and the establishment of thousands-block number pools.

10. *Description and Estimate of the Number of Small Entities That May Be Affected by this Report and Order*. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.<sup>1</sup> The Regulatory Flexibility Act defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small business concern" under section 3 of the Small Business Act.<sup>2</sup> A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>3</sup>

11. In this FRFA, we have considered the potential impact of this *Report and Order* on all users of telephone numbering resources. The small entities possibly affected by these rules include wireline, wireless, and other entities, as described below. The SBA has defined a small business for Standard Industrial Classification (SIC) categories 4,812 (Radiotelephone Communications) and 4,813 (Telephone Communications, Except Radiotelephone) to be small entities having no more than 1,500 employees.<sup>4</sup> Although some affected incumbent local exchange carriers (ILECs) may have 1,500 or fewer employees, we do not believe that such entities should be considered small entities within the meaning of the RFA because they are either dominant in their field of operations or are not independently owned and operated, and therefore by definition are not "small entities" or "small business concerns" under the RFA. Accordingly, our use of the terms "small entities" and "small businesses" does not encompass small ILECs. Out of an abundance of caution, however, for regulatory flexibility

<sup>1</sup> 5 U.S.C. 603(b)(3).

<sup>2</sup> *Id.* at 601(3).

<sup>3</sup> *Id.* at 632.

<sup>4</sup> 13 CFR 121.201.

analysis purposes, we will separately consider small ILECs within this analysis and use the term "small ILECs" to refer to any ILECs that arguably might be defined by the SBA as "small business concerns."<sup>5</sup>

12. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its *Carrier Locator: Interstate Service Providers Report (Locator)*.<sup>6</sup> These carriers include, inter alia, local exchange carriers, competitive local exchange carriers, interexchange carriers, competitive access providers, satellite service providers, wireless telephony providers, operator service providers, pay telephone operators, providers of telephone toll service, providers of telephone exchange service, and resellers.

13. *Total Number of Companies Affected.* The U.S. Bureau of the Census (Census Bureau) reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year.<sup>7</sup> This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, personal communications services providers, covered specialized mobile radio providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small ILECs because they are not "independently owned and operated."<sup>8</sup> For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It is reasonable to conclude that fewer than 3,497 telephone service firms are small entity telephone service firms or small

ILECs that may be affected by the proposed rules, if adopted.

14. *Local Service Providers.* There are two principle providers of local telephone service; ILECs and competitive local service providers. Neither the Commission nor the SBA has developed a definition for small providers of local exchange services (LECs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.<sup>9</sup> According to data set forth in the *FCC Statistics of Communications Common Carriers (SOCC)*, 34 ILECs have more than 1,500 employees.<sup>10</sup> We do not have data specifying the number of these carriers that are either dominant in their field of operations or are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of ILECs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 1,376 ILECs are small entities that may be affected by the proposed rules, if adopted.

15. We have included small incumbent LECs in this present RFA analysis. As noted above, a "small business" under the RFA is one that, inter alia, meets the pertinent small business size standard (e.g., a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation."<sup>11</sup> The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope.<sup>12</sup> We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

16. *Competitive Local Service Providers.* This category includes

competitive access providers (CAPs), competitive local exchange providers (CLECs), shared tenant service providers, local resellers, and other local service providers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive local service providers. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.<sup>13</sup> According to the most recent *Locator* data, 145 carriers reported that they were engaged in the provision of competitive local service.<sup>14</sup> We do not have data specifying the number of these carriers that are not independently owned or operated, and thus are unable at this time to estimate with greater precision the number of competitive local service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 145 small entity competitive local service providers that may be affected by the proposed rules, if adopted.

17. *Providers of Toll Service.* The toll industry includes providers of interexchange services (IXCs), satellite service providers and other toll service providers, primarily resellers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of toll service. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.<sup>15</sup> According to the most recent *Locator* data, 164 carriers reported that they were engaged in the provision of toll services.<sup>16</sup> We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of toll providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 164 small entity toll providers that may be affected by the proposed rules, if adopted.

18. *Resellers.* This category includes toll resellers, operator service providers, pre-paid calling card providers, and other toll service providers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest

<sup>5</sup> See 13 CFR 121.201, SIC code 4813. Since the time of the *Local Competition* decision, 61 FR 45476 (Aug. 29, 1996), the Commission has consistently addressed in its regulatory flexibility analyses the impact of its rules on such ILECs.

<sup>6</sup> FCC, *Carrier Locator: Interstate Service Providers* at 1-2. This report lists 3,604 companies that provided interstate telecommunications service as of December 31, 1997 and was compiled using information from Telecommunications Relay Service (TRS) Fund Worksheet filed by carriers (Jan. 1999).

<sup>7</sup> U.S. Department of Commerce, Bureau of the Census, 1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size, at Firm Size 1-123 (1995) (1992 Census).

<sup>8</sup> See generally 15 U.S.C. 632(a)(1).

<sup>9</sup> *Id.*

<sup>10</sup> SOCC at Table 2.9.

<sup>11</sup> 5 U.S.C. 601(3).

<sup>12</sup> Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Small Business Act contains a definition of "small business concern," which the RFA incorporates into its own definition of "small business." See 15 U.S.C. 632(a) (Small Business Act); 5 U.S.C. 601(3)(RFA). SBA regulations interpret "small business concern" to include the concept of dominance on a national basis. 13 CFR 121.102(b). Since 1996, out of an abundance of caution, the Commission has included small incumbent LECs in its regulatory flexibility analyses. See, e.g., Implementation of the Local Competition Provisions of the Telecommunications Act of 1996. *First Report and Order*. 11 FCC Rcd 15499, 16144-45 (1996), 61 FR 45476 (Aug. 29, 1996)

<sup>13</sup> 13 CFR 121.201, SIC code 4813.

<sup>14</sup> *Locator* at 1-2.

<sup>15</sup> 13 CFR 121.201, SIC code 4813.

<sup>16</sup> *Locator* at 1-2.

applicable SBA definition for a reseller is a telephone communications company other than radiotelephone (wireless) companies.<sup>17</sup> According to the most recent *Locator* data, 405 carriers reported that they were engaged in the resale of telephone service.<sup>18</sup> We do not have data specifying the number of these carriers that are not independently owned or operated, and thus are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 405 small entity resellers that may be affected by the proposed rules, if adopted.

19. *Wireless Telephony and Paging and Messaging.* Wireless telephony includes cellular, personal communications service (PCS) or specialized mobile radio (SMR) service providers. Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees, or to providers of paging and messaging services. The closest applicable SBA definition for a reseller is a telephone communications company other than radiotelephone (wireless) companies.<sup>19</sup> According to the most recent *Locator* data, 732 carriers reported that they were engaged in the provision of wireless telephony and 137 companies reported that they were engaged in the provision of paging and messaging service.<sup>20</sup> We do not have data specifying the number of these carriers that are not independently owned or operated, and thus are unable at this time to estimate with greater precision the number that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 732 carriers are engaged in the provision of wireless telephony and fewer than 137 companies are engaged in the provision of paging and messaging service.

20. *Cable and Pay Television Service Providers.* The SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating \$11 million or less in revenue annually.<sup>21</sup> This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multi-point distribution systems, satellite master antenna systems and subscription television services. According to the

Census Bureau data from 1992, there were 1,788 total cable and other pay television services and 1,423 had less than \$11 million in revenue.<sup>22</sup>

21. The Commission has developed its own definition of a small cable system operator for the purposes of rate regulation. Under the Commission's rules, a "small cable company" is one serving fewer than 400,000 subscribers nationwide.<sup>23</sup> Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable system operators at the end of 1995.<sup>24</sup> Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, we estimate that there are fewer than 1,439 small entity cable system operators.

22. The Communications Act also contains a definition of a small cable system operator, which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000."<sup>25</sup> The Commission has determined that there are 66,000,000 subscribers in the United States. Therefore, we found that an operator serving fewer than 660,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed \$250 million in the aggregate.<sup>26</sup> Based on available data, we find that the number of cable operators serving 660,000 subscribers or less totals 1,450.<sup>27</sup> We do not request nor do we collect information concerning whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250,000,000,<sup>28</sup> and thus are unable at

<sup>22</sup> 1992 Economic Census Industry and Enterprise Receipts Size Report, Table 2D, SIC code 4841 (U.S. Bureau of the Census data under contract to the Office of Advocacy of the U.S. Small Business Administration).

<sup>23</sup> 47 CFR 76.901(e). The Commission developed this definition based on its determination that a small cable system operator is one with annual revenues of \$100 million or less. Implementation of Sections of the 1992 Cable Act: Rate Regulation, *Sixth Report and Order and Eleventh Order on Reconsideration*, 10 FCC Rcd 7393 (1995), 60 FR 10534 (Feb. 27, 1995).

<sup>24</sup> Paul Kagan Associates, Inc., *Cable TV Investor*, Feb. 29, 1996 (based on figures for Dec. 30, 1995).

<sup>25</sup> 47 U.S.C. 543(m)(2).

<sup>26</sup> 47 CFR 76.1403(b).

<sup>27</sup> Paul Kagan Associates, Inc., *Cable TV Investor*, *supra*.

<sup>28</sup> We do receive such information on a case-by-case basis only if a cable operator appeals a local franchise authority's finding that the operator does

this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act. It should be further noted that recent industry estimates project that there will be a total of 66,000,000 subscribers, and we have based our fee revenue estimates on that figure.

23. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements.*<sup>29</sup> This *Report and Order* mandates the following information collection: All carriers that receive numbering resources from the NANPA (code holders), or that receive numbering resources from a pooling administrator in thousands-blocks (block holders), must report forecast and utilization data to the NANPA on a semi-annual basis. All carriers, except rural telephone companies as defined by the Communications Act of 1934, as amended, must report their utilization data at the thousands-block level per rate center. Rural telephone companies in areas where local number portability has not been implemented may report their utilization data at the NXX per rate center level. Forecast data will be reported at the thousands-block per rate center level in pooling NPAs, and in non-pooling NPAs at the NXX per NPA level. Furthermore, carriers not participating in thousands-block number pooling must report their utilization rate along with the months to exhaust worksheet at the time they request additional numbering resources.

24. We require all carriers, except rural telephone companies, to maintain internal records of their numbering resources for all 13 categories (5 major, and 8 subcategories) as defined in Section C. Carriers are to maintain this data for a period of not less than 5 years.

25. *Other Compliance Requirements.* None.

26. *Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered.* We have concluded that the cost of data collection will be minimized if done electronically. Although we have stated that all carriers must report their forecast and utilization data electronically, we have provided for more than one method. Large and mid-size carriers may submit by electronic file transfer similar to FTP. Smaller carriers may file using a

not qualify as a small cable operator pursuant to section 76.1403(b) of the Commission's rules. See 47 CFR 76.1403(d).

<sup>29</sup> See also Notice, 64 FR 32471, for an Initial Paperwork Reduction Act analysis.

<sup>17</sup> 13 CFR 121.201, SIC code 4813.

<sup>18</sup> *Locator* at 1-2.

<sup>19</sup> 13 CFR 121.201, SIC code 4813.

<sup>20</sup> *Locator* at 1-2.

<sup>21</sup> 13 CFR 121.201, SIC code 4841.

NANPA-developed spreadsheet format via Internet-based online access. Very small carriers may fax their data submissions to the NANPA. We find it reasonable to allow any carrier whose forecast and utilization data has not changed from the previous reporting period to simply refile the prior submission or indicate that there has been no change since the last reporting.

27. *Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules.* None.

#### Ordering Clauses

28. Accordingly, it is ordered that, pursuant to sections 1, 3, 4, 201–205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201–205, 251, and Part 52 of the Commission's rules are amended.

29. It is further ordered that the amendments to §§ 52.7 through 52.19 of the Commission's rules as set forth in the rule changes are effective July 17, 2000, except for § 52.15(f) which contains information collection requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

30. It is further ordered that the Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this *Report and Order and Further Notice of Proposed Rulemaking*, including the Initial and Final Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of Small Business Administration.

#### List of Subjects in 47 CFR Part 52

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

#### Rule Changes

For reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 52 as follows:

#### PART 52—NUMBERING

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

**Authority:** Sections 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201–205, 207–09, 218, 225–7, 251–2, 271 and 332 unless otherwise noted.

2. Section 52.5 is amended by adding paragraph (i) to read as follows:

#### § 52.5 Definitions.

\* \* \* \* \*

(i) *Service provider.* The term “service provider” refers to a telecommunications carrier or other entity that receives numbering resources from the NANPA, a Pooling Administrator or a telecommunications carrier for the purpose of providing or establishing telecommunications service.

3. Section 52.7 is amended by adding paragraphs (g), (h), (i) and (j) to read as follows:

#### § 52.7 Definitions.

\* \* \* \* \*

(g) *Pooling Administrator (PA).* The term “Pooling Administrator” refers to the entity or entities responsible for administering a thousands-block number pool.

(h) *Contamination.* Contamination occurs when at least one telephone number within a block of telephone numbers is not available for assignment to end users or customers. For purposes of this provision, a telephone number is “not available for assignment” if it is classified as administrative, aging, assigned, intermediate, or reserved as defined in § 52.15(f)(1).

(i) *Donation.* The term “donation” refers to the process by which carriers are required to contribute telephone numbers to a thousands-block number pool.

(j) *Inventory.* The term “inventory” refers to all telephone numbers distributed, assigned or allocated:

(1) To a service provider; or

(2) To a pooling administrator for the purpose of establishing or maintaining a thousands-block number pool.

4. Section 52.15 is amended by adding paragraphs (f), (g), (h), (i) and (j) to read as follows:

#### § 52.15 Central office code administration.

\* \* \* \* \*

(f) *Mandatory reporting requirements—*(1) *Number use categories.* Numbering resources must be classified in one of the following categories:

(i) *Administrative numbers* are numbers used by telecommunications carriers to perform internal administrative or operational functions necessary to maintain reasonable quality of service standards.

(ii) *Aging numbers* are disconnected numbers that are not available for assignment to another end user or customer for a specified period of time. Numbers previously assigned to residential customers may be aged for no more than 90 days. Numbers previously assigned to business

customers may be aged for no more than 360 days.

(iii) *Assigned numbers* are numbers working in the Public Switched Telephone Network under an agreement such as a contract or tariff at the request of specific end users or customers for their use, or numbers not yet working but having a customer service order pending. Numbers that are not yet working and have a service order pending for more than five days shall not be classified as assigned numbers.

(iv) *Available numbers* are numbers that are available for assignment to subscriber access lines, or their equivalents, within a switching entity or point of interconnection and are not classified as assigned, intermediate, administrative, aging, or reserved.

(v) *Intermediate numbers* are numbers that are made available for use by another telecommunications carrier or non-carrier entity for the purpose of providing telecommunications service to an end user or customer. Numbers ported for the purpose of transferring an established customer's service to another service provider shall not be classified as intermediate numbers.

(vi) *Reserved numbers* are numbers that are held by service providers at the request of specific end users or customers for their future use. Numbers held for specific end users or customers for more than 45 days shall not be classified as reserved numbers.

(2) *Reporting carrier.* The term “reporting carrier” refers to a telecommunications carrier that receives numbering resources from the NANPA, a Pooling Administrator or another telecommunications carrier.

(3) *Data collection procedures.* (i) Reporting carriers shall report utilization and forecast data to the NANPA.

(ii) Reporting shall be by separate legal entity and must include company name, company headquarters address, OCN, parent company OCN(s), and the primary type of business for which the numbers are being used.

(iii) All data shall be filed electronically in a format approved by the Common Carrier Bureau.

(4) *Forecast data reporting.* (i) Reporting carriers shall submit to the NANPA a five-year forecast of their yearly numbering resource requirements.

(ii) In areas where thousands-block number pooling has been implemented:

(A) Reporting carriers that are required to participate in thousands-block number pooling shall report forecast data at the thousands-block (NXX–X) level per rate center;

(B) Reporting carriers that are not required to participate in thousands-block number pooling shall report forecast data at the central office code (NXX) level per rate center.

(iii) In areas where thousands-block number pooling has not been implemented, reporting carriers shall report forecast data at the central office code (NXX) level per NPA.

(iv) Reporting carriers shall identify and report separately initial numbering resources and growth numbering resources.

(5) *Utilization data reporting.* (i) Reporting carriers shall submit to the NANPA a utilization report of their current inventory of numbering resources. The report shall classify numbering resources in the following number use categories: *assigned, intermediate, reserved, aging, and administrative.*

(ii) Rural telephone companies, as defined in the Communications Act of 1934, as amended, 47 U.S.C. 153(37), that provide telecommunications service in areas where local number portability has not been implemented shall report utilization data at the central office code (NXX) level per rate center in those areas.

(iii) All other reporting carriers shall report utilization data at the thousands-block (NXX-X) level per rate center.

(6) *Reporting frequency.* (i) Reporting carriers shall file forecast and utilization reports semi-annually on or before February 1 for the preceding reporting period ending on December 31, and on or before August 1 for the preceding reporting period ending on June 30. Mandatory reporting shall commence August 1, 2000.

(ii) State commissions may reduce the reporting frequency for NPAs in their states to annual. Reporting carriers operating in such NPAs shall file forecast and utilization reports annually on or before August 1 for the preceding reporting period ending on June 30, commencing August 1, 2000.

(iii) A state commission seeking to reduce the reporting frequency pursuant to paragraph (f) (6)(ii) of this section shall notify the Common Carrier Bureau and the NANPA in writing prior to reducing the reporting frequency.

(7) *Access to data and confidentiality*—States shall have access to data reported to the NANPA provided that they have appropriate protections in place to prevent public disclosure of disaggregated, carrier-specific data.

(g) *Applications for numbering resources*—(1) *General requirements.* All applications for numbering resources must include the company name, company headquarters address,

OCN, parent company's OCN(s), and the primary type of business in which the numbering resources will be used.

(2) *Initial numbering resources.* Applications for initial numbering resources shall include evidence that:

(i) The applicant is authorized to provide service in the area for which the numbering resources are being requested; and

(ii) The applicant is or will be capable of providing service within sixty (60) days of the numbering resources activation date.

(3) *Growth numbering resources.* (i) Applications for growth numbering resources shall include:

(A) A Months-to-Exhaust Worksheet that provides utilization by rate center for the preceding six months and projected monthly utilization for the next twelve (12) months; and

(B) The applicant's current numbering resource utilization level for the rate center in which it is seeking growth numbering resources.

(ii) The numbering resource utilization level shall be calculated by dividing all *assigned numbers* by the total numbering resources in the applicant's inventory and multiplying the result by 100. Numbering resources activated in the Local Exchange Routing Guide (LERG) within the preceding 90 days of reporting utilization levels may be excluded from the utilization calculation.

(iii) All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

(iv) The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

(h) [Reserved]

(i) *Reclamation of numbering resources.* (1) Reclamation refers to the process by which service providers are

required to return numbering resources to the NANPA or the Pooling Administrator.

(2) State commissions may investigate and determine whether service providers have activated their numbering resources and may request proof from all service providers that numbering resources have been activated and assignment of telephone numbers has commenced.

(3) Service providers may be required to reduce contamination levels to facilitate reclamation and/or pooling.

(4) State commissions shall provide service providers an opportunity to explain the circumstances causing the delay in activating and commencing assignment of their numbering resources prior to initiating reclamation.

(5) The NANPA and the Pooling Administrator shall abide by the state commission's determination to reclaim numbering resources if the state commission is satisfied that the service provider has not activated and commenced assignment to end users of their numbering resources within six months of receipt.

(6) The NANPA and Pooling Administrator shall initiate reclamation within sixty days of expiration of the service provider's applicable activation deadline.

(7) If a state commission declines to exercise the authority delegated to it in this paragraph, the entity or entities designated by the Commission to serve as the NANPA shall exercise this authority with respect to NXX codes and the Pooling Administrator shall exercise this authority with respect to thousands-blocks. The NANPA and the Pooling Administrator shall consult with the Common Carrier Bureau prior to exercising the authority delegated to it in this provision.

(j) *Sequential number assignment.* (1) All service providers shall assign all available telephone numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block, unless the available numbers in the opened thousands-block are not sufficient to meet a specific customer request. This requirement shall apply to a service provider's existing numbering resources as well as any new numbering resources it obtains in the future.

(2) A service provider that opens an uncontaminated thousands-block prior to assigning all available telephone numbers within an opened thousands-block should be prepared to demonstrate to the state commission:

(i) A genuine request from a customer detailing the specific need for telephone numbers; and

(ii) The service provider's inability to meet the specific customer request for telephone numbers from the available numbers within the service provider's opened thousands-blocks.

(3) Upon a finding by a state commission that a service provider inappropriately assigned telephone numbers from an uncontaminated thousands-block, the NANPA or the Pooling Administrator shall suspend assignment or allocation of any additional numbering resources to that service provider in the applicable NPA until the service provider demonstrates that it does not have sufficient numbering resources to meet a specific customer request.

5. Add § 52.20 to read as follows:

**§ 52.20 Thousands-block number pooling.**

(a) *Definition.* Thousands-block number pooling is a process by which the 10,000 numbers in a central office code (NXX) are separated into ten sequential blocks of 1,000 numbers each (thousands-blocks), and allocated separately within a rate center.

(b) *General requirements.* Pursuant to the Commission's adoption of thousands-block number pooling as a mandatory nationwide numbering resource optimization strategy, all carriers capable of providing local number portability (LNP) must participate in thousands-block number pooling where it is implemented and consistent with the national thousands-block number pooling framework established by the Commission.

(c) *Donation of thousands-blocks.* (1) All service providers required to participate in thousands-block number pooling shall donate thousands-blocks with less than ten percent contamination to the thousands-block number pool for the rate center within which the numbering resources are assigned.

(2) All service providers required to participate in thousands-block number pooling shall be allowed to maintain at least one thousands-block per rate center, even if the thousands-block is less than ten-percent contaminated, as an initial block or footprint block.

(3) Telephone numbers assigned to customers of service providers from donated thousands-blocks that are contaminated shall be ported back to the donating service provider.

(d) *Thousands-Block Pooling Administrator.* (1) The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunication industry segment, and shall comply with the same

neutrality requirements that the NANPA is subject to under this part.

(2) The Pooling Administrator shall maintain no more than a six-month inventory of telephone numbers in each thousands-block number pool.

[FR Doc. 00-15199 Filed 6-15-00; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA No. 00-1208, MM Docket No. 97-116; RM-9050 & RM-9123]

**Radio Broadcasting Services; Estero, Everglades City, LaBelle, and Key West, FL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a petition filed by Keith L. Reising a *Notice of Proposed Rule Making* was issued proposing the allotment of Channel 224A at Everglades City, Florida. See 62 FR 22900, April 28, 1997. In response to a counterproposal filed by InterMart Broadcasting West Coast, Inc., this document substitutes Channel 223C3 for Channel 223A at LaBelle, Florida, reallocates Channel 223C3 to Estero, Florida, and modifies the license for Station WWWD to specify Estero as its community of license. The coordinates for Channel 223C3 at Estero are 26-21-50 and 81-46-00. To accommodate the channel at Estero, we have substituted Channel 224C1 for Channel 223C1 at Key West, Florida, and modified the license for Station WEOW accordingly. The coordinates for Channel 224C1 at Key West are 24-40-35 and 81-30-41. The proposal for Everglades City is dismissed as it has been determined that a first local service at Estero will serve a larger population than an allotment at Everglades City. With this action, this proceeding is terminated.

**DATES:** Effective July 17, 2000.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 97-116, adopted May 24, 2000, and released June 2, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased

from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing LaBelle, Channel 223C1 and adding Estero, Channel 223C3 and by removing Channel 223C1 and adding Channel 224C1 at Key West.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-15261 Filed 6-15-00; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 00-1206; MM Docket No. 99-279; RM-9716]

**Radio Broadcasting Services; Greeley and Broomfield, CO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a proposal filed on behalf of Chancellor Media/Shamrock Radio, Licensees L.L.C., the Commission reallocates Channel 223C1 from Greeley to Broomfield, Colorado as that community's first local aural transmission service, and modifies the license for Station KDJM (formerly KVOD-FM) accordingly. See 64 FR 54270, October 6, 1999. Coordinates used for Channel 223C1 at Broomfield, Colorado, are 40-03-15 NL and 105-04-12 WL.

**DATES:** Effective July 17, 2000.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 99-279, adopted May 24, 2000, and released

June 2, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Broomfield, Channel 223C1.

3. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 223C1 at Greeley.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-15262 Filed 6-15-00; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1244

[STB Ex Parte No. 385 (Sub-No. 4)]

#### Modification of the Carload Waybill Sample and Public Use File Regulations

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rules.

**SUMMARY:** The existing regulations at 49 CFR Part 1244 are modified to require all railroads to identify contract movements in the annual carload waybill sample and establish a 30-year limit on the confidentiality of the "Waybill Sample."

**EFFECTIVE DATE:** January 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** James Nash, (202) 565-1542 or H. Jeff Warren, (202) 525-1533. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Railroads that annually terminate 4,500 or more

carloads (or 5 percent of the carloads in any State) are required to report data, including revenues, on individual movements drawn from a sampling of their traffic. This "Waybill Sample" is used for a variety of purposes by the Board, by parties appearing before the agency, by other Federal and State agencies, and by the public in general. Because of the current widespread use of confidential transportation contracts in the railroad industry,<sup>1</sup> we are revising the Waybill Sample reporting requirements to ensure that accurate and representative data on contract movements are reported.<sup>2</sup> At the same time, our rule will continue to protect the confidentiality of the Waybill Sample and keep the reporting burden to a minimum.

In an Advance Notice of Proposed Rulemaking (ANPR), served May 17, 1999 (64 FR 26723, May 17, 1999), we solicited comments on modifications to the existing regulations at 49 CFR Part 1244 to enhance the usefulness of the Waybill Sample and to conform to requirements of the National Archives and Records Administration (Archives) for storing historical records.<sup>3</sup> We specifically requested comments on requiring all railroads to identify (flag) those shipments in the Waybill Sample that are governed by transportation contracts and to report the actual revenues for each contract shipment. We suggested that we could protect (mask) the confidentiality of the contract revenues by reporting average revenue figures in the Waybill Sample. We also suggested a 20-year confidentiality period to meet the requirements of the Archives.

We received comments from the Association of American Railroads (AAR), the U.S. Department of Transportation (DOT), the Western Coal Traffic League (WCTL), David L. Hall (Hall), and Escalation Consultants, Inc (EC). After considering the parties' comments, we issued a Notice of

<sup>1</sup> The Association of American Railroads (AAR) recently advised the General Accounting Office that 70% of rail traffic moves under contract. *Railroad Regulation: Changes in Railroad Rates and Service Quality Since 1990* (GAO/RCED-99-93, Apr. 1999), p. 23.

<sup>2</sup> While most Class I railroads identify contract movements in the Waybill Sample, some do not and no non-Class I carriers identify contract movements. As a result, the accuracy and representativeness of the Waybill Sample suffers.

<sup>3</sup> In accordance with the National Archives and Records Administration Act of 1984, Pub. L. 98-497, 44 U.S.C. 101 note, the Waybill Sample was appraised by the Archives and determined to be a permanent record of the Board (Request to Transfer, Approval, and Receipt of Records to National Archives of the United States Job Number NN3-134-094-001). Permanent records must be transferred to the Archives under 44 U.S.C. 2107.

Proposed Rulemaking (NPR) served January 5, 2000 (65 FR 732, January 6, 2000). In the NPR we dropped the universally opposed suggestion to use an averaging method to mask actual contract revenues in the Waybill Sample and instead proposed only to require railroads to identify (flag) contract movements. Under the proposed regulations, railroads would be free to continue to choose a masking method of their own (so long as the masking procedure is submitted to and approved by the Board) or ask us to develop one for them. We also raised the proposed limit on the confidentiality of the Waybill Sample from 20 years to 30 years.

We received comments on the NPR from WCTL and NITL. AAR, DOT, Hall, and EC, which had commented on the ANPR, did not comment on the NPR.

#### Identification of Contract Shipments

Both WCTL and NITL support the proposed contract reporting rule and agree that it will provide more precise information concerning the volume and revenue of contract traffic while placing little additional reporting burden on the railroad industry. Because our proposal to require railroads to flag contract rates and mask the revenue associated with contract traffic is unopposed, we will adopt it without change.

WCTL also suggested that we should: (1) Subject to appropriate protective conditions, make the contract revenues available to shipper and other parties in rate and rulemaking cases; and (2) impose a user fee for Board masking of waybill sample revenues. Our long-standing policy is not to release actual contract revenues reported in the confidential waybill sample because of the potential for commercial harm to both the contracting railroad and shipper. WCTL argues that such commercially sensitive data may be needed by shippers for use in Board proceedings. However, WCTL provides no compelling reason to make a change to this general policy. We note that, through the discovery process, shippers have obtained information on some contract rates in rate complaint proceedings. We believe that it is best to address the issue of access to contract information on a case-by-case basis. Indeed, we note that neither the ANPR nor the NPR proposed such a change to our general policy on access to contract information and, therefore, it would be inappropriate to address that issue in this proceeding. For this same reason, it would be inappropriate in this proceeding to adopt a fee for masking a railroad's contract revenues. We will consider adopting a fee for this function

after we have gained some experience under the new rule.

#### Waybill Confidentiality Time Limit

WCTL supports the 30-year limit, but NITL argues that 30 years is excessive. NITL argues that there is no need to go beyond our original proposal of 20 years because the large majority of rail contracts have terms of less than 20 years and because the competitive value of rail contract rates negotiated 20 years ago is negligible.

While recognizing that most transportation contracts are for a term of less than 20 years, we nevertheless must exercise caution in sanctioning the release of data that may contain proprietary information. For that reason, we will adopt the confidentiality period of 30 years. We will also adopt the unopposed proposal that the Waybill Sample be sent to the Archives as we maintain it—*i.e.*, the contract flags will be included, but the contract revenue will remain masked.

The modifications to Title 49, part 1244 of the Code of Federal Regulations are contained in this document.

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities

within the meaning of the Regulatory Flexibility Act.

**Authority:** 49 U.S.C. 11145.

#### List of Subjects in 49 CFR Part 1244

Freight, Railroads, Reporting and recordkeeping requirements.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Decided: June 12, 2000.

**Vernon A. Williams,**  
*Secretary.*

For the reasons set forth in the preamble, Title 49, Part 1244 of the Code of Federal Regulations is amended as follows:

#### **PART 1244—WAYBILL ANALYSIS OF TRANSPORTATION OF PROPERTY—RAILROADS**

1. The authority citation for Part 1244 continues to read as follows:

**Authority:** 49 U.S.C. 721, 10707, 11144, 11145.

2. Redesignate §§ 1244.3 through 1244.8 as §§ 1244.4 through 1244.9.

3. Add new § 1244.3 to read as follows:

#### **§ 1244.3 Reporting contract shipment waybills.**

(a) All railroads shall identify (flag) contract shipment waybills.

(b) The revenue associated with contract shipments may be encrypted (masked) to safeguard the confidentiality of the contract rates.

(1) Upon written request, the Board will provide a masking procedure for a railroad's use or will mask the contract revenues when the Waybill Sample is filed with the Board.

(2) When a railroad intends to use its own proprietary masking procedure, those procedures, and any changes in those procedures, must be approved by the Board thirty (30) days prior to their use.

(3) All railroads that use a proprietary masking procedure, and intend to continue to use the same procedure, must certify, by letter to the Board, prior to January 31 each year, that the contract revenue masking procedures are unchanged.

(4) All correspondence and certifications concerning masking procedures should be addressed to: Director, Office of Economics, Environmental Analysis, and Administration, Surface Transportation Board, Washington, DC 20423-0001, ATTN: WAYBILL COORDINATOR.

[FR Doc. 00-15319 Filed 6-15-00; 8:45 am]

**BILLING CODE 4915-00-P**

# Proposed Rules

Federal Register

Vol. 65, No. 117

Friday, June 16, 2000

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 72 and 150

[Docket No. PRM-72-2]

RIN 3150-AG33

### Interim Storage for Greater Than Class C Waste

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to grant in part and deny in part a petition for rulemaking submitted by Portland General Electric Company (PRM-72-2) by amending its regulations dealing with greater than class C (GTCC) waste. The proposed amendments would only apply to the interim storage of GTCC waste generated or used by commercial nuclear power plants. The proposed amendments would allow licensing for interim storage of GTCC waste in a manner that is consistent with licensing the interim storage of spent fuel and would maintain Federal jurisdiction for storage of reactor-related GTCC waste. These proposed amendments would also simplify and clarify the licensing process.

**DATES:** The comment period expires August 30, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website (<http://ruleforum.llnl.gov>). This site provides the capability to upload

comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail [cag@nrc.gov](mailto:cag@nrc.gov)).

Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. These same documents also may be viewed and downloaded electronically via the rulemaking website.

Documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agency wide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 202-634-3273, or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Mark Haisfield [telephone (301) 415-6196, e-mail [MFH@nrc.gov](mailto:MFH@nrc.gov)] or Philip Brochman [telephone (301) 415-8592, e-mail [PGB@nrc.gov](mailto:PGB@nrc.gov)] of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

#### Background

##### *The Petition for Rulemaking*

The Nuclear Regulatory Commission received a petition for rulemaking dated November 2, 1995, submitted by Portland General Electric Company. The petition was docketed as PRM-72-2 and published in the **Federal Register**, with a 75-day comment period, on February 1, 1996 (61 FR 3619).

The petitioner requested that the NRC amend 10 CFR Part 72 to add the authority to store radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in 10 CFR 61.55.<sup>1</sup> This material is commonly referred to as "greater than

class C" waste or GTCC waste. GTCC waste is generally unsuitable for near-surface disposal as low-level waste (LLW), even though it is legally defined as LLW. 10 CFR 61.55(a)(2)(iv) requires that this type of waste be disposed of in a geologic repository unless approved for an alternative disposal method on a case-specific basis by the NRC.

The petitioner is an NRC-licensed utility responsible for the Trojan Nuclear Plant (Trojan). In the petition, the petitioner anticipated that it would need to dispose of GTCC waste during decommissioning. The decommissioning plan specifies the transfer of spent reactor fuel, currently being stored in the spent fuel pool, to an onsite Independent Spent Fuel Storage Installation (ISFSI) licensed under 10 CFR Part 72. The petitioner requested that 10 CFR Part 72 be revised to permit GTCC waste to be stored at the ISFSI pending transfer to a permanent disposal facility. The petitioner suggested that, because the need to provide interim storage for GTCC waste is not specific to Trojan but is generic, the regulations in 10 CFR Part 72 should be amended to explicitly provide for storage of GTCC waste in a licensed ISFSI.<sup>2</sup>

The petitioner believes that storage of GTCC waste under 10 CFR Part 72 will ensure safe interim storage. This storage would provide for public health and safety and environmental protection as required for spent fuel located at an ISFSI or spent fuel and high-level waste stored at a Monitored Retrievable Storage Installation (MRS).

The specific changes proposed in the petition would explicitly include interim storage of GTCC waste within the Purpose, Scope, and Definitions sections of 10 CFR Part 72 in order to treat GTCC waste in a manner similar to that for spent nuclear fuel. The revised definitions would only apply to the interim storage of GTCC waste under the authority of 10 CFR Part 72.

If this rule is adopted in final form, the petition would be granted in part and denied in part. This proposed rule would grant the petitioner's request to authorize GTCC waste storage under a

<sup>1</sup> In 10 CFR Part 61.55, "Waste Classification," the NRC codifies disposal requirements for three classes of low-level waste which are considered generally suitable for near-surface disposal. These are Class A, B, and C. Class C waste is required to meet the most rigorous disposal requirements.

<sup>2</sup> Although the proposal to grant this petition is no longer needed for Trojan since the GTCC waste was shipped to the Hanford LLW site within the reactor vessel, the NRC believes that this rulemaking, if promulgated, will be useful for other reactor operators that need to store their GTCC waste.

10 CFR Part 72 license, but as discussed later, uses a different approach.

#### *Public Comments on the Petition*

The notice of receipt of the petition for rulemaking invited interested persons to submit written comments concerning the petition. The NRC received six comment letters. Five comment letters were received from nuclear facilities and one from the Nuclear Energy Institute (NEI). NEI provided another letter on this subject directly to the NRC Chairman on February 2, 1999, and the NRC responded on March 25, 1999. The comments were reviewed and considered in the development of NRC's decision on this petition. These comments are available in the NRC Public Document Room.

All six commenters supported the petition. Two of the commenters (Sacramento Municipal Utility District and Yankee Atomic Electric Company) are currently decommissioning their reactors.

#### *Draft Rulemaking Plan*

As a result of the petition and the comment letters, the NRC developed a draft rulemaking plan to further consider the development of a rule that would meet the intent of the petition. In SECY-97-056, dated March 5, 1997, the NRC staff provided a draft rulemaking plan to the Commission outlining a rule that would modify 10 CFR Part 72 to allow storage of material, which when disposed of would be classified as GTCC waste, under the authority of 10 CFR Part 72 using the performance criteria of this part. As discussed in this draft rulemaking plan, currently licensees are authorized to store GTCC waste under the regulations in 10 CFR Part 30 and/or Part 70. Therefore, the draft rulemaking plan discussed adding an option to store GTCC waste under 10 CFR Part 72 while maintaining the existing option to store this waste using the authority of 10 CFR Parts 30 and 70. This plan was sent to the Agreement States for their comments on April 18, 1997. Four States provided comments—Illinois, New York, Texas, and Utah.

The draft rulemaking plan described how an ISFSI or an MRS might be regulated by both the NRC and an Agreement State (this is discussed in more detail in the Discussion section). The draft rulemaking plan did not require that the licensing jurisdiction for GTCC waste remain with NRC, but did suggest that Agreement States could voluntarily relinquish their licensing authority for GTCC waste stored at an ISFSI. The draft rulemaking plan specifically requested Agreement State

input relative to their likelihood of voluntarily relinquishing their authority for licensing when an ISFSI or an MRS is used for storing GTCC waste.

Three of the four state commenters indicated that they were opposed to voluntarily relinquishing their authority and preferred to maintain their licensing authority for GTCC waste. One state supported the concept. One state commenter questioned that inefficiencies will result from Agreement State regulation of GTCC waste at a reactor site concurrent with NRC regulation of spent fuel remaining at the site. The commenter noted that similar situations already exist when LLW is stored at the site. Another state commenter noted that there “\* \* \* have been many instances where an agreement state and NRC have effectively collaborated in the regulation of a single facility.” Another state commenter noted that the NRC recently informed the states that they could voluntarily relinquish their authority for sealed sources and devices and it was “\* \* \* vehemently opposed to any rule that automatically usurps a state's licensing authority without the State's consent.”

#### *Discussion*

Current NRC regulations are not clear on the acceptability of storing reactor-related GTCC waste co-located at an ISFSI or an MRS. Co-location is the storage of spent fuel and other radioactive material in their respective separate containers. This situation has created confusion and uncertainty on the part of decommissioning reactor licensees and may create inefficiency and inconsistency in the way the NRC handles GTCC waste licensing matters.

Currently, 10 CFR Part 50 licensees (Domestic Licensing of Production and Utilization Facilities) are authorized to store all types of reactor-related radioactive materials, including material that, when disposed of, would be classified as GTCC waste. The GTCC waste portion is currently being stored either within the reactor vessel, in the spent fuel pool, or in a radioactive material storage area, pending development of a suitable permanent disposal facility. Reactor-related GTCC waste is typically in a solid form (*i.e.*, mostly activated metals) such as reactor vessel internals, nozzles, and in-core instrumentation. A small amount of GTCC waste may also be in the form of a sealed source that was used during the operation of the reactor. GTCC waste may consist of either byproduct material or special nuclear material. The authority to license the possession and storage of GTCC waste is contained

within 10 CFR Part 30 for byproduct material and in 10 CFR Part 70 for special nuclear material. Under 10 CFR 50.52, the Commission may combine multiple licensing activities of an applicant that would otherwise be licensed individually in single licenses. Thus, the 10 CFR Part 50 license authorizing operation of production and utilization facilities currently includes, within it, the authorization to possess byproduct and special nuclear material that would otherwise need to be separately licensed under 10 CFR Parts 30 or 70.

Under current regulations, while a 10 CFR Part 50 license is in effect, a reactor licensee can store spent fuel generated at the reactor site under either a general license pursuant to 10 CFR 72.210 or a specific license pursuant to 10 CFR Part 72. In addition, the reactor licensee who has a 10 CFR Part 50 license, can store GTCC waste generated at the reactor site under the 10 CFR Parts 30 and 70 authority included in the 10 CFR Part 50 license.

Under current regulations, when the 10 CFR Part 50 license terminates, a reactor licensee can continue to store spent fuel generated at the reactor site under a specific license pursuant to 10 CFR Part 72. However, a general license under 10 CFR 72.210 would terminate because the 10 CFR Part 50 license has terminated, and the reactor licensee would need to apply for a specific license under 10 CFR Part 72 in order to continue to store spent fuel at the reactor site. Furthermore, the 10 CFR Parts 30 and 70 licenses included in the 10 CFR Part 50 licenses are also terminated when the 10 CFR Part 50 license terminates and the reactor licensee can only store GTCC waste by applying for a specific NRC license under 10 CFR Parts 30 and/or 70, or an equivalent Agreement State license if the facility is located in an Agreement State.

Under the proposed regulations, when a 10 CFR Part 50 license is terminated, the reactor licensee will only apply for an NRC license, but will have the option to store GTCC waste under either 10 CFR Part 72 or under 10 CFR Parts 30 and 70. This proposed regulation maintains Federal jurisdiction for GTCC waste under either approach (10 CFR Part 72 or 10 CFR Parts 30 and 70).

The proposed changes in this rulemaking would allow a 10 CFR Part 72 specific licensee to co-locate reactor-related GTCC waste within an ISFSI or an MRS. Applicants for a specific license would be required to provide a Safety Analysis Report (SAR) which would describe how the GTCC waste would be stored. The SAR would

describe how structures, systems, and components that are important to safety are properly designed to allow the storage of GTCC waste within an ISFSI or MRS. There are no separate design criteria for GTCC waste storage containers. Safe storage of GTCC waste will be governed by the provisions of 10 CFR Parts 20 and 72. The applicant shall ensure that the co-location of this radioactive material does not have an adverse effect on the safe storage of spent fuel and the operation of the ISFSI. Based on an acceptable review of the SAR, the NRC would issue a 10 CFR Part 72 specific license. Current 10 CFR Part 72 specific license holders would be required to submit an application to amend their 10 CFR Part 72 license, if they desire to store GTCC waste at their ISFSI.

Under existing regulations, storage of GTCC waste at an ISFSI after termination of the reactor licensee's 10 CFR Part 50 license could lead to (1) NRC regulating the spent fuel at an ISFSI and (2) Agreement States regulating GTCC waste at the same location. The NRC has exclusive regulatory authority over a reactor licensee's storage of all radioactive material both spent fuel and of GTCC waste during the term of the 10 CFR Part 50 license. Once the 10 CFR Part 50 license is terminated an Agreement State would have authority for any GTCC waste stored by the utility.

The NRC believes that decommissioning activities at commercial nuclear power plants will generate relatively small volumes of GTCC waste relative to the amount of spent fuel that exists at these sites. GTCC waste exceeds the concentration limits of radionuclides established for Class C in §§ 61.55(a)(3)(ii), 61.55(a)(4)(iii), or 61.55(a)(5)(ii). GTCC waste is not generally acceptable for near-surface disposal at licensed low-level radioactive waste disposal facilities. There currently are no routine disposal options for GTCC waste. Because GTCC waste is unlikely to be disposed of at a LLW disposal site regulated under 10 CFR Part 61, the GTCC waste must be stored in the interim.

In general, reactor-related GTCC wastes can be grouped into two categories. The first is activated metals, irradiated metal components from nuclear reactors such as core shrouds, support plates, and core barrels. The second is process wastes such as filters and resins resulting from the operation and decommissioning of reactors. In addition, there may be a small amount of GTCC waste generated from other

activities associated with the reactor's operation (e.g., reactor start-up sources).

The Low-Level Radioactive Waste Policy Amendments Act of 1985 gave the Federal Government (U.S. Department of Energy (DOE)) the primary responsibility for developing a national strategy for disposal of GTCC waste. The Act also gave the NRC the licensing responsibility for a disposal facility for GTCC waste. Until a disposal facility is licensed, there is a need for interim storage of GTCC waste.

In the development of the proposed rule, the NRC has identified a potential policy issue associated with DOE's responsibility for the disposal of GTCC waste. Because DOE has not yet identified criteria or technical regulations for a disposal package for spent fuel or GTCC waste, the NRC is concerned that the commingling of spent fuel and GTCC waste (i.e., the two types of waste stored within the same cask) may be unacceptable for permanent disposal in the geologic repository. In such a case, the spent fuel and GTCC waste would need to be removed from the storage container before the spent fuel is placed in the geologic repository.

The NRC desires to formulate regulations which both reduce radiological exposure and costs associated with repackaging the spent fuel and GTCC waste into two separate containers. Therefore, information from DOE on disposal policies will be helpful in developing commingling storage criteria for 10 CFR Part 72 (and enable the NRC to preclude a storage option that would be unacceptable for permanent disposal). Allowing commingling may be a technically safe and economical use of spent fuel storage cask space. The NRC staff has already reviewed and concluded, on a case-by-case basis, that GTCC waste in certain specific components associated with, and integral to, spent fuel (e.g., burnable poison rod assemblies, control rod assemblies, and thimble plugs) can be safely stored in the same cask with spent fuel. For current and future reviews, the NRC has developed guidance for the storage of these specific components. The position in the proposed rule is to preclude commingling of other reactor-related GTCC waste not integral to the spent fuel assemblies.

The proposed rule also precludes storage of liquid GTCC waste under 10 CFR Part 72. However, there are alternatives for a 10 CFR Part 50 licensee that desires to terminate their license yet still possesses liquid GTCC waste. These alternatives include the licensee's submission of an application

for a 10 CFR Part 30 or 70 license, with the appropriate conditions for storage of liquid GTCC waste, or the licensee's submission of a request for an exemption from the requirements of 10 CFR Part 72.

However, and as discussed below, the NRC is specifically requesting additional input from stakeholders, including DOE, to develop a more effective rulemaking. This includes commingling of GTCC waste and spent fuel (in an ISFSI) or spent fuel, high-level waste, and GTCC waste (in an MRS) and storage of potentially hazardous or liquid GTCC wastes.

#### *Request for Public Input on Specific Issues*

The Commission is seeking input from stakeholders on various technical topics associated with the storage of GTCC waste. Submit responses to these questions as identified in the **ADDRESSES** section listed above.

The storage of GTCC waste at an ISFSI or MRS presents safety and technical issues that differ from those previously addressed by the NRC for the storage of spent fuel. For example, some forms of GTCC waste may be susceptible to radiolytic or thermal decomposition. Consequently, the design of a container for the storage of GTCC waste would need to consider the generation of gas or other products. Furthermore, chemical, galvanic, or thermal interactions may occur between GTCC waste, spent fuel, and the cask internals for GTCC waste and spent fuel stored in the same cask (i.e., commingled).

Accordingly, the Commission is requesting comments from interested stakeholders on the following safety, technical or licensing issues. Guided by these comments, the Commission will consider these issues in the development of a final rule on the storage of GTCC waste under 10 CFR Part 72. Comments are not limited to the safety and technical issues listed below. Comments on proposed performance criteria for storage of GTCC waste are particularly requested. The performance criteria should ensure that systems, structures, and components (SSCs) which are important to safety will retain their ability to perform design functions during GTCC waste normal storage operations, anticipated occurrences, and accidents.

1. Should the storage of certain forms of GTCC waste and spent fuel in the same cask be prohibited? Or, should storage be permitted if performance criteria can be established? If so, what criteria should be used?

**Note:** As previously discussed, the NRC has already approved the storage of certain

types of GTCC waste and spent fuel in the same cask on a case-by-case basis. The approved GTCC waste has typically been reactor core components, (e.g., thimble plugs, burnable poison rod assemblies, and control rod assemblies). In addition, the Commission is separately requesting information from DOE regarding DOE's position on the final disposal of commingled spent fuel and GTCC waste.

2. Should the storage of explosive, pyrophoric, combustible, or chemically reactive GTCC waste be prohibited in either commingled or separate GTCC casks? Or should storage be permitted if performance criteria can be established? If so, what criteria should be used?

3. Should the storage of GTCC that may generate or release gases via radiolytic or thermal decomposition, including flammable gases, be prohibited in either commingled or separate GTCC casks? Or should storage be permitted if performance criteria can be established? If so, what criteria should be used?

4. Should the storage of solid GTCC waste that may contain free liquid (e.g., dewatered resin) be prohibited in either commingled or separate GTCC casks? Or should storage be permitted if performance criteria can be established? If so, what criteria should be used?

5. Should the storage of liquid GTCC waste be prohibited in either commingled or separate GTCC casks? Or should storage be permitted if performance criteria can be established? If so, what criteria should be used?

6. If reactor licensees, after termination of their 10 CFR Part 50 license, elect to store reactor-related GTCC waste under the provisions of 10 CFR Parts 30/70, is additional guidance needed to provide a more efficient licensing process?

#### *Proposed Regulatory Action*

The NRC is proposing to modify 10 CFR Parts 72 and 150. The proposed changes to these parts are necessary to allow the interim storage of NRC-licensed reactor-related GTCC waste within an ISFSI or an MRS and to require that the licensing responsibility for this waste remain under Federal jurisdiction. This proposed action deals only with GTCC waste used or generated by a commercial power reactor licensed under 10 CFR Part 50 (i.e., not a research reactor) and does not include any other sources of GTCC waste nor does it include other forms of LLW generated under a 10 CFR Part 50 license. Because reactor-related GTCC waste is initially under Federal jurisdiction while the reactor facility is operated and the ultimate disposal of GTCC waste is also under Federal

jurisdiction, the NRC believes that the interim period between termination of a reactor license and ultimate disposal should also remain under Federal jurisdiction. GTCC waste could become eligible for disposal in a geologic repository in the future. Spent fuel can be stored in an ISFSI or a MRS pending ultimate disposal. Therefore, for efficiency and consistency of licensing, the NRC believes that 10 CFR Part 72 should be modified to also allow the storage of GTCC waste within these facilities under NRC's jurisdiction. The existing regulatory scheme, which would allow for Federal-State-Federal jurisdiction over the generation, interim storage, and disposal of GTCC waste is an inefficient approach. It is inefficient for NRC and an Agreement State to both spend scarce resources to license and inspect an ISFSI that stores both spent fuel and GTCC waste. Additionally, 10 CFR Part 150 would require conforming changes.

This proposed rule would allow storage of reactor-related GTCC waste under a 10 CFR Part 72 specific license. The proposed changes would modify 10 CFR Part 72 to allow storage of GTCC waste under this part using the performance criteria of 10 CFR Part 72 (General Design Criteria in Subpart F). This would provide a more efficient means of implementing what is essentially already permitted by the regulations (storage of GTCC waste co-located at an ISFSI or an MRS). When storing spent fuel and GTCC waste within an ISFSI or MRS, the licensee or applicant must provide a description of how storage of the GTCC waste will not have an adverse effect on the ISFSI or MRS or on public health and safety and the environment.

The proposed rule would not eliminate the current availability of storing GTCC waste under the authority of a 10 CFR Part 30 or 70 license. Neither 10 CFR Parts 30 nor 70 include explicit criteria for storage of GTCC waste. Therefore, a licensing process conducted under these regulations would be more complicated and resource intensive because the licensee would need to develop new proposed storage criteria and the NRC would then need to review and approve these criteria within the licensing process. If this approach is followed, the NRC is proposing that Federal jurisdiction would be retained over the reactor-related GTCC waste stored under 10 CFR Parts 30 and 70.

Comparing these two approaches, the NRC recognizes that the licensing process will be simpler with less regulatory burden if all the radioactive waste to be stored at an ISFSI or MRS

is stored under the authority of one 10 CFR Part 72 license. 10 CFR Part 72 was developed specifically for storage of spent fuel at an ISFSI and spent fuel and high-level waste at an MRS. The general storage criteria of 10 CFR Part 72 will be applied to GTCC waste storage. Under 10 CFR Parts 30 and 70, GTCC waste storage criteria would need to be developed on a case-by-case basis to support licensing under these parts. Also, using 10 CFR Part 72 to store reactor-related GTCC waste would eliminate the need for multiple licenses for the storage of spent fuel and GTCC waste.

Moreover, the NRC is still evaluating technical issues arising from the commingling of spent fuel and reactor-related GTCC waste in the same storage container and issues arising from the storage of reactor-related liquid GTCC waste, under a 10 CFR Part 72 specific license. Therefore, this proposed rule would permit the co-locating of spent fuel and solid reactor-related GTCC waste in different casks and containers within an ISFSI or MRS. However, the proposed rule is not structured to permit the commingling of spent fuel and GTCC waste in the same storage cask, except for specific components associated with, and integral to, the spent fuel. Additionally, this proposed rule is not structured to permit the storage of liquid reactor-related GTCC waste. However, a licensee or applicant may submit an exemption request pursuant to § 72.7 for approval for commingling of spent fuel and solid reactor-related GTCC waste in the same storage cask, or storing liquid reactor-related GTCC waste. The NRC will review and approve these types of requests on a case-by-case basis. As stated above, the NRC is still evaluating these technical issues and as noted earlier is asking for additional input during the public comment period for use in the development of the final rule. Without this change, after termination of the 10 CFR Part 50 license, a licensee would need multiple licenses—10 CFR Part 72 for spent fuel and 10 CFR Part 30 or 70 (or both) for GTCC waste. Having one license for the ISFSI (or MRS) under 10 CFR Part 72 will be simpler for both licensees and the NRC, relative to approval and management.

The NRC believes that the concept proposed in the petition of storing GTCC waste under the provisions of 10 CFR Part 72 is valid. However, the NRC also believes that the method proposed by the petitioner, that is modifying the definition of spent fuel to include GTCC waste, could lead to confusion. Modifying the definition of spent fuel would only apply to spent fuel as

defined under 10 CFR Part 72 and would not be technically accurate.

Therefore, the NRC is proposing to add a definition of GTCC waste within § 72.3 that would be consistent with 10 CFR 61.55. The NRC has evaluated 10 CFR Part 72 to determine which sections need to be modified to accommodate storage of solid GTCC waste co-located with spent fuel within an ISFSI or an MRS. The majority of the changes to 10 CFR Part 72 would simply add the term "GTCC waste" to the appropriate sections and paragraphs (typically immediately after the terms "spent fuel" or "high-level waste"). Section 72.120 would be revised to require that GTCC waste be in a solid form. The NRC anticipates issuing guidance on the storage of GTCC waste under 10 CFR Part 72 in conjunction with issuance of the final rule.

10 CFR Part 150 would be modified to be consistent with the changes proposed for 10 CFR Part 72. The proposed change to 10 CFR Part 150 (Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274) would specify that any GTCC waste stored in an ISFSI or an MRS is under NRC jurisdiction. This Part would also be modified to indicate that licensing the storage of any GTCC waste that originates in, or is used by, a facility licensed under 10 CFR Part 50 (a production utilization facility) is the responsibility of the NRC.

The NRC will continue to recover costs for generic activities related to the storage of GTCC waste under 10 CFR Part 72 through 10 CFR Part 171 annual fees assessed to the spent fuel storage/reactor decommissioning class of licensees. Subsequent to issuing the final revision to 10 CFR Part 72, 10 CFR Part 170 will be amended to clarify that full costs fees will be assessed for amendments and inspections related to the storage of GTCC waste under 10 CFR Part 72.

#### *NRC To Maintain Authority for Reactor-Related GTCC Waste*

Section 274(c)1 of the Atomic Energy Act of 1954, as amended, provides that no agreement entered into by the NRC with a State "shall provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of—(1) the construction and operation of any production or utilization facility or any uranium enrichment facility." The NRC has incorporated this statutory prohibition into its regulations in 10 CFR 150.15(a) and (a)(1) which states that:

(a) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

(1) The construction and operation of any production or utilization facility. As used in this subparagraph, operation of a facility includes, but is not limited to

- (i) the storage and handling of radioactive wastes at the facility site by the person licensed to operate the facility, and
- (ii) the discharge of radioactive effluents from the facility site.

Specifically, with regard to the storage of reactor-related GTCC waste, the NRC proposes continued Federal authority over the GTCC waste after termination of the 10 CFR Part 50 license. Thus, under the option of obtaining 10 CFR Part 30 and/or 70 licenses, the GTCC waste would remain under Federal authority. If the option of obtaining a specific license under 10 CFR Part 72 is chosen, the GTCC waste would also remain under Federal authority. This licensing authority would be irrespective of the physical location of the storage facility (either on or off the originating reactor site).

However, this proposed rule is not intended to change other current responsibilities for Class A, B, and C reactor-related LLW after termination of the 10 CFR Part 50 license. In addition, under 10 CFR 72.128(b), any LLW generated by the ISFSI (or an MRS) must be treated and stored onsite awaiting transfer to a disposal site. The licensing authority for treatment and storage of ISFSI or MRS generated LLW would be under 10 CFR Part 72, and therefore, reserved to the NRC.

From a practical matter, the NRC believes that because, under section 3(b)(1)(D) of the Low-Level Radioactive Waste Policy Amendments Act of 1985, the NRC must license the facility selected by DOE for disposal of GTCC waste, and because the NRC has jurisdiction over GTCC waste while the 10 CFR Part 50 facility is operated, it makes little sense for Agreement States to assume regulatory authority and responsibility over reactor-related GTCC waste that is surrounded on all sides by Federal regulatory authority and responsibility.

#### *Specific Changes in Regulatory Text*

The following section is provided to assist the reader in understanding the specific changes made to each section or paragraph in 10 CFR Parts 72 and 150. For clarity of content in reading a section, much of that particular section may be repeated, although only a minor change would be made. Using this section should allow the reader to effectively review the specific changes without reviewing existing material that

has been included for content, but has not been significantly changed.

The title to 10 CFR Part 72 would be revised to include GTCC waste.

The following sections or paragraphs would be revised to specify the inclusion of GTCC waste, for clarity, or for completeness: §§ 72.1, 72.2(a) and (c), 72.6(a) and (c), 72.8, 72.16(d), 72.22(e)(3), 72.24 introductory text and (i), 72.28(d), 72.30(a), 72.40(b), 72.44(b)(4), (c)(3)(i), (c)(5), (d) and (g)(2), 72.52(b)(2), (c), and (e), 72.54(c)(1), 72.60(c), 72.72(a), (b), and (d), 72.75(b), (c), (d)(1)(iv), and (d)(2)(ii)(L), 72.76(a), 72.78(a), 72.80(g), 72.82(a) and (b), 72.106(b), 72.108 title and text, 72.122(b)(2), (h)(2), (h)(5), (i), and (l), 72.128 title and (a), and 72.140(c)(2).

Section 72.3: The definition for GTCC waste would be added to 10 CFR Part 72 and the definitions of Design capacity, Independent spent fuel storage installation or ISFSI, Monitored Retrievable Storage Installation or MRS, Spent fuel storage cask or cask, and Structures, systems, and components important to safety, would be revised to specify the inclusion of GTCC waste.

Paragraph 72.24(r): This new paragraph would specify compatibility and suitability of storage of reactor-related GTCC waste at an ISFSI or MRS. This requirement would ensure that the co-location of this radioactive material does not have an adverse affect on the safe storage of spent fuel and the operation of the facility.

Section 72.120: This section has been modified to provide some general considerations for the storage of GTCC waste within an ISFSI or MRS.

Paragraph 150.15(a)(7)(i) and (ii): This essentially repeats the existing paragraphs, but would be revised for consistency with the new § 150.15(a)(7)(iii).

Paragraph 150.15(a)(7)(iii): This new paragraph would specify that the storage of reactor-related GTCC waste within an ISFSI or an MRS licensed pursuant to 10 CFR Part 50 and/or Part 72 is exempt from Agreement State authority.

Paragraph 150.15(a)(8): This new paragraph would specify that the storage of reactor-related GTCC waste licensed under 10 CFR Part 30 and/or Part 70 is exempt from Agreement State authority.

In the NRC's proposed rule, "Clarification and Addition of Flexibility to Part 72" (64 FR 59677; November 3, 1999), additional changes are being proposed to 10 CFR Part 72. Some of the sections being revised by the "Clarification" rulemaking may also be changed to specify the inclusion of GTCC waste depending upon how this rule is finalized. The changes proposed in this rulemaking are based upon the

current 10 CFR Part 72 text. The final GTCC rulemaking will incorporate necessary conforming changes based on the final "Clarification" rulemaking.

#### *Compatibility of Agreement State Regulations*

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), 10 CFR Part 72 and § 150.15 continue to be classified as compatibility Category "NRC." The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or provisions of Title 10 of the Code of Federal Regulations.

The Commission is particularly interested in the position of the Agreement States on issues raised in this proposed rule. Specifically, the Commission would like Agreement State comment on the following questions:

1. What is the position of the Agreement States on NRC assuming jurisdiction of storage of GTCC waste generated during the operation of a 10 CFR Part 50 license after termination of the 10 CFR Part 50 license?
2. What controls and regulatory framework would the Agreement States envision assuming they have jurisdiction over GTCC waste generated during the operation under a 10 CFR Part 50 license after termination of the 10 CFR Part 50 license? How would the Agreement States plan to ensure consistency with a national regulatory scheme?
3. The NRC staff is not aware of any current Agreement State license for the storage of reactor-related GTCC waste. Are there any such licenses within your State or are you aware of any such Agreement State licenses?

#### *Plain Language*

The Presidential Memorandum dated June 1, 1998, entitled, "Plain Language in Government Writing," directed that the Federal government's writing be in plain language. This memorandum was published June 10, 1998 (63 FR 31883). In complying with this directive, editorial changes have been made in the proposed revision to improve the organization and readability of the existing language of paragraphs being revised. These types of changes are not discussed further in this document. The NRC requests comments on the proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be

sent to the address listed under the **ADDRESSES** heading.

#### *Voluntary Consensus Standards*

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, requires that agencies use technical standards that are developed or adopted by voluntary consensus standard bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC is presenting amendments to its regulations that would allow the licensing of interim storage of GTCC waste. This action does not constitute the establishment of a standard that establishes generally-applicable requirements and the use of a voluntary consensus standard is not applicable.

#### *Finding of No Significant Environmental Impact: Availability*

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment, and therefore, an environmental impact statement is not required. The proposed rule would provide reactor licensees an additional option of storing GTCC waste under a 10 CFR Part 72 license using spent fuel storage criteria of that part. Storage of GTCC waste at an ISFSI or an MRS would be in a passive mode with no human intervention needed for safe storage. The draft Environmental Assessment determined that there is no significant environmental impact as a result of the proposed changes.

The NRC has sent a copy of the draft environmental assessment and this proposed rule to every State Liaison Officer and every Agreement State and requested their comments on the environmental assessment. The draft environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the environmental assessment and the finding of no significant impact are available from Mark Haisfield, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6196.

#### *Paperwork Reduction Act Statement*

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction

Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule has been submitted to the Office of Management and Budget for review and approval of the information collection requirements.

The public reporting burden for this information collection is estimated to average 120 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. The U.S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the information collections contained in the proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of burden 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?

Send comments on any aspect of this proposed information collection, including suggestions for reducing the burden, to the Records Management Branch (T-6 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail at BJS1@NRC.GOV; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0132), Office of Management and Budget, Washington, DC 20503.

Comments to OMB on the information collections or on the above issues should be submitted by July 17, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

#### **Public Protection Notification**

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

#### **Regulatory Analysis**

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection

in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the draft analysis may be obtained from Mark Haisfield, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6196.

The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** heading.

### Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities. The proposed amendments would apply to reactor licensees, ISFSI licensees, certificate holders, applicants for a Certificate of Compliance, and DOE. The majority, if not all, of these licensees would not qualify as small entities under the NRC's size standards (10 CFR 2.810).

Any small entity subject to this regulation which determines that, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates the following:

(a) The licensee's size and how the proposed regulation would result in a significant economic burden upon the licensee as compared to the economic burden on a larger licensee.

(b) How the proposed regulations could be modified to take into account the licensee's differing needs or capabilities.

(c) The benefits that would accrue, or the detriments that would be avoided, if the proposed regulations were modified as suggested by the licensee.

(d) How the proposed regulation, as modified, would more closely equalize the impact of regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individual or group.

(e) How the proposed regulation, as modified, would still adequately protect public health and safety.

### Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109 and 72.62, do not apply to this proposed rule, and therefore, a backfit analysis is not required because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR

50.109(a)(1) or 72.62(a). This proposed rule would not require licensees to use 10 CFR Part 72 to store GTCC waste. It provides a practical option with criteria that licensees may use. It does not preclude, or change, use of 10 CFR Parts 30 and 70 as a licensing mechanism to store GTCC waste. The NRC anticipates that storage of GTCC waste licensed under 10 CFR Part 72 can simplify the licensing process, for both licensees and the NRC, with no significant impact to public health and safety or the environment.

### List of Subjects

#### 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

#### 10 CFR Part 150

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Parts 72 and 150.

### PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

1. The heading of Part 72 is revised to read as presented above:

2. The authority citation for Part 72 continues to read as follows:

**Authority:** Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 295 as amended by Pub. L. 102-486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101

Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 935 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203; 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 96 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

3. Section 72.1 is revised to read as follows:

#### § 72.1 Purpose.

The regulations in this part establish requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel, power reactor-related greater than class C (GTCC) waste, and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) and the terms and conditions under which the Commission will issue these licenses. The regulations in this part also establish requirements, procedures, and criteria for the issuance of licenses to the Department of Energy (DOE) to receive, transfer, package, and possess power reactor spent fuel, high-level radioactive waste, power reactor-related GTCC waste, and other radioactive materials associated with the storage of these materials in a monitored retrievable storage installation (MRS). The term Monitored Retrievable Storage Installation or MRS, as defined § 72.3, is derived from the NWSA and includes any installation that meets this definition. The regulations in this part also establish requirements, procedures, and criteria for the issuance of Certificates of Compliance approving spent fuel storage cask designs.

4. Section 72.2 is amended by revising paragraphs (a) and (c) to read as follows:

#### § 72.2 Scope.

(a) Except as provided in § 72.6(b), licenses issued under this part are limited to the receipt, transfer, packaging, and possession of:

(1) Power reactor spent fuel and power reactor-related GTCC waste to be stored in a complex that is designed and constructed specifically for storage of power reactor spent fuel aged for at least one year, reactor-related GTCC waste in a solid form, and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI); or

(2) Power reactor spent fuel and power reactor-related GTCC waste to be stored in a monitored retrievable storage installation (MRS) owned by DOE that is designed and constructed specifically for the storage of spent fuel aged for at least one year, high-level radioactive waste that is in a solid form, reactor-related GTCC waste that is in a solid form, and other radioactive materials associated with storage of these materials.

\* \* \* \* \*

(c) The requirements of this regulation are applicable, as appropriate, to both wet and dry modes of storage of—

(1) Spent fuel and solid reactor-related GTCC waste in an independent spent fuel storage installation (ISFSI); and

(2) Spent fuel, solid high-level radioactive waste, and solid reactor-related GTCC waste in a monitored retrievable storage installation (MRS).

\* \* \* \* \*

5. Section 72.3 is amended by adding a definition, in its proper alphabetic order, of the term *Greater than class C waste*, and revising the definitions of *Design capacity*, *Independent spent fuel storage installation or ISFSI*, *Monitored Retrievable Storage Installation or MRS*, *Spent fuel storage cask or cask*, and *Structures, systems, and components important to safety*, to read as follows:

**§ 72.3 Definitions.**

\* \* \* \* \*

*Design capacity* means the quantity of spent fuel, high-level radioactive waste, or reactor-related GTCC waste, the maximum burn up of the spent fuel in MWD/MTU, the terabequerel (curie) content of the waste, and the total heat generation in Watts (btu/hour) that the storage installation is designed to accommodate.

\* \* \* \* \*

*Greater than class C waste or GTCC waste* means low-level radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in § 61.55 of this chapter.

\* \* \* \* \*

*Independent spent fuel storage installation or ISFSI* means a complex designed and constructed for the interim storage of spent nuclear fuel, solid reactor-related GTCC waste, and other radioactive materials associated with spent fuel and reactor-related GTCC waste storage. An ISFSI which is located on the site of another facility licensed under this part or a facility licensed under Part 50 of this chapter and which shares common utilities and services with that facility or is physically connected with that other

facility may still be considered independent.

\* \* \* \* \*

*Monitored Retrievable Storage Installation or MRS* means a complex designed, constructed, and operated by DOE for the receipt, transfer, handling, packaging, possession, safeguarding, and storage of spent nuclear fuel aged for at least one year, solidified high-level radioactive waste resulting from civilian nuclear activities, and solid reactor-related GTCC waste, pending shipment to a HLW repository or other disposal.

\* \* \* \* \*

*Spent fuel storage cask or cask* means all the components and systems associated with the container in which spent fuel, other radioactive materials associated with spent fuel, or reactor-related GTCC waste are stored in an ISFSI.

\* \* \* \* \*

*Structures, systems, and components important to safety* means those features of the ISFSI, MRS, and spent fuel storage cask whose functions are—

(1) To maintain the conditions required to store spent fuel, high-level radioactive waste, or reactor-related GTCC waste safely;

(2) To prevent damage to the spent fuel, the high-level radioactive waste, or reactor-related GTCC waste container during handling and storage; or

(3) To provide reasonable assurance that spent fuel, high-level radioactive waste, or reactor-related GTCC waste can be received, handled, packaged, stored, and retrieved without undue risk to the health and safety of the public.

\* \* \* \* \*

6. Section 72.6 is amended by revising paragraphs (a) and (c) to read as follows:

**§ 72.6 License required; types of licenses.**

(a) Licenses for the receipt, handling, storage, and transfer of spent fuel, high-level radioactive waste, or reactor-related GTCC waste are of two types: general and specific. Any general license provided in this part is effective without the filing of an application with the Commission or the issuance of a licensing document to a particular person. A specific license is issued to a named person upon application filed under the regulations in this part.

\* \* \* \* \*

(c) Except as authorized in a specific license and in a general license under subpart K of this part issued by the Commission in accordance with the regulations in this part, no person may acquire, receive, or possess—

(1) Spent fuel or reactor-related GTCC waste for the purpose of storage in an ISFSI; or

(2) Spent fuel, high-level radioactive waste, radioactive material associated with high-level radioactive waste, or reactor-related GTCC waste for the purpose of storage in an MRS.

7. Section 72.8 is revised to read as follows:

**§ 72.8 Denial of licensing by Agreement States.**

Agreement States may not issue licenses covering the storage of spent fuel and reactor-related GTCC waste in an ISFSI or the storage of spent fuel, high-level radioactive waste, and reactor-related GTCC waste in an MRS.

8. Section 72.16 is amended by revising paragraph (d) to read as follows:

**§ 72.16 Filing of application for specific license.**

\* \* \* \* \*

(d) Fees. The application, amendment, and renewal fees applicable to a license covering an ISFSI are those shown in § 170.31 of this chapter.

\* \* \* \* \*

9. Section 72.22 is amended by revising paragraph (e)(3) to read as follows:

**§ 72.22 Contents of application: General and financial information.**

\* \* \* \* \*

(e) \* \* \*

(3) Estimated decommissioning costs, and the necessary financial arrangements to provide reasonable assurance before licensing, that decommissioning will be carried out after the removal of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste from storage.

10. Section 72.24 is amended by revising the introductory paragraph and paragraph (i) and adding a new paragraph (r) to read as follows:

**§ 72.24 Contents of application: Technical information.**

Each application for a license under this part must include a Safety Analysis Report describing the proposed ISFSI or MRS for the receipt, handling, packaging, and storage of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste as appropriate, including how the ISFSI or MRS will be operated. The minimum information to be included in this report must consist of the following:

\* \* \* \* \*

(i) If the proposed ISFSI or MRS incorporates structures, systems, or

components important to safety whose functional adequacy or reliability have not been demonstrated by prior use for that purpose or cannot be demonstrated by reference to performance data in related applications or to widely accepted engineering principles, an identification of these structures, systems, or components along with a schedule showing how safety questions will be resolved prior to the initial receipt of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste as appropriate for storage at the ISFSI or MRS.

(r) A description of the compatibility and suitability of the reactor-related GTCC waste with the ISFSI or MRS.

11. Section 72.28 is amended by revising paragraph (d) to read as follows:

**§ 72.28 Contents of application: Applicant's technical qualifications.**

(d) A commitment by the applicant to have and maintain an adequate complement of trained and certified installation personnel prior to the receipt of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste as appropriate for storage.

12. Section 72.30 is amended by revising paragraph (a) to read as follows:

**§ 72.30 Financial assurance and recordkeeping for decommissioning.**

(a) Each application under this part must include a proposed decommissioning plan that contains sufficient information on proposed practices and procedures for the decontamination of the site and facilities and for disposal of residual radioactive materials after all spent fuel, high-level radioactive waste, and reactor-related GTCC waste has been removed, in order to provide reasonable assurance that the decontamination and decommissioning of the ISFSI or MRS at the end of its useful life will provide adequate protection to the health and safety of the public. This plan must identify and discuss those design features of the ISFSI or MRS that facilitate its decontamination and decommissioning at the end of its useful life.

13. Section 72.40 is amended by revising paragraph (b) to read as follows:

**§ 72.40 Issuance of license.**

(b) A license to store spent fuel and reactor-related GTCC waste in the proposed ISFSI or to store spent fuel, high-level radioactive waste, and

reactor-related GTCC waste in the proposed MRS may be denied if construction on the proposed facility begins before a finding approving issuance of the proposed license with any appropriate conditions to protect environmental values.

14. Section 72.44 is amended by revising paragraphs (b)(4), (c)(3)(i), (c)(5), the introductory text of paragraph (d), and (g)(2) to read as follows:

**§ 72.44 License conditions.**

(4) The licensee shall have an NRC-approved program in effect that covers the training and certification of personnel that meets the requirements of subpart I before the licensee may receive spent fuel and/or reactor-related GTCC waste for storage at an ISFSI or the receipt of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste for storage at an MRS.

(i) Inspection and monitoring of spent fuel, high-level radioactive waste, or reactor-related GTCC waste in storage;

(5) Administrative controls. Administrative controls include the organization and management procedures, recordkeeping, review and audit, and reporting requirements necessary to assure that the operations involved in the storage of spent fuel and reactor-related GTCC waste in an ISFSI and the storage of spent fuel, high-level radioactive waste, and reactor-related GTCC waste in an MRS are performed in a safe manner.

(d) Each license authorizing the receipt, handling, and storage of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste under this part must include technical specifications that, in addition to stating the limits on the release of radioactive materials for compliance with limits of part 20 of this chapter and the "as low as is reasonably achievable" objectives for effluents, require that:

(2) Construction of the MRS or acceptance of spent nuclear fuel, high-level radioactive waste, and/or reactor-related GTCC waste at the MRS is prohibited during such time as the repository license is revoked by the Commission or construction of the repository ceases.

15. Section 72.52 is amended by revising paragraphs (b)(2), (c), and (e) to read as follows:

**§ 72.52 Creditor regulations.**

(2) That no creditor so secured may take possession of the spent fuel and/or reactor-related GTCC waste under the provisions of this section before —

(i) The Commission issues a license authorizing possession; or  
(ii) The license is transferred.

(c) Any creditor so secured may apply for transfer of the license covering spent fuel and/or reactor-related GTCC waste by filing an application for transfer of the license under § 72.50(b). The Commission will act upon the application under § 72.50(c).

(e) As used in this section, "creditor" includes, without implied limitation —

(1) The trustee under any mortgage, pledge, or lien on spent fuel and/or reactor-related GTCC waste in storage made to secure any creditor;

(2) Any trustee or receiver of spent fuel and/or reactor-related GTCC waste appointed by a court of competent jurisdiction in any action brought for the benefit of any creditor secured by a mortgage, pledge, or lien;

(3) Any purchaser of the spent fuel and/or reactor-related GTCC waste at the sale thereof upon foreclosure of the mortgage, pledge, or lien or upon exercise of any power of sale contained therein; or

(4) Any assignee of any such purchaser.

16. Section 72.54 is amended by revising paragraph (c)(1) to read as follows:

**§ 72.54 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.**

(1) Limit actions involving spent fuel, reactor-related GTCC waste, or other licensed material to those related to decommissioning; and

17. Section 72.60 is amended by revising paragraph (c) to read as follows:

**§ 72.60 Modification, revocation, and suspension of license.**

(c) Upon revocation of a license, the Commission may immediately cause the retaking of possession of all special nuclear material contained in spent fuel and/or reactor-related GTCC waste held by the licensee. In cases found by the Commission to be of extreme

importance to the national defense and security or to the health and safety of the public, the Commission may cause the taking of possession of any special nuclear material contained in spent fuel and/or reactor-related GTCC waste held by the licensee before following any of the procedures provided under sections 551-558 of title 5 of the United States Code.

18. Section 72.72 is amended by revising paragraphs (a), (b), and (d) to read as follows:

**§ 72.72 Material balance, inventory, and records requirements for stored materials.**

(a) Each licensee shall keep records showing the receipt, inventory (including location), disposal, acquisition, and transfer of all spent fuel, high-level radioactive waste, and reactor-related GTCC waste containing special nuclear material in storage. The records must include as a minimum the name of shipper of the material to the ISFSI or MRS, the estimated quantity of radioactive material per item (including special nuclear material in spent fuel and reactor-related GTCC waste), item identification and seal number, storage location, onsite movements of each fuel assembly or storage canister, and ultimate disposal. These records for spent fuel and reactor-related GTCC waste at an ISFSI or for spent fuel, high-level radioactive waste, and reactor-related GTCC waste at an MRS must be retained for as long as the material is stored and for a period of five years after the material is disposed of or transferred out of the ISFSI or MRS.

(b) Each licensee shall conduct a physical inventory of all spent fuel, high-level radioactive waste, and reactor-related GTCC waste containing special nuclear material in storage at intervals not to exceed 12 months unless otherwise directed by the Commission. The licensee shall retain a copy of the current inventory as a record until the Commission terminates the license.

(d) Records of spent fuel, high-level radioactive waste, and reactor-related GTCC waste containing special nuclear material in storage must be kept in duplicate. The duplicate set of records must be kept at a separate location sufficiently remote from the original records that a single event would not destroy both sets of records. Records of spent fuel or reactor-related GTCC waste containing special nuclear material transferred out of an ISFSI or of spent fuel, high-level radioactive waste, or reactor-related GTCC waste containing special nuclear material transferred out of an MRS must be preserved for a

period of five years after the date of transfer.

19. Section 72.75 is amended by revising the introductory text of paragraphs (b) and (c), paragraphs (b)(2), (b)(3), (b)(6), (d)(1)(iv), and (d)(2)(ii)(L) to read as follows:

**§ 72.75 Reporting requirements for specific events and conditions.**

\* \* \* \* \*

(b) Non-emergency notifications: Four-hour reports. Each licensee shall notify the NRC as soon as possible but not later than 4 hours after the discovery of any of the following events or conditions involving spent fuel, HLW, or reactor-related GTCC waste:

\* \* \* \* \*

(2) A defect in any storage structure, system, or component which is important to safety.

(3) A significant reduction in the effectiveness of any storage confinement system during use.

\* \* \* \* \*

(6) An unplanned fire or explosion damaging any spent fuel, HLW, and/or reactor-related GTCC waste, or any device, container, or equipment containing spent fuel, HLW, and/or reactor-related GTCC waste when the damage affects the integrity of the material or its container.

(c) Non-emergency notifications: Twenty-four hour reports. Each licensee shall notify the NRC within 24 hours after the discovery of any of the following events involving spent fuel, HLW, or reactor-related GTCC waste:

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(iv) The quantities, and chemical and physical forms of the spent fuel, HLW, or reactor-related GTCC waste involved; and

\* \* \* \* \*

(2) \* \* \*

(ii) \* \* \*

(L) The quantities and chemical and physical forms of the spent fuel, HLW, or reactor-related GTCC waste involved;

\* \* \* \* \*

20. Section 72.76 is amended by revising paragraph (a) to read as follows:

**§ 72.76 Material status reports.**

(a) Except as provided in paragraph (b) of this section, each licensee shall complete, in computer-readable format, and submit to the Commission a material status report in accordance with instructions (NUREG/BR-0007 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear

Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. These reports provide information concerning the special nuclear material contained in the spent fuel and reactor-related GTCC waste possessed, received, transferred, disposed of, or lost by the licensee. Material status reports must be made as of March 31 and September 30 of each year and filed within 30 days after the end of the period covered by the report. The Commission may, when good cause is shown, permit a licensee to submit material status reports at other times. The Commission's copy of this report must be submitted to the address specified in the instructions. These prescribed computer-readable forms replace the DOE/NRC Form 742 which has been previously submitted in paper form.

\* \* \* \* \*

21. Section 72.78 is amended by revising paragraph (a) to read as follows:

**§ 72.78 Nuclear material transfer reports.**

(a) Except as provided in paragraph (b) of this section, whenever the licensee transfers or receives spent fuel or GTCC waste containing special nuclear material, the licensee shall complete in computer-readable format a Nuclear Material Transaction Report in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24, "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. Each ISFSI licensee who receives spent fuel from a foreign source shall complete both the supplier's and receiver's portion of the Nuclear Material Transaction Report, verify the identity of the spent fuel, and indicate the results on the receiver's portion of the form. These prescribed computer-readable forms replace the DOE/NRC Form 741 which has been previously submitted in paper form.

\* \* \* \* \*

22. Section 72.80 is amended by revising paragraph (g) to read as follows:

**§ 72.80 Other records and reports.**

\* \* \* \* \*

(g) Each specific licensee shall notify the Commission, in accordance with § 72.4, of its readiness to begin operation at least 90 days prior to the first storage of spent fuel, high-level waste, or reactor-related GTCC waste in an ISFSI or MRS.

23. Section 72.82 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 72.82 Inspections and tests.**

(a) Each licensee under this part shall permit duly authorized representatives of the Commission to inspect its records, premises, and activities and of spent fuel, high-level radioactive waste, or reactor-related GTCC waste in its possession related to the specific license as may be necessary to meet the objectives of the Act, including section 105 of the Act.

(b) Each licensee under this part shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to its receipt, possession, packaging, or transfer of spent fuel, high-level radioactive waste, or reactor-related GTCC waste.

\* \* \* \* \*

24. Section 72.106 is amended by revising paragraph (b) to read as follows:

**§ 72.106 Controlled area of an ISFSI or MRS.**

\* \* \* \* \*

(b) Any individual located on or beyond the nearest boundary of the controlled area may not receive from any design basis accident the more limiting of a total effective dose equivalent of 0.05 Sv (5 rem), or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem). The lens dose equivalent may not exceed 0.15 Sv (15 rem) and the shallow dose equivalent to skin or any extremity may not exceed 0.5 Sv (50 rem). The minimum distance from the spent fuel, high-level radioactive waste, or reactor-related GTCC waste handling and storage facilities to the nearest boundary of the controlled area must be at least 100 meters.

\* \* \* \* \*

25. Section 72.108 is revised to read as follows:

**§ 72.108 Spent fuel, high-level radioactive waste, or reactor-related greater than class C waste transportation.**

The proposed ISFSI or MRS must be evaluated with respect to the potential impact on the environment of the transportation of spent fuel, high-level radioactive waste, or reactor-related GTCC waste within the region.

26. Section 72.120 is revised to read as follows:

**§ 72.120 General considerations.**

(a) As required by § 72.24, an application to store spent fuel or reactor-related GTCC waste in an ISFSI or to store spent fuel, high-level radioactive waste, or reactor-related GTCC waste in an MRS must include

the design criteria for the proposed storage installation. These design criteria establish the design, fabrication, construction, testing, maintenance and performance requirements for structures, systems, and components important to safety as defined in § 72.3. The general design criteria identified in this subpart establish minimum requirements for the design criteria for an ISFSI or MRS. Any omissions in these general design criteria do not relieve the applicant from the requirement of providing the necessary safety features in the design of the ISFSI or MRS.

(b) The ISFSI must be designed to store spent fuel and/or solid reactor-related GTCC waste. Liquid reactor-related GTCC wastes may not be received or stored in an ISFSI. If the ISFSI is a water-pool type facility, the reactor-related GTCC waste must be in a durable solid form with demonstrable leach resistance.

(c) The MRS must be designed to store spent fuel, solid high-level radioactive waste, and/or solid reactor-related GTCC waste. Liquid high-level radioactive wastes or liquid reactor-related GTCC wastes may not be received or stored in an MRS. If the MRS is a water-pool type facility, the high-level waste and reactor-related GTCC waste must be in a durable solid form with demonstrable leach resistance.

(d) The ISFSI or MRS must be designed, made of materials, and constructed to ensure that there will be no significant chemical, galvanic, or other reactions between or among the storage system components, spent fuel, reactor-related GTCC waste, and/or high level waste including possible reaction with water during wet loading and unloading operations or during storage in a water-pool type ISFSI or MRS. The behavior of materials under irradiation and thermal conditions must be taken into account.

27. Section 72.122 is amended by revising paragraphs (b)(2), (h)(2), (h)(5), (i) and (l) to read as follows:

**§ 72.122 Overall requirements.**

\* \* \* \* \*

(b) \* \* \*

(2)(i) Structures, systems, and components important to safety must be designed to withstand the effects of natural phenomena such as earthquakes, tornadoes, lightning, hurricanes, floods, tsunamis, and seiches, without impairing their capability to perform their intended design functions. The design bases for these structures, systems, and components must reflect:

(A) Appropriate consideration of the most severe of the natural phenomena reported for the site and surrounding area, with appropriate margins to take into account the limitations of the data and the period of time in which the data have accumulated, and

(B) Appropriate combinations of the effects of normal and accident conditions and the effects of natural phenomena.

(ii) The ISFSI or MRS should also be designed to prevent massive collapse of building structures or the dropping of heavy objects as a result of building structural failure on the spent fuel, high-level radioactive waste, or reactor-related GTCC waste or on to structures, systems, and components important to safety.

\* \* \* \* \*

(h) \* \* \*

(2) For underwater storage of spent fuel, high-level radioactive waste, or reactor-related GTCC waste in which the pool water serves as a shield and a confinement medium for radioactive materials, systems for maintaining water purity and the pool water level must be designed so that any abnormal operations or failure in those systems from any cause will not cause the water level to fall below safe limits. The design must preclude installations of drains, permanently connected systems, and other features that could, by abnormal operations or failure, cause a significant loss of water. Pool water level equipment must be provided to alarm in a continuously manned location if the water level in the storage pools falls below a predetermined level.

\* \* \* \* \*

(5) The high-level radioactive waste and reactor-related GTCC waste must be packaged in a manner that allows handling and retrievability without the release of radioactive materials to the environment or radiation exposures in excess of Part 20 limits. The package must be designed to confine the high-level radioactive waste for the duration of the license.

(i) Instrumentation and control systems. Instrumentation and control systems for wet spent fuel and reactor-related GTCC waste storage must be provided to monitor systems that are important to safety over anticipated ranges for normal operation and off-normal operation. Those instruments and control systems that must remain operational under accident conditions must be identified in the Safety Analysis Report. Instrumentation systems for dry storage casks must be provided in accordance with cask design requirements to monitor

conditions that are important to safety over anticipated ranges for normal conditions and off-normal conditions. Systems that are required under accident conditions must be identified in the Safety Analysis Report.

\* \* \* \* \*

(l) *Retrievability*. Storage systems must be designed to allow ready retrieval of spent fuel, high-level radioactive waste, and reactor-related GTCC waste for further processing or disposal.

28. Section 72.128 is amended by revising the heading and the introductory text of paragraph (a) to read as follows:

**§ 72.128 Criteria for spent fuel, high-level radioactive waste, reactor-related greater than class C waste, and other radioactive waste storage and handling.**

(a) *Spent fuel, high-level radioactive waste, and reactor-related GTCC waste storage and handling systems*. Spent fuel storage, high-level radioactive waste storage, reactor-related GTCC waste storage and other systems that might contain or handle radioactive materials associated with spent fuel, high-level radioactive waste, or reactor-related GTCC waste, must be designed to ensure adequate safety under normal and accident conditions. These systems must be designed with—

\* \* \* \* \*

29. Section 72.140 is amended by revising paragraph (c)(2) to read as follows:

**§ 72.140 Quality assurance requirements.**

\* \* \* \* \*

(c) \* \* \*

(2) Each licensee shall obtain Commission approval of its quality assurance program prior to receipt of spent fuel and/or reactor-related GTCC waste at the ISFSI or spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste at the MRS.

\* \* \* \* \*

**PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274**

30. The authority citation for Part 150 continues to read as follows:

**Authority:** Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C.

2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

31. Section 150.15 is amended by revising paragraph (a)(7) and adding a new paragraph (a)(8) to read as follows:

**§ 150.15 Persons not exempt.**

(a) \* \* \*

(7) The storage of:

(i) Spent fuel in an independent spent fuel storage installation (ISFSI) licensed under Part 72 of this chapter,

(ii) Spent fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS) licensed under Part 72 of this chapter, or

(iii) Greater than class C waste, as defined in Part 72 of this chapter. In an ISFSI or MRS licensed under Part 72 of this chapter, the GTCC waste must originate in, or be used by, a facility licensed under Part 50 of this chapter.

(8) Greater than class C waste, as defined in Part 72 of this chapter, that originates in, or be used by, a facility licensed under Part 50 of this chapter and is licensed under Part 30 and/or Part 70 of this chapter.

\* \* \* \* \*

Dated at Rockville, Maryland, this 9th day of June, 2000.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 00-15054 Filed 6-15-00; 8:45 am]

**BILLING CODE 7590-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 99-NM-345-AD]

RIN 2120-AA64

**Airworthiness Directives; Raytheon Model BH.125, DH.125, and HS.125 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Raytheon Model DH.125-1A, -3A, and -400A series airplanes, that currently requires a one-time inspection to detect scoring of the upper fuselage skin around the periphery of the cockpit

canopy blister interface, and repair, if necessary. This action would expand the applicability of the existing AD to include additional airplanes, and would require that the actions be accomplished in accordance with revised service information for the newly added airplanes. This AD is prompted by additional reports indicating that scoring has been detected on the upper fuselage skin around the periphery of the cockpit canopy blister interface. The actions specified by the proposed AD are intended to detect and correct scoring of the upper fuselage skin around the periphery of the cockpit canopy blister interface, which could result in reduced structural integrity of the fuselage, and consequent cabin depressurization.

**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-345-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 Raytheon Aircraft Company, Commercial Service Department, P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

**FOR FURTHER INFORMATION CONTACT:** T.N. Baktha, Aerospace Engineer, Airframe Branch, ACE-118W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4155; fax (316) 946-4407.

**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-345-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-345-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

On April 24, 1997, the FAA issued AD 97-09-12, amendment 39-10008 (62 FR 24013, May 2, 1997), applicable to all Raytheon Model DH.125-1A, -3A, and -400A series airplanes, to require a one-time inspection to detect scoring of the upper fuselage skin around the periphery of the cockpit canopy blister interface, and repair, if necessary. That action was prompted by reports indicating that scoring of the upper fuselage skin had been detected in the area. The requirements of that AD are intended to detect and correct scoring of the upper fuselage skin around the periphery of the cockpit canopy blister interface, which could result in reduced structural integrity of the fuselage, and consequent cabin depressurization.

#### Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA has received numerous reports indicating that scoring has been detected on the upper fuselage skin around the periphery of the cockpit canopy blister interface. Investigation revealed that the scoring was caused by the use of an improper tool (Exacto knife), which was used to remove excess sealant along the interface of the fuselage skin and the cockpit canopy. In light of these additional reports, the FAA has determined that certain Raytheon Model BH.125, DH.125, and

HS.125 series airplanes may be subject to the identified unsafe condition.

#### Issuance of Revised Service Information

The FAA has reviewed and approved Raytheon Aircraft Service Bulletin SB 53-93, Revision 2, dated April 2000. The inspection and repair procedures described in this revision are identical to those described in the original issue of the service bulletin (which is referenced in AD 97-09-12). However, this revision expands the effectivity listing to include additional airplanes that are subject to the addressed unsafe condition.

#### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 97-09-12 to continue to require a one-time inspection to detect scoring of the upper fuselage skin around the periphery of the cockpit canopy blister interface, and repair, if necessary. This action would expand the applicability of the existing AD to include additional airplanes that may also be subjected to the identified unsafe condition. The actions would be required to be accomplished in accordance with the service bulletin described previously.

#### Cost Impact

There are approximately 290 airplanes of the affected design in the worldwide fleet. The FAA estimates that 200 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 97-09-12 and retained in this proposed AD would take approximately 4 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$48,000, or \$240 per airplane.

The cost impact figure discussed above is 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.

#### 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 39-10008 (62 FR 24013, May 2, 1997), and by adding a new airworthiness directive (AD), to read as follows:

**Raytheon Aircraft Company:** Docket 99-NM-345-AD. Supersedes AD 97-09-12, Amendment 39-10008.

**Applicability:** Model DH.125, BH.125, and HS.125 series airplanes as listed in Raytheon Aircraft Service Bulletin SB 53-93, Revision 2, dated April 2000; 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 (e) 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 scoring of the upper fuselage skin around the periphery of the cockpit canopy blister interface, which could result in reduced structural integrity of the fuselage skin, and consequent cabin depressurization; accomplish the following:

#### Restatement of the Requirements of AD 97-09-12

(a) For Model DH.125-1A, -3A, and -400A series airplanes as identified in Raytheon Aircraft Service Bulletin SB 53-93, dated May 16, 1996; Within 90 days after June 6, 1997 (the effective date of AD 97-09-12, amendment 39-10008), perform a one-time detailed visual inspection to detect scoring of the upper fuselage skin around the periphery of the cockpit canopy blister interface, in accordance with the service bulletin.

(b) If no scoring is detected during the inspection required by paragraph (a) of this AD, no further action is required by this AD.

(c) If any scoring is detected during the inspection required by paragraph (a) of this AD, prior to further flight, determine the maximum location and details of each score, including the edge distance and material thickness, in accordance with Raytheon Aircraft Service Bulletin SB 53-93, dated May 16, 1996.

(1) If any scoring is found that is within the limits specified in the service bulletin, prior to further flight, repair in accordance with the service bulletin.

(2) If any scoring is found that is outside the limits specified in the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

#### New Requirements of This AD

(d) For airplanes identified in Raytheon Aircraft Service Bulletin SB 53-93, Revision 2, dated April 2000, and not previously identified in paragraph (a) of this AD: Within 90 days after the effective date of this AD, perform a one-time detailed visual inspection to detect scoring of the upper fuselage skin around the periphery of the cockpit canopy blister interface, in accordance with Raytheon Aircraft Service Bulletin SB 53-93, Revision 2, dated April 2000.

(1) If no scoring is detected during the inspection required by paragraph (d) of this AD, no further action is required by this AD.

(2) If any scoring is detected during the inspection required by paragraph (d) of this AD, prior to further flight, determine the location and details of each score, including the edge distance and material thickness, in accordance with the service bulletin.

(i) If any scoring is found that is within the limits specified in the service bulletin, prior to further flight, repair in accordance with the service bulletin.

(ii) If any scoring is found that is outside the limits specified in the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Wichita ACO.

**Note 2:** Any inspections and repairs accomplished prior to the effective date in

accordance with Raytheon Service Bulletin SB 53-93, Revision 1, dated April 1999, are considered acceptable for compliance for the applicable actions required by this AD.

#### Alternative Methods of Compliance

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

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

#### Special Flight Permits

(f) 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 12, 2000.

**Donald L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 00-15310 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-AGL-17]

#### Proposed Modification of Class E Airspace; Dickinson, ND

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to modify Class E airspace at Dickinson, ND. An examination of the Class E airspace for Dickinson, ND, has revealed a discrepancy in the airport reference point used for the controlled airspace legal descriptions. This action would correct that discrepancy by incorporating the current airport reference point in the Class E airspace for Dickinson Municipal Airport.

**DATES:** Comments must be received on or before July 24, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Regional Counsel, AGL-7, Rules Docket No. 00-AGL-17, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel,

Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00-AGL-17." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules docket, FAA, Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW, Washington, DC 20591, or

by calling (202) 267-3484. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Dickinson, ND, by incorporating the correct airport reference point for Dickinson Municipal Airport into the controlled airspace legal descriptions. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class E airspace areas designated as surface areas are published in paragraph 6002 and Class E airspace areas extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an establishment body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) Is not a "significant regulatory action" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

\* \* \* \* \*

*Paragraph 6002 Class E airspace designated as a surface area.*

\* \* \* \* \*

**AGL ND E2 Dickinson, ND [Revised]**

Dickinson Municipal, ND  
(Lat. 46°47'51" N., long. 102°48'07" W.)

Within an 4.4-mile radius of the Dickinson Municipal Airport, and within 1.4 miles each side of the 150° bearing from the airport, extending from the 4.4-mile radius to 7.0 miles southeast of the airport.

\* \* \* \* \*

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

\* \* \* \* \*

**AGL ND E5 Dickinson, ND [Revised]**

Dickinson Municipal, ND  
(Lat. 46°47'51" N., long. 102°48'07" W.)  
Dickinson VORTAC  
(Lat. 46°51'36" N., long. 102°46'25" W.)

That airspace extending upward from 700 feet above the surface within an 8.3-mile radius of the Dickinson Municipal Airport, and within 4.0 miles each side of the 150° bearing from the airport, extending from the 8.3-mile radius to 14.0 miles southeast of the airport, and that airspace extending upward from 1,200 feet above the surface within a 25.2-mile radius of the Dickinson VORTAC extending clockwise from the Dickinson VORTAC 214° radial to the Dickinson VORTAC 093° radial.

\* \* \* \* \*

Issued in Des Plaines, Illinois on May 23, 2000.

**Christopher R. Blum,**  
*Manager, Air Traffic Division.*  
[FR Doc. 00-15207 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION  
Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. 00-AGL-19]

**Proposed Establishment of Class E Airspace; Soldiers Grove, WI**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class E airspace at Soldiers Grove, WI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 11, and a GPS SIAP to Rwy 29, have been developed for Leeward Farm Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action would create controlled airspace for Leeward Farm Airport.

**DATES:** Comments must be received on or before July 24, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Regional Counsel, AGL-7, Rules Docket No. 00-AGL-19, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the

airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00-AGL-19." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules docket, FAA, Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to 14 CFR part 71 to establish Class E airspace at Soldiers Grove, WI, by creating controlled airspace for Leeward Farm Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involved an establishment body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

##### §71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

##### AGL WI E5 Soldiers Grove, WI [New]

Soldiers Grove, Leeward Farm Airport, WI (Lat. 43°21'10" N., long. 90°40'51" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Leeward Farm Airport, excluding that airspace within the Boscobel, WI, Class E airspace area.

\* \* \* \* \*

Issued in Des Plaines, Illinois on May 23, 2000.

**Christopher R. Blum,**

*Manager, Air Traffic Division.*

[FR Doc. 00-15208 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-AGL-18]

#### Proposed Modification of Class E Airspace; Frankfort, MI

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to modify Class E Airspace at Frankfort, MI. An Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 15, and an RNAV SIAP to Rwy 33, have been developed for Frankfort Dow Memorial Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action would increase the radius of the existing controlled airspace for Frankfort Dow Memorial Airport.

**DATES:** Comments must be received on or before July 24, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Regional Counsel, AGL-7, Rules Docket No. 00-AGL-18, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00-AGL-18." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Frankfort, MI, for Frankfort Dow Memorial Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface

of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an establishment body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

**AGL MI E5 Frankfort, MI [Revised]**  
Frankfort Dow Memorial Airport, MI

(Lat. 44° 37' 30"N., long. 86° 12' 02"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Frankfort Dow Memorial Airport.

Dated: Issued in Des Plaines, Illinois on May 23, 2000.

**Christopher R. Blum,**  
*Manager, Air Traffic Division.*

[FR Doc. 00-15210 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 1 and 301**

[REG-105316-98]

RIN 1545-AW67

**Information Reporting for Payments of Qualified Tuition and Payments of Interest on Qualified Education Loans; Magnetic Media Filing Requirements for Information Returns**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking and requests to videoconference the public hearing.

**SUMMARY:** This document contains proposed regulations relating to the information reporting requirements under section 6050S of the Internal Revenue Code for payments of qualified tuition and related expenses and interest on qualified education loans, including the filing of information returns on magnetic media. The regulations reflect changes to the law made by the Taxpayer Relief Act of 1997. The regulations provide guidance to eligible educational institutions and insurers receiving payments of, or making reimbursements or refunds of, qualified tuition and related expenses. The regulations also provide guidance to payees receiving interest payments on qualified education loans. This document also announces that a public hearing will be held on the proposed regulations upon request and that persons outside the Washington, DC, area who wish to testify at the hearing may request that the IRS videoconference the hearing to their sites.

**DATES:** Written or electronically generated comments must be received by September 14, 2000. Requests to videoconference the hearing to other sites must be received by August 15, 2000.

**ADDRESSES:** Send submissions to: CC:DOM:CORP:R (REG-105316-98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG-105316-98), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Taxpayers may also submit comments electronically via the internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS internet site at [http://www.irs.ustreas.gov/prod/tax\\_regs/regslst.html](http://www.irs.ustreas.gov/prod/tax_regs/regslst.html). The IRS will publish the time and date of the public hearing and the locations of any videoconferencing sites in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, Donna Welch, (202) 622-4910; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Guy Traynor, (202) 622-7180; concerning the magnetic media filing specifications, waivers for filing on magnetic media, and extensions of time, contact the Internal Revenue Service, Martinsburg Computing Center, (304) 263-8700 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**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(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224. Comments on the collection of information should be received by August 15, 2000. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the IRS, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The collection of information in this proposed regulation is in §§ 1.6050S-1 and 1.6050S-2. In general, eligible educational institutions and insurers must file a Form 1098-T, "Tuition Payments Statement," with the IRS for each individual with respect to whom payments of qualified tuition and related expenses were received, or reimbursements or refunds of such expenses were made, and furnish an information statement to such individual. This collection of information is required in order to assist the IRS and taxpayers in calculating the amount of any education tax credit allowable under section 25A. In addition, payees who receive from any payor interest payments aggregating \$600 or more on one or more qualified education loans must file a Form 1098-E, "Student Loan Interest Statement," with the IRS and furnish an information statement to the payor. This collection of information is required in order to assist the IRS and taxpayers in calculating the amount of any student loan interest deduction allowable under section 221. The likely respondents are businesses or other for-profit institutions and nonprofit institutions.

Estimated total annual reporting burden for 1998 for Form 1098-T: 2,419,438 hours.

Estimated average annual burden hours per response for Form 1098-T: 7 minutes.

Estimated number of responses for 1998 for Form 1098-T: 20,738,039.

Estimated annual frequency of responses: Once.

Estimated total annual reporting burden for 1998 for Form 1098-E: 437,691 hours.

Estimated average annual burden hours per response for Form 1098-E: 3 minutes.

Estimated number of responses for 1998 for Form 1098-E: 8,753,819.

Estimated annual frequency of responses: Once.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be

retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Background**

*1. Information Reporting Requirements*

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) relating to information reporting requirements under section 6050S. The Taxpayer Relief Act of 1997 (Public Law 105-34 (111 Stat. 788) (TRA '97)) added section 25A of the Internal Revenue Code to provide the Hope Scholarship Credit and the Lifetime Learning Credit (education tax credits). In general, the Hope Scholarship Credit and the Lifetime Learning Credit allow certain taxpayers who pay qualified tuition and related expenses to an eligible educational institution to claim a nonrefundable credit against their Federal income tax liability. On January 6, 1999, the IRS issued proposed regulations under section 25A. See 64 FR 794 (1999).

TRA '97 also added section 221 of the Internal Revenue Code to allow certain taxpayers who pay interest on qualified education loans to claim a Federal income tax deduction for their interest payments. In general, a deduction is allowed for interest payments made during the first 60 months in which interest payments are required on a qualified education loan. However, no interest deduction is allowed for any interest paid before January 1, 1998. On January 21, 1999, the IRS issued proposed regulations under section 221. See 64 FR 3257 (1999).

In addition, TRA '97 added section 6050S of the Internal Revenue Code, which requires eligible educational institutions to file information returns and to furnish written information statements to assist taxpayers and the IRS in determining any education tax credit allowable under section 25A. Similarly, section 6050S requires any person engaged in a trade or business of making payments to any individual under an insurance agreement as reimbursements or refunds of qualified tuition and related expenses to file information returns and to furnish written information statements. Lastly, section 6050S requires certain payees who receive payments of interest on one or more qualified education loans to file information returns and to furnish written information statements to assist taxpayers and the IRS in determining

any interest deduction allowable under section 221.

The IRS has published several notices prescribing limited information reporting for eligible educational institutions for the years 1998, 1999, and 2000. On December 22, 1997, the IRS published Notice 97-73 (1997-2 C.B. 335), which describes the information that an eligible educational institution must report for 1998. On September 8, 1998, the IRS published Notice 98-46 (1998-36 I.R.B. 21), which extends the application of Notice 97-73 to information returns required under section 6050S for 1999. On December 7, 1998, the IRS published Notice 98-59 (1998-49 I.R.B. 16), which modifies the prior Notices by providing that an institution is not required to file information returns for students who are: (1) Enrolled during the year only in courses for which the student receives no academic credit; or (2) nonresident alien students, unless the student requests the institution to report. On July 26, 1999, the IRS published Notice 99-37 (1999-30 I.R.B. 124), which extends the application of Notice 97-73 (as modified) to information returns required under section 6050S for 2000.

In addition, the IRS has published several notices describing the information reporting for certain payees who receive interest on qualified education loans during the years 1998, 1999, and 2000. On January 20, 1998, the IRS published Notice 98-7 (1998-3 I.R.B. 54), which describes the information reporting required under section 6050S for 1998. On November 16, 1998, the IRS published Notice 98-54 (1998-46 I.R.B. 25), which modifies Notice 98-7 to reflect a technical change to section 221 made by the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105-206 (112 Stat. 685)), and extends the application of Notice 98-7 (as modified) to information reporting required under section 6050S for 1999. On July 26, 1999, the IRS published Notice 99-37, which extends the application of Notice 98-7 (as modified) to information returns required under section 6050S for 2000.

## 2. Magnetic Media Requirements

This document also contains proposed amendments to the Regulations on Procedure and Administration (26 part 301) relating to the filing of information returns on magnetic media under section 6011(e). Section 6011(e) authorizes the Secretary to prescribe regulations providing the standards for determining which returns must be filed on magnetic media. Section 6011(e)(2)(A) provides that the

Secretary shall not require any person to file returns on magnetic media unless the person is required to file at least 250 returns during the calendar year. Section 6011(e)(2)(B) provides that, in prescribing regulations, the Secretary shall consider the ability of the taxpayer to comply at reasonable cost with the requirements of the regulations.

## Explanation of Provisions

### 1. Information Reporting for Payments and Reimbursements or Refunds of Qualified Tuition and Related Expenses

The proposed regulations require an eligible educational institution (as defined in section 25A(f)(2) and the regulations thereunder) (an institution) that receives payments of qualified tuition and related expenses (as defined in section 25A(f)(1) and the regulations thereunder) with respect to any individual, or makes reimbursements or refunds of such amounts, to file a Form 1098-T with the IRS. In addition, the proposed regulations require any person engaged in a trade or business of making payments under an insurance arrangement as reimbursements or refunds (or other similar amounts) of qualified tuition and related expenses (an insurer) to file a Form 1098-T with the IRS.

Under the proposed regulations, the following information must be reported on Form 1098-T: (a) The name, address, and taxpayer identification number (TIN) (as defined in section 7701(a)(41)) of the institution or the insurer; (b) the name, address, and TIN of the individual with respect to whom payments of qualified tuition and related expenses were received, or reimbursements or refunds were made; (c) the aggregate amount of payments of qualified tuition and related expenses from any source that the institution received with respect to the individual during the calendar year; (d) the aggregate amount of reimbursements or refunds of qualified tuition and related expenses that the institution or insurer made with respect to the individual during the calendar year; (e) the aggregate amount of any scholarships or grants that the institution processed during the calendar year for the payment of the individual's costs of attendance; (f) an indication by the institution whether the individual was enrolled for at least half of the normal full-time work load for the course of study the individual is pursuing for at least one academic period that begins during the calendar year; (g) an indication by the institution whether the individual was enrolled in a program leading to a graduate-level

degree, graduate-level certificate, or other recognized graduate-level educational credential; and (h) any other information required by Form 1098-T and its instructions.

The proposed regulations reserve the requirement in section 6050S(b)(2)(B) that an institution or insurer obtain and report the name, address, and TIN of any taxpayer who will claim the individual with respect to whom payments are received, or reimbursements or refunds are made, as a dependent for purposes of the deduction allowable under section 151 for the taxable year. Thus, under the proposed regulations, there is no requirement to obtain and report the name, address, and TIN of any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return.

Consistent with the exceptions to required reporting in Notice 98-59, the proposed regulations provide that an institution or insurer is not required to file a Form 1098-T for an individual who is a nonresident alien, unless the individual requests that the institution or insurer report. In addition, an institution is not required to file a Form 1098-T for an individual who is enrolled during the calendar year only in courses for which the individual receives no academic credit. Under the proposed regulations, the term *academic credit* means credit awarded by an institution for the completion of coursework leading toward a post-secondary degree, certificate, or other recognized post-secondary educational credential.

The proposed regulations provide that, in determining the payments for qualified tuition and related expenses that an institution must report, payments received with respect to an individual from any source (except for any scholarship or grant that, by its terms, must be applied to expenses other than qualified tuition and related expenses, such as room and board) are treated as payments of qualified tuition and related expenses up to the total amount billed for such expenses.

The proposed regulations provide that an institution or insurer must furnish an information statement to each individual for whom it is required to file a Form 1098-T. The proposed regulations provide that the statement must include the information included on the Form 1098-T filed with the IRS and a legend that identifies the statement as important tax information being furnished to the IRS. The statement must include instructions that state that the taxpayer may not be able to claim an education tax credit under

section 25A and the regulations thereunder with respect to the total payments of qualified tuition and related expenses reported for the calendar year. The instructions must state that the amount of the scholarships, grants, reimbursements, or refunds reported for the calendar year and other similar amounts not reported (because they are not processed by the institution) may reduce the amount of any allowable education tax credit for the taxable year or a prior taxable year. The instructions must state that the taxpayer should refer to relevant IRS forms and publications (such as Form 8863, "Education Credits," and Publication 970, "Tax Benefits for Higher Education") for explanations relating to the eligibility requirements for, and the calculation of, any allowable education tax credit.

The proposed regulations reserve the requirement in section 6050S(d) that an institution or insurer furnish a statement to any taxpayer who will claim the individual with respect to whom payments are received, or reimbursements or refunds are made, as a dependent for purposes of the deduction allowable under section 151 for the taxable year. Thus, under the proposed regulations, there is no requirement to furnish a statement to any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return.

The proposed regulations describe the rules for the time and manner of filing information returns with the IRS and furnishing information statements. Forms 1098-T must generally be filed with the IRS on or before February 28 (March 31 if filed electronically) of the year following the calendar year in which the payments were received, or reimbursements or refunds were made. In general, an institution or insurer must furnish an information statement to each individual with respect to whom payments of qualified tuition and related expenses were received, or reimbursements or refunds were made, on or before January 31 of the year following the calendar year in which payments were received, or reimbursements or refunds were made. Although the regulations do not specifically address the issue of electronic transmission of information statements, the IRS is currently studying the issue. Accordingly, the IRS may address that issue in future guidance.

Under the proposed regulations, an institution or insurer may be subject to a penalty under section 6721 for failure to file correct Forms 1098-T and a penalty under section 6722 for failure to furnish correct information statements.

The proposed regulations generally follow the rules under section 6724 for waivers of penalties for certain failures due to reasonable cause. The regulations also provide special rules for soliciting an individual's TIN. An institution or insurer that complies with those rules will not be penalized for any failure to obtain or include a correct TIN on a Form 1098-T or the related information statement.

## 2. Information Reporting for Payments of Interest on Qualified Education Loans

The proposed regulations require any person engaged in a trade or business that receives from any payor interest of \$600 or more for any calendar year on one or more qualified education loans (as defined in section 221(e)(1) and the regulations thereunder) (a payee) to file a Form 1098-E with the IRS. Under the proposed regulations, a payee must report the name, address, and taxpayer identification number (TIN) of the payee; the name, address, and TIN of the payor; and the aggregate amount of interest received during the calendar year from the payor. The payee may be the lender, the holder of the loan, or the loan servicer. The regulations define the payor as the individual carried on the books and records of the payee as the borrower on a qualified education loan. If there are multiple borrowers, the principal borrower indicated on the payee's books and records is treated as the payor for purposes of section 6050S.

Under the proposed regulations, a payee is required to report only interest payments received on a qualified education loan during the first 60 months in which interest payments are required on the loan. The proposed regulations, in general, incorporate the rules of section 221 and the regulations thereunder to determine the 60-month period for which interest payments must be reported. Under the proposed regulations, the 60-month period generally begins on the date the qualified education loan first enters repayment status. However, for qualified education loans made before January 1, 1998, if the payee does not know, and does not have reason to know, the date on which the loan entered repayment status, then, for information reporting purposes, the 60-month period begins on January 1, 1998. For defaulted loans made before January 1, 1998, if the payee does not know, and does not have reason to know, the date on which the loan entered repayment status, then, for information reporting purposes, the 60-month period begins on the earlier of the date the loan went into default or January 1, 1998. If the payee does not know, and does not have

reason to know, either the date the loan entered repayment status or the default date, then, for information reporting purposes, the 60-month period begins on January 1, 1998.

The proposed regulations provide that, in determining the aggregate amount of interest payments to be reported by a payee, the term *interest* includes stated interest, loan origination fees (other than any fees for services), and capitalized interest as described in proposed regulations § 1.221-1(h)(2). However, in order to provide payees sufficient time to develop systems to report amounts other than stated interest, the proposed regulations do not require payees to report loan origination fees and capitalized interest for loans made before January 1, 2002.

The proposed regulations provide rules to determine which loans are qualified education loans subject to information reporting under section 6050S. The regulations provide that, unless the loan is subsidized, guaranteed, financed, or otherwise treated as a student loan under a program of the Federal, state, or local government or an eligible educational institution, the payee must request and obtain a certification from the payor that the loan will be used solely to pay qualified higher education expenses. The regulations provide that the payee may use Form W-9S, "Request for Student's Social Security Number and Borrower Certification," to request and obtain the certification. If a payee fails to obtain a required certification, the loan is not treated as a qualified education loan for purposes of section 6050S.

The proposed regulations provide that a payee must furnish an information statement to each payor for whom it is required to file a Form 1098-E. The proposed regulations provide that the statement must include the information included on the Form 1098-E filed with the IRS and a legend that identifies the statement as important tax information being furnished to the IRS. The statement must include instructions that state that, under section 221 and the regulations thereunder, the payor may not be able to deduct the full amount of interest reported on the statement. The instructions must state that interest payments are deductible only during the first 60-months that interest payments are required. If the payee reports only stated interest, the instructions must state that the payor may be able to deduct additional amounts (e.g., certain loan origination fees and capitalized interest) not reported on the statement. The instructions must also state that the payor should refer to relevant IRS forms

and publications (such as Publication 970) for explanations relating to the eligibility requirements for, and the calculation of, any allowable interest deduction on qualified education loans.

The proposed regulations describe the rules for the time and manner of filing information returns with the IRS and furnishing information statements to payors. Forms 1098-E must generally be filed with the IRS on or before February 28 (March 31 if filed electronically) of the year following the calendar year in which the interest payments were received. In general, a payee must furnish an information statement to the payor on or before January 31 of the year following the calendar year in which interest payments were received. Although the regulations do not specifically address the issue of electronic transmission of information statements, the IRS is currently studying the issue. Accordingly, the IRS may address that issue in future guidance.

Under the proposed regulations, a payee may be subject to a penalty under section 6721 for failure to file correct Forms 1098-E and a penalty under section 6722 for a failure to furnish correct information statements. The proposed regulations generally follow the rules under section 6724 for waivers of penalties for certain failures due to reasonable cause. The regulations also provide special rules for soliciting the payor's TIN. A payee that complies with those rules will not be penalized for any failure to obtain or include a correct TIN on a Form 1098-E or the related information statement.

### 3. Requirement to File Information Returns on Magnetic Media

The proposed regulations amend the regulations under section 6011(e) to require eligible educational institutions, insurers, and payees who are required to file 250 or more Forms 1098-T or 1098-E to file on magnetic media. Under § 301.6011-2(a)(1), the term *magnetic media* means any media permitted under applicable regulations, revenue procedures, or publications, including magnetic tape, tape cartridge, and diskette, as well as other media (such as electronic filing).

### Proposed Effective Date

These regulations are proposed to apply to information returns required to be filed, and information statements required to be furnished, after December 31, 2001. Taxpayers may rely on these proposed regulations for guidance pending the issuance of final regulations. If, and to the extent, future guidance is more restrictive than the guidance in the proposed regulations,

the future guidance will be applied without retroactive effect.

### Special Analyses

It has been determined that these proposed regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. An initial regulatory flexibility analysis has been prepared for this notice of proposed rulemaking under 5 U.S.C. 603 and is set forth under the heading "Initial Regulatory Flexibility Analysis" in this preamble. Pursuant to section 7805(f), this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

### Initial Regulatory Flexibility Analysis

The collection of information contained in §§ 1.6050S-1(a) and (b) and 1.6050S-2(a) and (c) is needed to assist the IRS and taxpayers in determining the amount of any education credit allowable under section 25A and the amount of any interest deduction allowable under section 221. The objectives of the proposed regulations are to provide uniform, practicable, and administrable rules under section 6050S. The types of small entities to which the proposed regulations may apply are small eligible educational institutions (such as colleges and universities), certain insurers who reimburse educational expenses, and certain payees who receive payments of interest on qualified education loans. As of the end of December 1999, a total of 20,738,039 Forms 1098-T were filed with the IRS for 1998 and a total of 8,753,819 Forms 1098-E were filed with the IRS for 1998. The current estimated reporting burden is 7 minutes per Form 1098-T and 3 minutes per Form 1098-E. No special professional skills are necessary for preparation of the reports or records. There are no known Federal rules that duplicate, overlap, or conflict with these proposed regulations. The regulations proposed are considered to have the least economic impact on small entities of all alternatives considered.

Moreover, the proposed regulations requiring filing Forms 1098-T and 1098-E on magnetic media impose no additional reporting or recordkeeping and only prescribe the method of filing information returns that are already required to be filed. Further, these regulations are consistent with the

statutory requirement that an eligible educational institution, insurer, or payee is not required to file Forms 1098-T or 1098-E on magnetic media unless required to file at least 250 or more returns during the year. Finally, the economic impact caused by requiring Forms 1098-T and 1098-E on magnetic media should be minimal because most institution's, insurer's, and payee's operations are computerized. Even if their operations are not computerized, the incremental cost of magnetic media reporting should be minimal in most cases because of the availability of computer service bureaus. In addition, the existing regulations under section 6011(e) provide that the IRS may waive the magnetic media filing requirements on a showing of hardship. The waiver authority will be exercised so as not to unduly burden institutions, insurers, and payees lacking both the necessary data processing facilities and access at a reasonable cost to computer service bureaus.

### Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written and electronic comments that are submitted timely to the IRS. The IRS and Treasury specifically request comments on the clarity of the proposed regulations and how they can be made easier to understand. All comments will be available for public inspection and copying.

A public hearing will be scheduled in the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The IRS recognizes that persons outside the Washington, DC, area may also wish to testify at the public hearing through videoconferencing. Requests to include videoconferencing sites must be received by August 15, 2000. If the IRS receives sufficient indications of interest to warrant videoconferencing to a particular city, and if the IRS has videoconferencing facilities available in that city on the date the public hearing is to be scheduled, the IRS will try to accommodate the requests.

The IRS will publish the time and date of the public hearing and the locations of any videoconferencing sites in a document in the **Federal Register**.

### Drafting Information

The principal author of the regulations is Donna Welch, Office of Assistant Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and the Treasury Department participated in the development of the regulations.

**List of Subjects****26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**26 CFR Part 301**

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

**Proposed Amendments to the Regulations**

Accordingly, 26 CFR parts 1 and 301 are proposed to be amended as follows:

**PART 1—INCOME TAXES**

**Paragraph 1.** The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

Section 1.6050S-1 also issued under section 26 U.S.C. 6050S(g).

Section 1.6050S-2 also issued under section 26 U.S.C. 6050S(g). \* \* \*

**Par. 2.** Sections 1.6050S-0 through 1.6050S-2 are added to read as follows:

**§ 1.6050S-0 Table of contents.**

This section lists captions contained in §§ 1.6050S-1 and 1.6050S-2.

**§ 1.6050S-1 Information reporting for payments and reimbursements or refunds of qualified tuition and related expenses.**

- (a) Information reporting requirement.
  - (1) In general.
  - (2) Exceptions.
    - (i) No reporting for nonresident alien individuals.
    - (ii) No reporting for individuals enrolled in noncredit courses.
      - (A) In general.
      - (B) Academic credit defined.
      - (C) Example.
  - (b) Requirement to file return.
    - (1) Form of return.
    - (2) Information included on return.
      - (i) In general.
      - (ii) Requirement to include name, address, and TIN of any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return. [Reserved]
      - (3) Time and place for filing return.
        - (i) In general.
        - (ii) Return for nonresident alien individual.
        - (iii) Extensions of time.
      - (4) Use of magnetic media.
      - (c) Requirement to furnish statement.
        - (1) In general.
        - (2) Statement furnished to any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return. [Reserved]
        - (3) Time and manner for furnishing statement.
          - (i) In general.
          - (ii) Statement to nonresident alien individual.

- (iii) Extensions of time.
- (4) Time and manner for furnishing statement to any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return. [Reserved]
- (5) Copy of Form 1098-T.
- (d) Special rules.
  - (1) Payments received for qualified tuition and related expenses determined.
    - (i) In general.
    - (ii) Example.
  - (2) Payments of qualified tuition and related expenses received or collected on behalf of an institution.
    - (i) In general.
    - (ii) Exception.
  - (3) Governmental units.
  - (e) Penalty provisions.
    - (1) Failure to file correct returns.
    - (2) Failure to furnish correct information statements.
      - (3) Waiver of penalties for failures to include a correct TIN.
        - (i) In general.
        - (ii) Acting in a responsible manner.
        - (iii) Manner of soliciting TIN.
    - (4) Requirement to request and obtain TIN of any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return. [Reserved]
    - (5) Failure to furnish TIN.
    - (f) Effective date.

**§ 1.6050S-2 Information reporting for payments of interest on qualified education loans.**

- (a) Information reporting requirement.
  - (1) In general.
  - (2) Reporting period.
    - (i) In general.
    - (ii) Calculation of 60-month period.
    - (iii) Transitional rules for reporting on loans made before January 1, 1998.
      - (b) Definitions.
      - (c) Requirement to file return.
        - (1) Form of return.
        - (2) Information included on return.
        - (3) Time and place for filing return.
          - (i) In general.
          - (ii) Extensions of time.
          - (4) Use of magnetic media.
          - (d) Requirement to furnish statement.
            - (1) In general.
            - (2) Time and manner for furnishing statement.
              - (i) In general.
              - (ii) Extensions of time.
              - (3) Copy of Form 1098-E.
              - (e) Special rules.
                - (1) Transitional rule for reporting of loan origination fees and capitalized interest.
                - (2) Qualified education loan certification.
                - (3) Payments of interest received or collected by one or more persons.
                  - (i) In general.
                  - (ii) Exception.
                  - (4) Reporting by foreign persons.
                  - (5) Governmental units.
                  - (f) Penalty provisions.
                    - (1) Failure to file correct returns.
                    - (2) Failure to furnish correct information statements.
                      - (3) Waiver of penalties for failures to include a correct TIN.
                        - (i) In general.
                        - (ii) Acting in a responsible manner.
                        - (iii) Manner of soliciting TIN.

- (4) Failure to furnish TIN.
- (g) Effective date.

**§ 1.6050S-1 Information reporting for payments and reimbursements or refunds of qualified tuition and related expenses.**

(a) *Information reporting requirement*—(1) *In general.* Except as provided in paragraph (a)(2) of this section, any eligible educational institution (as defined in section 25A(f)(2) and § 1.25A-2(b)) (an institution) that receives payments of qualified tuition and related expenses (as defined in section 25A(f)(1) and § 1.25A-2(d)) from any source for any calendar year, or that makes reimbursements or refunds (or similar payments) of such amounts, and any person engaged in a trade or business of making payments under an insurance arrangement as reimbursements or refunds (or other similar amounts) of qualified tuition and related expenses (an insurer) must—

(i) File an information return, as described in paragraph (b) of this section, with the Internal Revenue Service (IRS) with respect to each individual for whom such payments are received, or reimbursements or refunds are made; and

(ii) Furnish a statement, as described in paragraph (c) of this section, to each individual described in paragraph (c) of this section.

(2) *Exceptions*—(i) *No reporting for nonresident alien individuals.* The information reporting requirements of this section do not apply with respect to any individual who is a nonresident alien (as defined in section 7701(b) and § 301.7701(b)-3 of this chapter) during the calendar year, unless the individual requests the institution or insurer to report. If a nonresident alien individual requests an institution or insurer to report, the institution or insurer must comply with the requirements of this section for the year with respect to which the request is made and all years after such request in which it receives payments of qualified tuition and related expenses or makes reimbursements or refunds of such amounts with respect to such individual.

(ii) *No reporting for individuals enrolled in noncredit courses*—(A) *In general.* The information reporting requirements of this section do not apply with respect to any individual who is enrolled during the calendar year only in courses for which the individual receives no academic credit.

(B) *Academic credit defined.* *Academic credit* means credit awarded by an institution for the completion of coursework leading toward a post-

secondary degree, certificate, or other recognized post-secondary educational credential.

(C) *Example.* The following example illustrates the rules of this paragraph (a)(2)(ii):

*Example.* Student A, a medical doctor, takes a course at University X's medical school. Student A takes the course to fulfill State Y's licensing requirement that medical doctors attend continuing medical education courses each year. Student A is not enrolled in a degree program at University X and takes the medical course through University X's continuing professional education division. University X does not award Student A credit toward a post-secondary degree on an academic transcript for the completion of the course but gives Student A a certificate of attendance upon completion. Under this paragraph (a)(2)(ii), University X is not subject to the information reporting requirements of section 6050S and this section for the medical education course taken by Student A.

(b) *Requirement to file return—(1) Form of return.* Except as otherwise provided in this section, an institution or insurer must file an information return for each individual with respect to whom payments of qualified tuition and related expenses are received, or reimbursements or refunds of such amounts are made, during the calendar year on Form 1098-T, "Tuition Payments Statement." An institution or insurer may use a substitute for Form 1098-T if the substitute form complies with applicable revenue procedures relating to substitute forms.

(2) *Information included on return—(i) In general.* An institution or insurer must include on Form 1098-T—

(A) The name, address, and taxpayer identification number (TIN) (as defined in section 7701(a)(41)) of the institution or the insurer;

(B) The name, address, and TIN of the individual with respect to whom payments of qualified tuition and related expenses were received, or reimbursements or refunds of such amounts were made;

(C) The aggregate amount of payments of qualified tuition and related expenses from any source that the institution received with respect to the individual during the calendar year;

(D) The aggregate amount of reimbursements or refunds of qualified tuition and related expenses that the institution or insurer made with respect to the individual during the calendar year;

(E) The aggregate amount of any scholarships or grants that the institution processed during the calendar year for the payment of the individual's costs of attendance;

(F) An indication by the institution whether the individual was enrolled for at least half of the normal full-time work load for the course of study the individual is pursuing for at least one academic period that begins during the calendar year (see § 1.25A-3(d)(1)(ii));

(G) An indication by the institution whether the individual was enrolled in a program leading to a graduate-level degree, graduate-level certificate, or other recognized graduate-level educational credential; and

(H) Any other information required by Form 1098-T and its instructions.

(ii) *Requirement to include name, address, and TIN of any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return.* [Reserved]

(3) *Time and place for filing return—(i) In general.* Except as provided in paragraphs (b)(3)(ii) and (iii) of this section, Form 1098-T must be filed on or before February 28 (March 31 if filed electronically) of the year following the calendar year in which payments of qualified tuition or related expenses were received, or reimbursements or refunds of such amounts were made. An institution or insurer must file Form 1098-T with the IRS according to the instructions to Form 1098-T.

(ii) *Return for nonresident alien individual.* In general, an institution or insurer is not required to file a return on behalf of a nonresident alien individual. However, if a nonresident alien individual requests an institution or insurer to report, the institution or insurer must file a return described in paragraph (b)(2) of this section with the IRS on or before the date prescribed in paragraph (b)(3)(i) of this section, or on or before the thirtieth day after the request, whichever is later.

(iii) *Extensions of time.* The IRS may grant an institution or insurer an extension of time to file returns required in this section upon a showing of good cause. See the instructions to Form 1098-T and applicable revenue procedures for rules relating to extensions of time to file.

(4) *Use of magnetic media.* See section 6011(e) and § 301.6011-2 of this chapter for rules relating to the requirement to file Forms 1098-T on magnetic media.

(c) *Requirement to furnish statement—(1) In general.* An institution or insurer must furnish a statement to each individual for whom it is required to file a Form 1098-T. The statement must include—

(i) The information required under paragraph (b)(2) of this section;

(ii) A legend that identifies the statement as important tax information that is being furnished to the IRS;

(iii) Instructions that—

(A) State that the taxpayer may not be able to claim an education tax credit under section 25A and the regulations thereunder with respect to the total payments of qualified tuition and related expenses reported for the calendar year;

(B) State that the amount of any scholarships, grants, refunds, or reimbursements reported for the calendar year and other similar amounts not reported (because they are not processed by the institution) may reduce the amount of any allowable education tax credit for the taxable year or a prior taxable year;

(C) State that the taxpayer should refer to relevant IRS forms and publications for explanations relating to the eligibility requirements for, and calculation of, any allowable education tax credit; and

(D) Include the name, address, and phone number of the individual who is the information contact for the institution or insurer that filed the Form 1098-T.

(2) *Statement furnished to any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return.* [Reserved]

(3) *Time and manner for furnishing statement—(i) In general.* Except as provided in paragraphs (c)(3)(ii) and (iii) of this section, an institution or insurer must furnish the statement described in paragraph (c)(1) of this section to each individual with respect to whom payments of qualified tuition and related expenses were received, or reimbursements or refunds were made, on or before January 31 of the year following the calendar year in which payments were received or reimbursements or refunds were made. If mailed, the statement must be sent to the individual's permanent address, or the individual's temporary address if the institution or insurer does not know the individual's permanent address.

(ii) *Statement to nonresident alien individual.* If an information return is filed for a nonresident alien individual, the institution or insurer must furnish a statement described in paragraph (c)(1) of this section to the individual in the manner and on or before the date prescribed in paragraph (c)(3)(i) of this section, or on or before the thirtieth day after the nonresident alien's request to report, whichever is later.

(iii) *Extensions of time.* The IRS may grant an institution or insurer an extension of time to furnish the statements required in this section upon

a showing of good cause. See the instructions to Form 1098-T and applicable revenue procedures for rules relating to extensions of time to furnish statements.

(4) *Time and manner for furnishing statement to any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return.* [Reserved]

(5) *Copy of Form 1098-T.* An institution or insurer may satisfy the requirement of this paragraph (c) by furnishing either a copy of Form 1098-T and its instructions or another document that contains all of the information filed with the IRS and the information required by paragraph (c)(1) of this section if the document complies with applicable revenue procedures relating to substitute statements.

(d) *Special rules—(1) Payments received for qualified tuition and related expenses determined—(i) In general.* In determining the aggregate amount of payments of qualified tuition and related expenses that an institution must report, payments received with respect to an individual during the calendar year from any source (except for any scholarship or grant that, by its terms, must be applied to expenses other than qualified tuition and related expenses, such as room and board) will be treated as payments of qualified tuition and related expenses up to the total amount billed by the institution for such expenses.

(ii) *Example.* The following example illustrates the rules of this paragraph (d)(1):

*Example.* (i) During the 2002 Spring semester, Student C attends College X and enrolls in a program leading toward an associate's degree. Student C lives on-campus. In December 2001, College X charges Student C \$2,000 for room and board for the 2002 Spring semester. In addition, in December 2001, College X charges Student C \$4,000 for qualified tuition and related expenses for the 2002 Spring semester. In December 2001, Student C pays College X \$1,500. In early January 2002, College X receives and processes a \$4,500 scholarship that may be applied to any of Student C's costs of attendance. Assume that there are no other payments during the calendar years 2001 and 2002.

(ii) Under this paragraph (d)(1), for the calendar year 2001, College X must report \$1,500 for payments of qualified tuition and related expenses received during the calendar year 2001. In addition, for the calendar year 2002, College X must report:

(A) \$2,500 for payments of qualified tuition and related expenses received during the calendar year 2002 (\$4,000 total charges for qualified tuition and related expenses less the \$1,500 payments received during 2001); and

(B) \$4,500 of scholarships processed during the calendar year 2002.

(2) *Payments of qualified tuition and related expenses received or collected on behalf of an institution—(i) In general.* If an institution contracts with another person to receive or collect payments of qualified tuition and related expenses on its behalf, the other person must satisfy the information reporting requirements of this section.

(ii) *Exception.* If the institution does not provide the other person with the information necessary to comply with the reporting requirements of this section, the other person must request the information necessary to comply with the information reporting requirements from the institution. If the institution does not provide the other person with the necessary information upon request, the institution must satisfy the information reporting requirements of this section.

(3) *Governmental units.* An institution or insurer that is a governmental unit, or an agency or instrumentality of a governmental unit, is subject to the information reporting requirements of this section and an appropriately designated officer or employee of the governmental entity must satisfy the information reporting requirements of this section.

(e) *Penalty provisions—(1) Failure to file correct returns.* The section 6721 penalty may apply to an institution or insurer that fails to file information returns required by section 6050S and this section on or before the required filing date; that fails to include all of the required information on the return; or that includes incorrect information on the return. See section 6721, and the regulations thereunder, for rules relating to penalties for failure to file correct returns. See section 6724, and the regulations thereunder, for rules relating to waivers of penalties for certain failures due to reasonable cause.

(2) *Failure to furnish correct information statements.* The section 6722 penalty may apply to an institution or insurer that fails to furnish statements required by section 6050S and this section on or before the prescribed date; that fails to include all the required information on the statement; or that includes incorrect information on the statement. See section 6722, and the regulations thereunder, for rules relating to penalties for failure to furnish correct statements. See section 6724, and the regulations thereunder, for rules relating to waivers of penalties for certain failures due to reasonable cause.

(3) *Waiver of penalties for failures to include a correct TIN—(i) In general.* In the case of a failure to include a correct TIN on Form 1098-T or a related

information statement, penalties may be waived if the failure is due to reasonable cause. Reasonable cause may be established if the failure arose from events beyond the institution's or insurer's control, such as a failure of the individual to furnish a correct TIN. However, the institution or insurer must establish that it acted in a responsible manner both before and after the failure.

(ii) *Acting in a responsible manner.* An institution or insurer must request the TIN of each individual with respect to whom payments of qualified tuition were received, or reimbursements or refunds were made, if it does not already have a record of the individual's correct TIN. If the institution or insurer does not have a record of the individual's correct TIN, then it must solicit the TIN in the manner described in paragraph (e)(3)(iii) of this section on or before December 31 of each year during which it receives payments of, or makes reimbursements of, qualified tuition and related expenses with respect to the individual. If an individual refuses to provide his or her TIN upon request, the institution or insurer must file the return and furnish the statement required by this section without the individual's TIN, but with all other required information. The specific solicitation requirements of paragraph (e)(3)(iii) of this section apply in lieu of the solicitation requirements of § 301.6724-1(e) and (f) of this chapter for the purpose of determining whether an institution or insurer acted in a responsible manner in attempting to obtain a correct TIN. An institution or insurer that complies with the requirements of this paragraph (e)(3) will be considered to have acted in a responsible manner within the meaning of § 301.6724-1(d) of this chapter with respect to any failure to include the correct TIN of an individual on a return or statement required by section 6050S and this section.

(iii) *Manner of soliciting TIN.* An institution or insurer must request the individual's TIN in writing and must clearly notify the individual that the law requires the individual to furnish a TIN so that it may be included on an information return filed by the institution or insurer. An institution or insurer must notify the individual that the individual's failure to furnish his or her TIN to the institution or insurer may result in a \$50 penalty being imposed against the individual as authorized by law. A request for a TIN made on Form W-9S, "Request for Student's or Borrower's Social Security Number and Certification," satisfies the requirements of this paragraph (e)(3)(iii). An institution or insurer may establish a

system for individuals to submit Forms W-9S electronically as described in applicable forms and instructions. An institution or insurer may also develop a separate form to request the individual's TIN or incorporate the request into other forms customarily used by the institution or insurer, such as financial aid applications.

(4) *Requirement to request and obtain TIN of any taxpayer who will claim the individual as a dependent on the taxpayer's Federal income tax return.* [Reserved]

(5) *Failure to furnish TIN.* The section 6723 penalty may apply to any individual who is required (but fails) to furnish his or her TIN to an institution or insurer. See section 6723, and the regulations thereunder, for rules relating to the penalty for failure to furnish a TIN.

(f) *Effective date.* The rules in this section apply to information returns required to be filed, and information statements required to be furnished, after December 31, 2001.

**§ 1.6050S-2 Information reporting for payments of interest on qualified education loans.**

(a) *Information reporting requirement—(1) In general.* Except as otherwise provided in this section, any person engaged in a trade or business that, in the course of that trade or business, receives from any payor (as defined in paragraph (b)(2) of this section) interest payments that aggregate \$600 or more for any calendar year on one or more qualified education loans (as defined in section 221(e)(1) and § 1.221-1(f)(3))(a payee) must—

(i) File an information return, as described in paragraph (c) of this section, with the IRS with respect to the payor; and

(ii) Furnish a statement, as described in paragraph (d) of this section, to the payor.

(2) *Reporting period—(i) In general.* The information reporting requirements of this section apply only to interest payments received on a qualified education loan during the first 60 months in which interest payments are required on the loan.

(ii) *Calculation of 60-month period.* In general, the 60-month period described in paragraph (a)(2)(i) of this section begins on the date the qualified education loan first enters repayment status and ends 60 months later. However, if the payee knows, or has reason to know, of any periods of deferment or forbearance during which the 60-month period is suspended under the rules described in § 1.221-1(e)(3), the 60-month period described

in paragraph (a)(2)(i) of this section is extended by the period of such deferment or forbearance. The date on which the qualified education loan first enters repayment status is determined under the terms of the loan agreement or, in the case of a loan issued or guaranteed under a federal post-secondary education loan program, under applicable federal regulations. For purposes of reporting under section 6050S and this section for refinanced loans and consolidated and collapsed loans, the rules of § 1.221-1(h)(1), relating to the date on which the 60-month period begins, apply.

(iii) *Transitional rules for reporting on loans made before January 1, 1998.* For qualified education loans made before January 1, 1998, the 60-month period described in paragraph (a)(2)(i) of this section is determined in accordance with the rules of paragraph (a)(2)(ii) of this section, except that if the payee does not know, and does not have reason to know, the date on which the loan entered repayment status, then, for reporting purposes only, the 60-month period begins on January 1, 1998. For defaulted loans made before January 1, 1998, if the payee does not know, and does not have reason to know, the date on which the loan entered repayment status, then, for reporting purposes only, the 60-month period begins on the earlier of the date the loan went into default or January 1, 1998. If the payee does not know, and does not have reason to know, either the date the loan entered repayment status or the default date, then, for reporting purposes only, the 60-month period begins on January 1, 1998. For purposes of this paragraph (a)(2)(iii), a defaulted loan is a loan with respect to which required payments of interest and principal have not been made when due over a period of time such that the holder has declared the loan in default based on its terms and conditions, and, if applicable, has sought recourse against the ultimate guarantor of the loan.

(b) *Definitions.* The following definitions apply for purposes of this section:

(1) *Interest* includes stated interest, loan origination fees (other than fees for services), and capitalized interest as described in § 1.221-1(h)(2). See paragraph (e)(1) of this section for a special transitional rule relating to reporting of loan origination fees and capitalized interest.

(2) *Payor* means the individual who is carried on the books and records of the payee as the borrower on a qualified education loan. If there are multiple borrowers, the principal borrower on the payee's books and records is treated

as the payor for purposes of section 6050S and this section.

(c) *Requirement to file return—(1) Form of return.* A payee must file an information return for the payor on Form 1098-E, "Student Loan Interest Statement." A payee may use a substitute for Form 1098-E if the substitute form complies with the applicable revenue procedures relating to substitute forms.

(2) *Information included on return.* A payee must include on Form 1098-E—

(i) The name, address, and taxpayer identification number (TIN) (as defined in section 7701(a)(41)) of the payee;

(ii) The name, address, and TIN of the payor;

(iii) The aggregate amount of interest payments received during the calendar year from the payor; and

(iv) Any other information required by Form 1098-E and its instructions.

(3) *Time and place for filing return—*

(i) *In general.* Except as provided in paragraph (c)(3)(ii) of this section, the Form 1098-E must be filed on or before February 28 (March 31 if filed electronically) of the year following the calendar year in which interest payments were received. A payee must file Form 1098-E with the IRS according to the instructions to Form 1098-E.

(ii) *Extensions of time.* The IRS may grant a payee an extension of time to file returns required in this section upon a showing of good cause. See the instructions to Form 1098-E and applicable revenue procedures for rules relating to extensions of time to file.

(4) *Use of magnetic media.* See section 6011(e) and § 301.6011-2 of this chapter for rules relating to the requirement to file Forms 1098-E on magnetic media.

(d) *Requirement to furnish statement—(1) In general.* A payee must furnish a statement to each payor for whom it is required to file a Form 1098-E. The statement must include—

(i) The information required under paragraph (c)(2) of this section;

(ii) A legend that identifies the statement as important tax information that is being furnished to the IRS;

(iii) Instructions that—

(A) State that, under section 221 and the regulations thereunder, the payor may not be able to deduct the full amount of interest reported on the statement;

(B) State that interest payments are deductible only during the first 60 months that interest payments are required;

(C) In the case of qualified education loans made before January 1, 2002, for which the payee does not report payments of interest other than stated

interest, state that the payor may be able to deduct additional amounts (such as certain loan origination fees and capitalized interest) not reported on the statement;

(D) State that the payor should refer to relevant IRS forms and publications for explanations relating to the eligibility requirements for, and calculation of, any allowable deduction for interest paid on a qualified education loan; and

(E) Include the name, address, and phone number of the individual who is the information contact for the payee that filed the Form 1098-E.

(2) *Time and manner for furnishing statement*—(i) *In general.* Except as provided in paragraph (d)(2)(ii) of this section, a payee must furnish the statement described in paragraph (d)(1) of this section to the payor on or before January 31 of the year following the calendar year in which payments of interest on a qualified education loan were received. If mailed, the statement must be sent to the payor's last known address.

(ii) *Extensions of time.* The IRS may grant a payee an extension of time to furnish statements required in this section upon a showing of good cause. See the instructions to Form 1098-E and applicable revenue procedures for rules relating to extensions of time to furnish statements.

(3) *Copy of Form 1098-E.* A payee may satisfy the requirement of this paragraph (d) by furnishing either a copy of Form 1098-E and its instructions or another document that contains all the information filed with the IRS and the information required by paragraph (d)(1) of this section if the document complies with applicable revenue procedures relating to substitute statements.

(e) *Special rules*—(1) *Transitional rule for reporting of loan origination fees and capitalized interest.* For qualified education loans made before January 1, 2002, a payee is not required to report payments of loan origination fees and capitalized interest as interest under section 6050S and this section.

(2) *Qualified education loan certification.* If a loan is not subsidized, guaranteed, financed, or is not otherwise treated as a student loan under a program of the Federal, state, or local government or an eligible educational institution, a payee must request a certification from the payor that the loan will be used solely to pay for qualified higher education expenses. A payee may use Form W-9S, "Request for Student's or Borrower's Social Security Number and Certification," to obtain the certification. A payee may

establish an electronic system for payors to submit Forms W-9S electronically as described in applicable forms and instructions. A payee may also develop a separate form to obtain the payor certification or may incorporate certification into other forms customarily used by the payee, such as loan applications, provided the certification is clearly set forth. If the certification is not received, the loan is not a qualified education loan for purposes of section 6050S and this section.

(3) *Payments of interest received or collected by one or more persons*—(i) *In general.* If a payee contracts with another person to receive or collect payments on a qualified education loan on its behalf, the other person must satisfy the information reporting requirements of this section.

(ii) *Exception.* If the payee does not provide the other person with information necessary to comply with the information reporting requirements of this section, the other person must request the information necessary to comply with the information reporting requirements from the payee. If the payee does not provide the other person with the necessary information upon request, the payee must satisfy the information reporting requirements of this section.

(4) *Reporting by foreign persons.* A payee that is not a United States person (as defined in section 7701(a)(30)) must report payments of interest it receives on a qualified education loan only if it receives the payment—

(i) At a location in the United States; or

(ii) At a location outside the United States if the payee is—

(A) A controlled foreign corporation (within the meaning of section 957(a)); or

(B) A person 50 percent or more of the gross income of which, from all sources for the three-year period ending with the close of the taxable year preceding the taxable year in which interest payments were received (or for such part of the period as the person was in existence), was effectively connected with the conduct of a trade or business within the United States.

(5) *Governmental units.* A governmental unit, or an agency or instrumentality of a governmental unit, that receives from any payor interest payments that aggregate \$600 or more for any calendar year on one or more qualified education loans is a payee, without regard to the requirement of paragraph (a)(1) of this section that the interest be received in the course of a trade or business.

(f) *Penalty provisions*—(1) *Failure to file correct returns.* The section 6721 penalty may apply to a payee that fails to file information returns required by section 6050S and this section on or before the required filing date; that fails to include all of the required information on the return; or that includes incorrect information on the return. See section 6721, and the regulations thereunder, for rules relating to penalties for failure to file correct returns. See section 6724, and the regulations thereunder, for rules relating to waivers of penalties for certain failures due to reasonable cause.

(2) *Failure to furnish correct information statements.* The section 6722 penalty may apply to a payee that fails to furnish statements required by section 6050S and this section on or before the prescribed date; that fails to include all the required information on the statement; or that includes incorrect information on the statement. See section 6722, and the regulations thereunder, for rules relating to penalties for failure to furnish correct statements. See section 6724, and the regulations thereunder, for rules relating to waivers of penalties for certain failures due to reasonable cause.

(3) *Waiver of penalties for failures to include a correct TIN*—(i) *In general.* In the case of a failure to include a correct TIN on Form 1098-E or a related information statement, penalties may be waived if the failure is due to reasonable cause. Reasonable cause may be established if the failure arose from events beyond the payee's control, such as a failure of the payor to furnish a correct TIN. However, the payee must establish that it acted in a responsible manner both before and after the failure.

(ii) *Acting in a responsible manner.* A payee must request the TIN of each payor if it does not already have a record of the payor's correct TIN. If the payee does not have a record of the payor's correct TIN, then it must solicit the TIN in the manner described in paragraph (f)(3)(iii) of this section on or before December 31 of each year during which it receives payments of interest. If a payor refuses to provide his or her TIN upon request, the payee must file the return and furnish the statement required by this section without the payor's TIN, but with all other required information. The specific solicitation requirements of paragraph (f)(3)(iii) of this section apply in lieu of the solicitation requirements of § 301.6724-1(e) and (f) of this chapter for the purpose of determining whether a payee acted in a responsible manner in attempting to obtain a correct TIN. A payee that complies with the

requirements of this paragraph (f)(3) will be considered to have acted in a responsible manner within the meaning of § 301.6724-1(d) of this chapter with respect to any failure to include the correct TIN of a payor on a return or statement required by section 6050S and this section.

(iii) *Manner of soliciting TIN.* A payee must request the payor's TIN in writing and must clearly notify the payor that the law requires the payor to furnish a TIN so that it may be included on an information return filed by the payee. A payee must notify the payor that the payor's failure to furnish his or her TIN to the payee may result in a \$50 penalty being imposed against the individual as authorized by law. A request for a TIN made on Form W-9S, "Request for Student's or Borrower's Social Security Number and Certification," satisfies the requirements of this paragraph (f)(3)(iii). A payee may establish a system for payors to submit Forms W-9S electronically as described in applicable forms and instructions. A payee may also develop a separate form to request the payor's TIN or incorporate the request into other forms customarily used by the payee, such as loan applications.

(4) *Failure to furnish TIN.* The section 6723 penalty may apply to any payor who is required (but fails) to furnish his or her TIN to a payee. See section 6723, and the regulations thereunder, for rules relating to the penalty for failure to furnish a TIN.

(g) *Effective date.* The rules in this section apply to information returns required to be filed, and information statements required to be furnished, after December 31, 2001.

**PART 301—PROCEDURE AND ADMINISTRATION**

**Par. 3.** The authority citation for part 301 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

**Par. 4.** Section 301.6011-2 is amended by:

1. Revising the first sentence of paragraph (b)(1).
2. Revising paragraph (g)(1).
3. Adding paragraph (g)(3).

The revisions and additions read as follows:

**§ 301.6011-2 Required use of magnetic media.**

(b) *Returns required on magnetic media.* (1) If the use of Form 1042-S, 1098 series, 1099 series, 5498, 8027, W-2G, or other form treated as a form specified in this paragraph (b)(1) is required by the applicable regulations or

revenue procedures for the purpose of making an information return, the information required by the form must be submitted on magnetic media, except as otherwise provided in paragraph (c) of this section. \* \* \*

\* \* \* \* \*

(g) *Effective dates.* (1) Except as otherwise provided in paragraph (g)(2) or (g)(3) of this section, this section applies to returns required to be filed after December 31, 1986.

\* \* \* \* \*

(3) This section applies to returns on Forms 1098-T and 1098-E required to be filed after December 31, 2001.

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue.*

[FR Doc. 00-13774 Filed 6-15-00; 8:45 am]

**BILLING CODE 4830-01-U**

**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

**33 CFR Part 323**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 232**

[FRL-6717-2]

**Proposed Revisions to the Clean Water Act Regulatory Definitions of "Fill Material" and "Discharge of Fill Material"**

**AGENCIES:** U.S. Army Corps of Engineers, Department of the Army, DOD; and Environmental Protection Agency.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On April 20, 2000, the Department of the Army (Army) and the Environmental Protection Agency (EPA) jointly proposed to revise their Clean Water Act (CWA) regulations defining the term "fill material" (65 FR 21292). Currently, the Army and EPA definitions of fill material differ from each other. The existing Army definition defines "fill material" as any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body, and specifically excludes from that definition any material discharged into the water primarily to dispose of waste, as that activity is regulated under section 402 of the CWA. The existing EPA definition defines "fill material" as any pollutant which replaces a portion of the waters of the

U.S. with dry land or which changes the bottom elevation of such waters, regardless of the purpose of the discharge. The proposed rule would amend both the Army and EPA definitions of "fill material" to provide a single definition of that term, and thus ensure proper, consistent, and more effective regulation under the CWA of materials that have the effect of replacing any portion of a water of the U.S. with dry land or of changing the bottom elevation of any portion of a water of the U.S.

The Army and EPA sought comment on the proposed rule by June 19, 2000. In response to comments from the public requesting additional time to fully analyze the issues and prepare comments, we are extending the comment period on the proposed rule to July 19, 2000.

**DATES:** Comments on the proposed rule must be submitted on or before July 19, 2000.

**ADDRESSES:** Send written comments on the proposed rule to the Office of the Chief of Engineers, ATTN CECW-OR, 20 Massachusetts Avenue, Washington, DC 20314-1000.

We request that commenters submit any references cited in their comments. We also request that commenters submit an original and 2 copies of their written comments and enclosures. Commenters that want receipt of their comments acknowledged should include a self-addressed, stamped envelope. All written comments must be postmarked or delivered by hand. No facsimiles (faxes) will be accepted.

A copy of the supporting documents for this proposed rule is available for review in Room 6225 at the U.S. Army Corps of Engineers' Pulaski Building, located at 20 Massachusetts Avenue, Washington, DC 20314-1000. For access to docket materials, call (202) 761-0199 between 9 a.m. and 3:30 p.m. for an appointment.

**FOR FURTHER INFORMATION CONTACT:** For information on the proposed rule, contact either Mr. Thaddeus Rugiel, U.S. Army Corps of Engineers, ATTN CECW-OR, 20 Massachusetts Avenue, Washington, DC 20314-1000, phone: (202) 761-0199, e-mail:Thaddeus.J.Rugiel@HQ02.USACE.ARMY.MIL, or Mr. John Lishman, U.S. Environmental Protection Agency, Office of Wetlands, Oceans and Watersheds (4502F), 1200 Pennsylvania Avenue NW, Washington, DC 20460, phone: (202) 260-9180, e-mail: lishman.john@epa.gov.

Dated: June 8, 2000.

**Michael L. Davis,**

*Deputy Assistant Secretary (Civil Works),  
Department of the Army.*

Dated: June 12, 2000.

**J. Charles Fox,**

*Assistant Administrator for Water,  
Environmental Protection Agency.*

[FR Doc. 00-15268 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MD 080-3037; FRL-6716-9]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Proposed Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** On January 26, 1999 (64 FR 3906), EPA proposed to approve the State of Maryland's regulations for Nitrogen Oxides (NO<sub>x</sub>) Budget Program (commonly referred to as the NO<sub>x</sub> Budget Rule) as a revision to the State Implementation Plan (SIP). Prior to our taking any final rulemaking, Maryland informed us that it was revising the rule. On November 18, 1999, Maryland submitted a new SIP revision request to EPA which consists of the revised version of its NO<sub>x</sub> Budget Rule. Because the State of Maryland has now submitted the revised version of its NO<sub>x</sub> Budget Rule as a SIP revision, we are withdrawing our January 26, 1999 proposed rule on the old version. EPA will initiate a new and separate rulemaking on the Maryland's November 18, 1999 SIP revision submittal.

**DATES:** This proposed rule is withdrawn as of June 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Cristina Fernandez (215) 814-2178, or by e-mail at fernandez.cristina@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements.

Dated: June 2, 2000.

**Bradley M. Campbell,**

*Regional Administrator, Region III.*

[FR Doc. 00-15156 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 261

[FRL-6716-4]

#### Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Essex Junction, VT

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; request for comment.

**SUMMARY:** The Environmental Protection Agency (EPA) is today proposing this rule to implement a pilot project under the Project XL program that would provide site-specific regulatory flexibility under the Resource Conservation and Recovery Act (RCRA), as amended, for the International Business Machines Corporation (IBM) semiconductor manufacturing facility in Essex Junction, Vermont. The principal objective of this IBM Vermont XL project is to determine whether the wastewater treatment sludge resulting from an innovative copper metallization process (i.e., an electroplating operation) should be designated a RCRA hazardous waste (F006), and thus be subject to RCRA regulatory controls. If, as a result of this XL project, the Agency determines that the wastewater treatment sludge (which does not otherwise exhibit a hazardous characteristic) need not be subject to RCRA hazardous waste regulations to be protective of human health and the environment and removes such sludges from the hazardous waste program, this would not only enhance the cost-effectiveness of the innovative process by removing the costs of such regulatory controls, but could also encourage the development and installation of this innovative process (or similar ones) by other semiconductor manufacturers. To achieve this, today's proposed rule, when finalized, will provide an exemption of the copper metallization process from the narrative listing description of electroplating operations that result in an F006 wastewater treatment sludge.

**DATES:** *Public Comments:* Comments on the proposed rule must be received on or before July 17, 2000. All comments should be submitted in writing to the address listed below.

*Public Hearing:* Commenters may request a public hearing by June 30, 2000 during the public comment period. Commenters requesting a public hearing should specify the basis for their request. If EPA determines that there is

sufficient reason to hold a public hearing, it will do so by July 7, 2000, during the last week of the public comment period. Requests for a public hearing should be submitted to the address below.

**ADDRESSES:** *Comments:* Written comments should be mailed to the RCRA Information Center Docket Clerk (5305W), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460. Please send an original and two copies of all comments, and refer to Docket Number F-2000-IBMP-FFFFF.

*Request to Speak at Hearing:* Requests for a hearing should be mailed to the RCRA Information Center Docket Clerk (5305G), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460. Please send an original and two copies of all comments, and refer to Docket Number F-2000-IBMP-FFFFF. A copy should also be sent to Mr. John Moskal at the U.S. EPA New England office. Mr. John Moskal may be contacted at the following address: U.S. Environmental Protection Agency, New England (SPP), One Congress St., Suite 1100, Boston, MA 02114, (617) 918-1826.

*Viewing Project Materials:* A docket containing the proposed rule, draft Final Project Agreement, supporting materials, and public comments is available for public inspection and copying at the RCRA Information Center (RIC), located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RIC is open from 9 am to 4 pm Monday through Friday, excluding Federal holidays. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603-9230. Refer to RCRA docket number F-2000-IBMP-FFFFF. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost 15 cents per page. Project materials are also available for review for today's action on the world wide web at <http://www.epa.gov/projectxl/>.

A duplicate copy of the docket is available for inspection and copying at U.S. EPA New England, One Congress Street, Suite 1100 (LIB), Boston MA 02114-2023 during normal business hours. Persons wishing to view the duplicate docket at the Boston location are encouraged to contact Mr. John Moskal or Mr. George Frantz in advance, by telephoning (617) 918-1826 or (617) 918-1883, respectively.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Moskal or Mr. George Frantz, U.S.

Environmental Protection Agency, New England (SPP), Assistance and Pollution Prevention Division, One Congress Street, Suite 1100, Boston, MA 02114–2023. Mr. Moskal can be reached at (617) 918–1826 (or [moskal.john@epa.gov](mailto:moskal.john@epa.gov)) and Mr. Frantz can be reached at (617) 918–1883 (or [frantz.george@epa.gov](mailto:frantz.george@epa.gov)). Further information on today's action may also be obtained on the world wide web at <http://www.epa.gov/projectxl/>.

**SUPPLEMENTARY INFORMATION:** This pilot project assesses the appropriateness of designating the sludges resulting from the treatment of the wastewaters generated by the copper metallization process as a listed hazardous waste (F006), and to characterize those factors that may determine whether similar metallization processes should also be exempted from the process description in the F006 listing. No other hazardous wastes generated and/or managed at the IBM facility are affected by this proposed rule. Similarly, no wastewater treatment sludges generated through the treatment of wastewaters resulting from similar copper metallization processes at other facilities are affected by this proposed rule.

The duration of this XL pilot project is 5 years. The exemption from the specified RCRA requirements for the wastewater treatment sludge resulting from the copper metallization process at this IBM facility does not include a “sunset provision” which would automatically terminate the exemption at a certain point in the future (as is typically done in regulatory changes to facilitate XL pilot projects). Instead, EPA and VTDEC (and IBM) commit to evaluating the project at the end of its 5-year term. If the project is determined to be successful, EPA may consider expanding the scope of the exemption to the national level (by rulemaking). If the project is determined to be unsuccessful, EPA will promulgate a rule (after notice and comment) to remove the site-specific exemption and the wastewater treatment sludge will again become subject to the F006 hazardous waste listing. It is the intent of EPA and VTDEC that the conditional exemption remain applicable to the IBM facility until EPA (and VTDEC) takes regulatory action to change the exemption (to either remove it, expand it, or perhaps modify it). The five-year term for this XL pilot project begins upon the effective date of the final rulemaking (the latter of EPA or VTDEC) promulgated to allow for the XL project to be implemented.

Today's proposed rulemaking will not in any way affect the provisions or

applicability of any other existing or future regulations.

EPA is soliciting comments on this rulemaking (as well as the draft FPA). EPA will publish responses to comments in a subsequent final rule. The XL project will enter the implementation phase when the final rule is promulgated by EPA and VTDEC, and all signatories to the XL project sign the Final Project Agreement.

The terms of the overall XL project are contained in a draft Final Project Agreement (FPA) on which EPA is also requesting comment. The draft Final Project Agreement (FPA) (also available in today's **Federal Register**) is available for public review and comment at the EPA Docket in Washington DC, in the US EPA New England library, at the IBM Essex Junction facility, and on the world wide web at <http://www.epa.gov/projectxl/>. Following a review of the public comments and appropriate changes, the FPA would be signed by representatives from EPA, the Vermont Department of Environmental Conservation (VTDEC) and IBM.

#### Outline of Today's Proposal

The information presented in this preamble is organized as follows:

- I. Authority
- II. Overview of Project XL
- III. Overview of the IBM Vermont XL Pilot Project
  - A. To Which Facilities Will the Proposed Rule Apply?
  - B. What Problems Will the IBM Vermont XL Project Attempt to Address?
    1. Background on Hazardous Waste Identification
    2. Background on the F006 Hazardous Waste Listing
    3. Site-Specific Considerations at the IBM Vermont Facility
  - C. What Solution is Proposed by the IBM Vermont XL Project?
  - D. What Regulatory Changes Will Be Necessary to Implement this Project?
    1. Federal Regulatory Changes
    2. State Regulatory Changes
  - E. Why is EPA Supporting this Approach to Removing a Waste From a Hazardous Waste Listing?
  - F. How Have Various Stakeholders Been Involved in this Project?
  - G. How Will this Project Result in Cost Savings and Paperwork Reduction?
  - H. What Are the Terms of the IBM Vermont XL Project and How Will They Be Enforced?
  - I. How Long Will this Project Last and When Will It Be Complete?
- IV. Additional Information
  - A. How to Request a Public Hearing
  - B. How Does this Rule Comply With Executive Order 12866?
  - C. Is a Regulatory Flexibility Analysis Required?
  - D. Is an Information Collection Request Required for this Project Under the Paperwork Reduction Act?

- E. Does this Project Trigger the Requirements of the Unfunded Mandates Reform Act?
- F. RCRA & Hazardous and Solid Waste Amendments
  1. Applicability of Rules in Authorized States
  2. Effect on Vermont Authorization
- G. How Does this Rule Comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks?
- H. Does this Rule Comply with Executive Order 13132: Federalism?
- I. How Does this Rule Comply with Executive Order 13084: Consultation and Coordination with Indian Tribal Governments?
- J. Does this Rule Comply with the National Technology Transfer and Advancement Act?

#### I. Authority

EPA is publishing this proposed regulation under the authority of sections 2002, 3001, 3002, 3003, 3006, 3010, and 7004 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6912, 6921, 6922, 6923, 6926, 6930, 6937, 6938, and 6974).

#### II. Overview of Project XL

The draft Final Project Agreement (FPA) sets forth the intentions of EPA, VTDEC, and the IBM Essex Junction, VT facility with regard to a project developed under Project XL, an EPA initiative to allow regulated entities to achieve better environmental results with limited regulatory flexibility. The proposed regulation, along with the FPA (also available in today's **Federal Register**), would facilitate implementation of the project. Project XL—“eXcellence and Leadership”—was announced on March 16, 1995, as a central part of the National Performance Review and the Agency's effort to reinvent environmental protection. See 60 FR 27282 (May 23, 1995). Project XL provides a limited number of private and public regulated entities an opportunity to develop their own pilot projects to request regulatory flexibility that will result in environmental protection that is superior to what would be achieved through compliance with current and reasonably-anticipated future regulations. These efforts are crucial to EPA's ability to test new strategies that reduce regulatory burden and promote economic growth while achieving better environmental and public health protection. EPA intends to evaluate the results of this and other Project XL projects to determine which specific elements of the project(s), if any, should be more broadly applied to other

regulated entities for the benefit of both the economy and the environment.

Under Project XL, participants in four categories—facilities, industry sectors, governmental agencies and communities—are offered the flexibility to develop common sense, cost-effective strategies that will replace or modify specific regulatory requirements, on the condition that they produce and demonstrate superior environmental performance.

The XL program is intended to encourage EPA to experiment with potentially promising regulatory approaches, both to assess whether they provide benefits at the specific facility affected, and whether they should be considered for wider application. Such pilot projects allow EPA to proceed more quickly than would be possible when undertaking changes on a nationwide basis. As part of this experimentation, EPA may try out approaches or legal interpretations that depart from, or are even inconsistent with, longstanding Agency practice, so long as those interpretations are within the broad range of discretion enjoyed by the Agency in interpreting the statutes that it implements. EPA may also modify rules, on a site-specific basis, that represent one of several possible policy approaches within a more general statutory directive, so long as the alternative being used is permissible under the statute.

Adoption of such alternative approaches or interpretations in the context of a given XL project does not, however, signal EPA's willingness to adopt that interpretation as a general matter, or even in the context of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether they are viable in practice and successful in the particular projects that embody them. Furthermore, as EPA indicated in announcing the XL program, EPA expects to adopt only a limited number of carefully selected projects. These pilot projects are not intended to be a means for piecemeal revision of entire programs. Depending on the results in these projects, EPA may or may not be willing to consider adopting the alternative interpretation again, either generally or for other specific facilities.

EPA believes that adopting alternative policy approaches and interpretations, on a limited, site-specific basis and in connection with a carefully selected pilot project, is consistent with the expectations of Congress about EPA's role in implementing the environmental

statutes (provided that the Agency acts within the discretion allowed by the statute). Congress' recognition that there is a need for experimentation and research, as well as ongoing re-evaluation of environmental programs, is reflected in a variety of statutory provisions, such as section 8001 of RCRA.

#### *XL Criteria*

To participate in Project XL, applicants must develop alternative environmental performance objectives pursuant to eight criteria: Superior environmental performance; cost savings and paperwork reduction; local stakeholder involvement and support; test of an innovative strategy; transferability; feasibility; identification of monitoring, reporting and evaluation methods; and avoidance of shifting risk burden. The XL projects must have the full support of the affected Federal, State, local and tribal agencies to be selected.

For more information about the XL criteria, readers should refer to the two descriptive documents published in the **Federal Register** (60 FR 27282, May 23, 1995 and 62 FR 19872, April 23, 1997), and the December 1, 1995 "Principles for Development of Project XL Final Project Agreements" document. For further discussion as to how the IBM Vermont XL project addresses the XL criteria, readers should refer to the draft Final Project Agreement available from the EPA RCRA docket, the U.S. EPA New England library, or the Project XL web page (see **ADDRESSES** section of today's preamble).

#### *XL Program Phases*

The Project XL program is compartmentalized into four basic developmental phases: The initial pre-proposal phase where the project sponsor comes up with an innovative concept that they would like EPA to consider as an XL pilot project; the second phase where the project sponsor works with EPA and interested stakeholders in developing an XL proposal; the third phase where EPA, local regulatory agencies, and other interested stakeholders review the XL proposal; and the fourth phase where the project sponsor works with EPA, local regulatory agencies, and interested stakeholders in developing a Final Project Agreement and legal mechanism. After promulgation of the final rule (or other legal mechanism) for the XL pilot, and after the Final Project Agreement has been signed by all designated parties, the XL pilot project proceeds onto implementation and evaluation.

#### *Final Project Agreement*

The Final Project Agreement (FPA) is a written voluntary agreement between the project sponsor and regulatory agencies. The draft FPA contains a detailed description of the proposed pilot project. It addresses the eight Project XL criteria, and the expectation of the Agency that the XL project will meet those criteria. The draft FPA identifies performance goals and indicators that the project is yielding the expected environmental benefits, and specifically addresses the manner in which the project is expected to produce superior environmental benefits. The draft FPA also discusses the administration of the FPA, including dispute resolution and termination. The draft FPA for this XL project is available for review in the docket for today's action, and also is available on the world wide web at <http://www.epa.gov/projectxl/>.

### **III. Overview of the IBM Vermont XL Pilot Project**

EPA is today requesting comments on the draft Final Project Agreement (FPA) and proposed rule to implement key provisions of this Project XL initiative. Today's proposed rule would facilitate implementation of the draft FPA (the document that embodies EPA's intent to implement this project) that has been developed by EPA, the Vermont Department of Environmental Conservation (VTDEC), the IBM Essex Junction, VT facility, and other stakeholders. After comments on the draft FPA and proposed rule have been considered, EPA, VTDEC, and IBM expect to sign a final FPA. Today's proposed rule, when finalized, would not be effective in Vermont until the State has made conforming changes to its hazardous waste program.

#### *A. To Which Facilities Will the Proposed Rule Apply?*

This proposed rule would apply only to the IBM Essex Junction, VT facility. Further, the regulatory modification being proposed only affects the copper metallization plating process (and the wastes generated by that process) that is the focus of this XL project; wastes resulting from any other operations at the facility are not affected by this proposed rule (or the final rule, when finalized).

#### *B. What Problems Will the IBM Vermont XL Project Attempt To Address?*

IBM does not believe the innovative copper metallization process it uses should be included among those electroplating operations that result in a wastewater treatment sludge that is

specifically listed as a hazardous waste (F006), and that the regulatory controls (with associated increases in costs) provide no benefit to the environment.

### 1. Background on Hazardous Waste Identification

Under the current RCRA regulatory framework, the generator of a waste is responsible for determining whether the waste is hazardous (see 40 CFR 262.11). There are two ways that a waste is determined to be hazardous; either the waste exhibits a characteristic of a hazardous waste as defined in 40 CFR 261.21, 261.22, 261.23, and 261.24, or the Agency has identified and specifically listed it as a hazardous waste in 40 CFR 261.31, 261.32, and 261.33. The wastewater treatment sludge that is the focus of this XL project typically does not exhibit a characteristic of hazardous waste; however, it does meet the narrative listing description for F006, generally described as wastewater treatment sludge from electroplating operations. In promulgating the hazardous waste listings, EPA presented the basis for the listings in 40 CFR part 261, appendix VII (e.g., the basis for the F006 listing is the presence of cadmium, hexavalent chromium, nickel, and cyanide (complexed) in high enough concentrations to present a risk to human health and the environment if the waste is mismanaged). However, the hazardous waste listings are implemented based on their narrative descriptions, not by a waste-specific assessment of the hazardous constituents the wastes contain (such an assessment is how the "toxicity characteristic" is implemented pursuant to 40 CFR 261.24). To address those wastes that meet the narrative description of a listed hazardous waste but which the generator believes are nonhazardous, RCRA regulations provide a mechanism for the generator to petition the Agency for a determination that the wastes generated at their facility should not be regulated as hazardous (i.e., a "delisting" pursuant to 40 CFR 260.22).

### 2. Background on the F006 Hazardous Waste Listing

On May 19, 1980, EPA promulgated the F006 hazardous waste listing, thereby designating wastewater treatment sludges from electroplating operations to be a RCRA hazardous waste (see 45 FR 33084). This wastestream is typically generated through the chemical treatment (e.g., lime precipitation) of wastewaters generated by plating operations to precipitate out certain toxic metals.

These wastewaters are typically made up of spent plating/coating solutions and rinsewaters (from the rinsing of parts after being plated). As discussed in more detail in the background document supporting the listing of electroplating wastewater treatment sludge (F006), *Electroplating and Metal Finishing Operations* (pages 105–143) (available in the docket for this proposal), the Agency noted that while there are many various plating processes covered by the listing, they all generally involve hazardous constituents of concern at concentration levels requiring regulatory oversight to ensure that the management and disposal of such sludges will not result in damages to the environment or otherwise present a risk to human health and the environment. The metal constituents found to be commonly used in electroplating operations include cadmium, lead, chromium (in hexavalent form), copper, nickel, zinc, gold and silver. Cyanides, strong acids and strong bases are also used extensively in the general types of plating operations intended to be included in the listing description. As stated earlier, the specific constituents of concern cited as the basis for listing such wastewater treatment sludges as hazardous wastes were cadmium, hexavalent chromium, nickel, and cyanide (complexed) (see 40 CFR part 261, appendix VII).

While the actual composition of the electroplating-generated wastewater treatment sludges may vary due to the specific sequence of processing operations (commonly, more than one processing step is involved in a plating operation), in general, the sludges would be expected to contain significant concentrations of toxic metals, and possibly complexed cyanides in high concentrations if the cyanides are not properly isolated in the wastewater treatment process. Thus, the approach to this hazardous waste listing was one where the constituents typically used in the "up-stream" production process were, in part, the basis of the hazardous waste listing applicable to the residuals from wastewater treatment (typically alkaline precipitation of the heavy metals).

The Agency noted in the May 19, 1980 rulemaking that several plating operations were found to not contain significant concentrations of toxic metals or cyanides, such that the sludges resulting from the treatment of the wastewaters resulting from such operations would not be expected to pose a risk to human health and the environment. These operations were accordingly identified and specifically

excluded from the F006 listing description: (1) Sulfuric acid anodizing of aluminum, (2) tin plating on carbon steel, (3) zinc plating (segregated basis) on carbon steel, (4) aluminum or zinc-aluminum plating on carbon steel, (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel, and (6) chemical etching and milling of aluminum. (see 40 CFR 261.31).

Accordingly, the chemical make-up of the materials used in the plating operation was a major consideration in whether the wastewater treatment sludge would be designated a hazardous waste. Other factors that may impact the concentration levels of hazardous constituents in the wastewater treatment sludge are the type and shape of the article being plated, how much of the plating solution is carried over into the rinsewater, and the actual plating process being used.

### 3. Site-Specific Considerations at the IBM Vermont Facility

Since the IBM facility has many complicated manufacturing processes, a review of the basic steps in semiconductor manufacturing relevant to the metallization process which is the subject of this XL project may be useful. In general, the surface of a silicon wafer is cleaned and passivated (i.e., coated to provide an insulating layer) with a very thin silicon oxide layer. An organic photoresist is applied to the wafer and a circuit pattern is exposed onto the resist by shining light onto the wafer through a mask. The exposed photoresist is washed away, while the remainder is hardened to protect the insulating layer. After this is completed, the wafer is treated with inorganic liquids and gases to create the doped circuits which provide the semiconductor function. The hardened resist is then removed with organic solvents. At certain points in the process, metallization techniques are used to electronically connect the stacked layers of the semiconductor device. (The copper metallization process which is the basis for this XL project serves this purpose.) Wafer cleaning and rinsing steps, using mixtures of inorganic acids, oxidizers, and deionized water, occur after many of the process steps. This process cycle is repeated until a fully functional memory or logic device has been produced. After the circuits are built on the wafer, minute amounts of metal are deposited onto the wafer to produce the connections which marry the semiconductor to a module or circuit board for use in a computer. Finally, the wafer is sliced into individual chips for

testing and placement onto substrates or modules for use in computer systems.

The new copper metallization process IBM has introduced, which is the subject of this XL project, serves to provide the interconnection of the device circuits, electronically connecting the stacked layers of the semiconductor device. In designing the process, IBM worked with the manufacturers of the plating solutions and the manufacturer of the plating tool (which holds the wafer) to minimize waste and increase efficiency. The metallization process uses this specialized tool to bring only one side of the wafer into contact with the copper plating solution and applies an electrical current to plate the copper onto the wafer surface. Once the metallization process is complete, the wafer is rinsed with sulfuric acid over the plating bath to keep as much plating solution as possible in the bath (thus minimizing the amount of plating solution that is carried over into the rinsewaters). After the sulfuric acid rinse, the wafer is then rinsed with deionized water, and deionized water and sulfuric acid, in a pre-defined sequence, with the resulting rinsewaters being sent through the facility's wastewater treatment system.

For each wafer produced, approximately 3.5 grams of plating solution (containing approximately 0.065 grams of copper) is carried over to the rinsewaters. The volume of water used in the rinsing ranges from 0.5 to 0.7 gallons per wafer. Present projections show that copper mass and rinsewater volume will increase from approximately 110 grams/day and 1000–2000 gallons/day, respectively in the second quarter of 1999 to 180 grams/day and 2000–3000 gallons/day when the process is fully deployed in 2002.<sup>1</sup>

Also, the plating unit includes a 40-gallon reservoir for the plating solution that constantly filters and regenerates the solution. The goal in designing and

operating this reservoir is to achieve an infinite bath life for the solution. However, it is currently necessary to replace a portion of the used plating solution in the reservoir with new solution. Currently, IBM drums the spent plating solution from the reservoir and sends the material for appropriate off-site management. IBM does not currently, nor plan to in the future, send the spent plating solution from the reservoir through the wastewater treatment system. Thus, the only plating solution that is or will be sent through the facility's wastewater treatment system is the relatively small amount that is carried over to the rinsewaters.

According to tests conducted by IBM, the plating solution currently being used by the facility does not contain any of the hazardous metal constituents and cyanides which were the focus of the original hazardous waste listing for wastewater treatment sludges from electroplating operations (and thus, these constituents would not be expected to be in the wastewater treatment sludge unless they are introduced from some other production process).

IBM reports other significant environmental benefits of converting to the copper metallization process that should be considered. The copper metallization process replaces an aluminum chemical vapor deposition process that required the vaporization of aluminum for deposit on the wafer. The use of the vapor deposition process entailed cleaning steps that used perfluorinated compounds (PFCs), which are global warming gases. By replacing a majority of the aluminum connections with copper, a significant reduction in global warming gases will be realized simply by minimizing the number of cleaning steps that use PFCs. It should also be noted that while such vapor deposition processes (and subsequent cleaning steps) are still required in other aspects of the semiconductor manufacturing process, IBM has developed an alternative cleaning method that uses dilute nitrogen trifluoride (NF<sub>3</sub>) instead of PFCs, wherever appropriate. NF<sub>3</sub> has significantly less impact on global warming than PFCs.<sup>2</sup> The Agency recognizes this significant environmental benefit although it is not closely associated with the regulatory flexibility being sought by IBM.

IBM also reports that the new copper metallization process is much more energy efficient (30 to 40% less energy) than the aluminum chemical vapor deposition process it replaces. Similarly, the semiconductor chip produced by the copper metallization process is approximately 25% more energy-efficient than the chip it replaces. IBM expects this type of metallization process (or processes very similar) to become more common in the semiconductor manufacturing industry.

The aluminum chemical vapor deposition process which the copper metallization process replaces was dry and generated no wastewater or sludge that was subject to RCRA. From the time the copper metallization process was first introduced in 1996 until April of 1998, the copper metallization rinsewaters were collected and drummed for off-site disposal, keeping these wastewaters separate from the on-site wastewater treatment system. However, beginning in May 1998, the volume of rinsewater generated (approximately 250 gallons/day) became large enough to make it necessary to introduce the plating rinsewaters into the wastewater treatment system by commingling them with other wastewater streams generated on-site.

Even though the contribution of wastewaters from the copper metallization process to the total volume of wastewater being treated to generate the sludge is minimal (the volume of rinsewaters from the plating operation expected to be generated when the plating process is at full production is 1600 gallons/day, compared with an estimated 5,000,000 gallons/day volume of other on-site wastewaters), the sludge generated by the treatment of the commingled wastewaters is regulated as F006 because it meets the narrative listing description (*i.e.*, wastewater treatment sludges from an electroplating operation).

Consequently, IBM's reported annual hazardous waste generation increased from 2.14 million pounds to 5.78 million pounds (1999 totals) and their waste management costs increased by \$3,500 per year. Regarding IBM's waste management costs, the State of Vermont has deferred the hazardous waste tax that would normally apply to the generation of an F006 waste (approximately \$225,000/year).<sup>3</sup>

<sup>3</sup> VTDEC accepted IBM's position that the F006 listing was inappropriately bringing the copper metallization waste stream into the hazardous waste system since the process did not contain the constituents for which F006 was listed. VTDEC has the discretion to waive the hazardous waste tax "for

<sup>1</sup> Prior to the copper electroplating operation, a thin layer of copper is applied to each wafer by vapor deposition. This very thin layer serves as a "seed" site for the deposition of the electroplated copper. A scheduled change (not related to this XL project) in the process for depositing the seed layer will result in additional copper being inadvertently deposited to the outermost edge of the wafer as a result of a change in the way the wafer is held in the tool.

Due to this change in the seed layer process, it will be necessary for future copper plating tools to remove the copper from the outer three millimeters of the wafer edge following the plating step to prepare the wafer for future processing. The copper on the edge is removed using an acid spray, in a process step termed "edge bead removal." This will add 0.77 grams/day of copper to the wastewater stream, representing 5–10% of the load generated by the plating wastewaters and 0.5–1% of the load generated by the total copper process.

<sup>2</sup> There are a few cleaning processes at the facility where dilute NF<sub>3</sub> is an ineffective substitute for the PFC. However, for those operations, IBM has substituted a much more dilute PFC than was originally used, still achieving reductions in the global warming gas emissions.

While the increased waste management costs (as well as the associated recordkeeping and paperwork burdens) are relatively insignificant to the facility, they nevertheless represent increased costs for no net environmental benefit.

#### *C. What Solution Is Proposed by the IBM Vermont XL Project?*

IBM's position is that they have adopted a more energy- and resource-efficient metallization process that employs a plating solution that is significantly different from the plating solutions used when the Agency promulgated the F006 listing, and therefore should not be subject to the F006 listing. This process has been specifically designed to minimize the use of the plating solution while maximizing the use of the copper metal in the solution, and minimizing the amount of solution that is carried over into the rinsewater. Because this metallization process does not contribute hazardous constituents to the wastewater treatment sludge, IBM is seeking to have its copper metallization process exempted from the F006 hazardous waste listing. Therefore, rather than pursue a delisting of the wastewater treatment sludge under 40 CFR 260.22, IBM has opted to work with the Agency, VTDEC, and interested stakeholders to develop and implement a pilot project under Project XL that will evaluate whether the copper metallization process should be included in the plating operations that result in F006 listed hazardous wastes. The Agency agrees with IBM that this XL project has a somewhat different aspect to it (*i.e.*, the focus on the innovative production process that generates the wastewaters that, in turn, are treated to generate the listed sludge), such that the delisting approach is not the most suitable. A delisting approach would look strictly at the waste being delisted (as well as how it is managed), which in this situation is the result of treating large volumes of wastewaters from a variety of production processes (including wastewaters contributed by the innovative copper metallization process) and would not adequately reflect the specific environmental impacts associated with the innovative production process. It is the innovative

cause shown." 32 VSA 10102(2). VTDEC took the position that the constituents for which F006 was listed took primacy over the narrative listing description that was intended to further describe wastes *within the boundaries* of the basis for listing, *i.e.* the constituents of concern. The constituents described the potential for harm to human health and the environment while the narrative listing description described the *processes*, known at the time, that were likely to contain the constituents.

production process that causes the wastewater treatment sludge to be designated a hazardous waste.

#### *D. What Regulatory Changes Will Be Necessary To Implement This Project?*

To implement this XL project, the Agency is proposing in today's notice to provide a site-specific exemption in 40 CFR 261.4(b) (*i.e.*, "Solid wastes which are not hazardous wastes") for the copper metallization process at the IBM Vermont facility from the F006 hazardous waste listing description. The Agency considered a modification to the F006 listing description in the table in 40 CFR 261.31(a), adding the copper metallization process at the IBM Vermont facility to the list of plating operations that are not intended to be subject to the listing. However, because the exemption will have a number of conditions that the IBM facility must follow to ensure that this XL project is protective of human health and the environment throughout the term of the project and to provide the information and data the Agency will use to consider whether the regulatory exemption should be incorporated into the national program, the Agency prefers placing the exemption language in 40 CFR 261.4(b). Regardless of where EPA chooses to place the exemption language in the regulations (261.31(a) or 261.4(b)), the legal effect of the exemption will be the same. EPA expects that should the exemption of the copper metallization process from the F006 listing be incorporated into the national program, EPA would then modify the listing description in 40 CFR 261.31(a).

#### *E. Why Is EPA Supporting This Approach To Removing a Waste From a Hazardous Waste Listing?*

The Agency agrees with IBM that this XL project has merit and has the potential to yield significant environmental benefits should this exemption be adopted on a national basis. Project XL offers the opportunity for the Agency to test its belief that this innovative process should be encouraged as one that is environmentally superior to existing technologies and to consider the appropriate regulatory status of the wastes from this technology before it is adopted by similar manufacturing facilities.

Further, this XL project offers EPA the opportunity to test a different approach to re-evaluating whether a specific wastestream is appropriately subject to regulatory controls as a listed waste. The existing mechanism for removing a waste from a listing on a site-specific

basis is through a "delisting" petition under 40 CFR 260.22. However, the delisting approach is not the most suitable for the situation at the IBM Vermont facility because the scope of the listing itself is at issue. If IBM submitted a delisting petition, EPA would evaluate the hazardous nature of the entire wastewater treatment sludge (which is the wastestream that actually carries the F006 listing) rather than only that portion which is contributed by the copper metallization process. EPA generally prefers a delisting approach in most circumstances (it is, generally, a better approach for determining the hazardous nature of the actual waste material and whether the waste should be removed from the hazardous waste management program). In this instance, however, because the Agency wants to test whether IBM's copper metallization process should be included within the scope of the F006 listing, the Agency believes an evaluation of the "production side" of the sequence of operations that results in the wastewater treatment sludge would be more useful. Specifically, because the wastewater treatment sludge is considered hazardous due to an "upstream" production unit meeting the narrative description of an electroplating operation, the Agency believes it is more appropriate to evaluate the upstream production unit to determine whether the hazardous waste listing on the "downstream" wastewater treatment sludge is warranted. Therefore, the Agency will focus on the key parameters on the production side (in this case, the innovative design and operation of the copper metallization process) to make a determination of the regulatory status of the materials generated on the waste management side (in this case, the wastewater treatment sludge). This XL project therefore represents an opportunity for EPA to explore a different approach to determining whether a waste (in this case, one resulting from an innovative process) should continue to be subject to a hazardous waste listing. In other words, this approach may be considered another "tool" for the Agency to use in "fine tuning" the hazardous waste listings so that the narrative description of a listed waste appropriately delineates between those wastes that pose a risk to human health and the environment from those wastes (which arguably are generated by very similar processes) that do not pose such a risk. If, in fact, the absence of hazardous constituents of concern in the plating solution is determinative of whether the wastewater treatment sludge is

hazardous (or whether any "hazard" in the sludge stems from the plating operation), this may become the key determining factor in similar requests for regulatory exemptions.

Alternatively, if the Agency determines that the amount of plating solution that is carried over into the rinsewater (with focus on the shape of the parts being plated as well as the actual plating process) is the determining factor, this variable may be accounted for in future rulemakings that address the F006 hazardous waste listing.

Because this is an innovative and highly efficient plating technology that also does not use the hazardous constituents common in most electroplating operations, EPA agrees with IBM's expectation that more semiconductor manufacturing facilities will seek to adopt this process (or ones very similar). The Agency agrees that if there is no adverse effect on the wastewater treatment sludge from the use of this metallization process, then regulating the sludge as a hazardous waste based solely on the fact that the metallization process continues to meet the narrative listing description of an electroplating operation may be imposing regulatory controls unnecessarily.

Further, the Agency believes that this innovative metallization process is environmentally superior to the old process it replaces, *i.e.*, the aluminum chemical vapor deposition process. Not only is the metallization process 30 to 40% more energy efficient than the old process and the chips produced are approximately 25% more energy efficient, there are also environmental benefits realized by discontinuing the use of the old process. While the metallization process generates a wastewater stream (and subsequent sludge from the treatment of that wastewater) that was not inherent to the aluminum chemical vapor deposition process, the old vapor deposition process entailed a cleaning step that used perfluorinated compounds (PFCs), which are global warming gases. The aluminum chemical vapor deposition process basically uses vaporized metal (in this case, aluminum) that is then deposited on the wafer, all of which occurs in "chambers." The vaporized metal also gets deposited on the insides of these chambers, which must periodically be cleaned of this metal coating. Thus, by replacing the old process with the metallization process, 10,000 metric tons of carbon equivalent (MTCE) of global warming gases will not be emitted to the air. However, it should be noted that, due to the nature of the materials and components involved in

the semiconductor manufacturing process, the vapor deposition process cannot be completely eliminated from the production line, nor can the subsequent cleaning steps. (However, the number of cleaning steps requiring the use of PFCs has been significantly reduced and will continue to be reduced by the conversion to the innovative copper metallization process. The vapor deposition chambers, therefore, are a major focus in measuring the reduction in global warming gases.) Nevertheless, the Agency believes that the use of the innovative copper metallization process should be encouraged where possible. (Also, as stated earlier, IBM has developed an alternative cleaning process that uses dilute nitrogen trifluoride (NF<sub>3</sub>) as a replacement for the PFCs. The dilute NF<sub>3</sub> is reported to have a much lower impact on global warming than the PFCs that would otherwise be used.)

From a public policy standpoint, it would not serve to encourage manufacturers to employ less-hazardous or more environmentally friendly and innovative production processes and ingredients in manufacturing operations if the Agency is unwilling to revisit existing hazardous waste listings to determine if the wastes resulting from such innovative process changes still warrant a hazardous waste listing. This XL project offers the Agency the opportunity to consider proactively the appropriate regulatory status of the wastewater treatment sludges generated from an innovative production process before it is widely used and commonplace and may serve as a precedent for other listed wastestreams.

Additionally, the Agency believes that to the extent the implementation of the hazardous waste regulations, including the actual requirements as well as the costs and administrative burdens, are directly related to the hazards being posed by the waste being regulated, this will improve the overall implementation of the program and compliance with the regulations. Just as it is important to ensure that those wastes that can pose significant risk to human health and the environment are properly controlled and managed, it is also important to not needlessly subject wastes that do not pose such risks to the same type of regulatory oversight.

#### *F. How Have Various Stakeholders Been Involved in This Project?*

IBM has established an appropriate stakeholder group to develop the Final Project Agreement for this XL pilot project and to evaluate IBM's plan and progress in implementing the project. IBM has solicited input on this project

from a wide range of stakeholders including local and national environmental groups, neighborhood associations, and industry trade associations. Stakeholders have been notified of this project by direct mail, telephone, and notification in the local press.

In addition, IBM has conducted a series of meetings with select stakeholders who have agreed to serve as commenters for this project. They have been briefed on the proposal, and are supportive of the project as described. The State of Vermont also supports the project and is a Project Signatory to the Agreement. Stakeholder meetings were held at the IBM facility on February 17 and March 24, 2000.

IBM has kept an open dialogue with interested stakeholders since the project's inception and will continue to involve any interested stakeholders in the project's development. In addition, EPA and IBM will make all project-related documents and events publicly accessible through announcements, EPA's web site and public dockets.

#### *G. How Will This Project Result in Cost Savings and Paperwork Reduction?*

As stated earlier, introducing the rinsewaters from the metallization process into the wastewater treatment system has caused the entire volume of wastewater treatment sludge to be defined as a hazardous waste, increasing the facility's waste management costs by approximately \$3,500/year. Removing the hazardous waste designation will eliminate this expenditure. Also, as discussed earlier, the State of Vermont has waived the waste tax that would otherwise apply to IBM's generation of F006 waste (approximately \$225,000/year). (Note that the State of Vermont is not authorized to do hazardous waste delistings which could change the regulatory status of the sludge from a listed hazardous waste to a nonhazardous waste; however, the State has more flexibility in assessing hazardous waste generation taxes. Had the State not granted this tax waiver, the cost savings associated with this specific XL project would be considered significant.) Finally, IBM expects to see cost savings of \$100,000 to \$200,000 per year when the conversion to the copper metallization process has been fully implemented. The sources of these cost savings include reduced material costs (*e.g.*, reduction in the use and resultant purchase of PFCs) and reduced energy expenditures.

Because the IBM Vermont facility will continue to be regulated as a Large Quantity Generator due to the volume of hazardous wastes generated at other

parts of the facility, and because there is no State hazardous waste tax being applied, the actual reduction in paperwork and cost savings related to waste management are not significant. The wastewater treatment sludge will no longer be considered a hazardous waste (unless the sludge otherwise exhibits a characteristic of hazardous waste) and so will not have to be counted in the facility's annual report. While this reduction in reported hazardous waste generated will certainly improve the facility's public image, it will save only a little time and money in preparing the annual report for the hazardous wastes generated by other facility operations.

There are also cost savings realized by not having to use a hazardous waste transporter or hazardous waste manifest to ship the sludge off-site for further management. Also, because the sludges are currently shipped to Canada for treatment and disposal, IBM must currently file an annual "Request for Export of Hazardous Waste" with Canada, requiring 2 hours of engineering time, as well as several hours of phone calls and follow-up to ensure the application is expeditiously processed. Such an application and expenditure of resources is not needed if the sludges being shipped to Canada are not hazardous wastes.

EPA, as well as VTDEC, will also benefit from some paperwork reduction and cost savings by not having to process and track the manifests and export documents that will otherwise have to be processed without this XL project.

In considering the cost savings and paperwork reduction associated with this XL project, it is important to consider the potential impacts if this pilot project proves successful and the regulatory flexibility (*i.e.*, the exemption of the copper metallization unit from the listing description of F006 wastes) is promulgated on a national basis. The conversion to the copper metallization process represents significant operational cost savings for IBM. As a result, on a national level the overall cost (and paperwork) reduction that would be realized may be quite significant, assuming this innovative technology (or a similar one) is adopted by more semiconductor manufacturers. While there is little question that a national exemption patterned after this site-specific exemption would result in cost and paperwork reductions, because of the variability in how States implement their waste taxes, or other mechanisms for raising revenues based on the hazardous wastes generated in the State, it is difficult to estimate a

projected savings on such taxes on a national level.

#### *H. What Are the Terms of the IBM Vermont XL Project and How Will They Be Enforced?*

As stated earlier, to allow for the implementation of the XL pilot project, EPA is today proposing to modify the current regulatory framework in 40 CFR 261.4(b) to provide a site-specific exemption for IBM's copper metallization process from the narrative description for F006 listed hazardous waste (see 40 CFR 261.31(a)), thus removing the F006 listing designation from the sludges generated by the treatment of the wastewaters generated by the copper metallization process. VTDEC likewise intends to modify its State hazardous waste program to allow for the same removal of the F006 listing designation from the wastewater treatment sludge. It should be noted that the Agency intends that the exemption, once finalized, will apply to all the wastewater treatment sludge resulting from the treatment of the copper metallization rinsewaters at the site, including those sludges that are in the process of being generated, sludges that result from rinsewaters already in the wastewater treatment system, and sludges that have been removed from the wastewater treatment system and are being stored pending off-site transportation.

Through the development of the draft Final Project Agreement (FPA), IBM has agreed to comply with several key criteria as conditions for this exemption, which will be included in the regulatory text of the exemption being proposed. These conditions are focused on proving the environmental benefits of removing the F006 listing from the wastewater treatment sludges (or the inappropriateness of designating these wastewater treatment sludges F006 hazardous waste) and to gather the data and other information that would allow the Agency to make a determination regarding the possible future adoption of this site-specific exemption as a nationwide generic exemption. IBM has also agreed to commit to a good faith effort to achieve several goals related to superior environmental performance. (Note that while achieving these goals is not being proposed as a condition of the exemption due to their uncertain nature, an evaluation of the success of this XL pilot project will certainly be influenced by IBM's success in achieving their stated goals, as well as the effort expended to achieve the goals.)

As conditions of the site-specific exemption, IBM must report on the following:

(1) IBM must analyze the plating bath and rinsewaters generated from the copper metallization process. The analysis must be conducted on samples that are representative of rinsewaters and plating baths associated with all the tools that are converted to the copper metallization process and will measure for the presence of volatiles, semi-volatiles, and metals (using the methods specified in 40 CFR part 264, appendix IX) in both the plating bath and rinsewaters. IBM must collect, analyze and submit this data twice a year (by January 15 and July 15 of each year).

(2) In addition, IBM must report on the status of the greenhouse gas emission reduction project at the facility. This will include greenhouse gas reductions achieved from the conversion to the copper metallization process and IBM's additional voluntary initiative to reduce greenhouse gas emissions from its other chamber cleaning processes. IBM will track usage of C<sub>2</sub>F<sub>6</sub>, the primary PFC used in the chamber cleaning operation, and estimate the reduction in PFC emissions based on the reduction in chemical usage. Likewise, IBM will provide similar data for the chemicals that replace the C<sub>2</sub>F<sub>6</sub>, specifically, dilute nitrogen trifluoride (NF<sub>3</sub>), and dilute C<sub>2</sub>F<sub>6</sub>, including the quantity of NF<sub>3</sub> used in the cleaning process, and the carbon equivalent potential of the NF<sub>3</sub> to calculate the global warming impact of the converted processes. IBM will report on the number of chambers converted during the reporting period and remaining to be converted to achieve the site global warming gas emission reduction goal along with an update of the calculated greenhouse gas emission reductions for the facility, both in terms of total mass emitted and mass emitted normalized to production. Submissions of these data are likewise due twice a year, by January 15 and July 15 in conjunction with the plating bath and rinsewater analyses.

In addition, IBM commits to monitor copper concentrations in its wastewater effluent for conformance with their current NPDES (National Pollutant Discharge Elimination System) permit. IBM's stated goal is to maintain copper concentrations in the effluent discharge of less than 40% of the discharge limit.

#### *I. How Long Will This Project Last and When Will It Be Completed?*

This project will be in effect for five years from the date that the final rulemaking becomes effective (the latter of the EPA final rule or the VTDEC final rule) unless it is terminated earlier or extended by all Project Signatories (if the FPA is extended, the comments and

input of stakeholders will be sought and a **Federal Register** notice will be published). Any Project Signatory may terminate its participation in this project at any time in accordance with the procedures set forth in the FPA. The project will be completed at the conclusion of the five-year anniversary of the final rulemaking or at a time earlier or later determined by the amount of information gathered to date and the interest of the parties involved.

Upon completion of the project term, EPA and VTDEC commit to evaluating the project. If the project results indicate that it was a success, EPA will consider transferring the regulatory flexibility (or some similar flexibility) to the national RCRA program (through rulemaking procedures). Should the project results indicate that the project was not successful, EPA will promulgate a rule to remove the site-specific exemption. Absent any regulatory action on the part of the Agency, the implementing rule (*i.e.*, the site-specific exemption) will remain in effect as long as IBM continues to meet its conditions (*i.e.*, EPA and VTDEC intend to allow IBM to continue operating under the site-specific rule). However, as for any conditional exemption, if at any time, should IBM fail to meet the conditions of the site-specific exemption, the exemption is not applicable. Also, the Agency may promulgate a rule to withdraw the exemption at any time, subject to the procedures agreed to in the Final Project Agreement (FPA), including, but not limited to, a substantial failure on the part of any Project Signatory to comply with the terms and conditions of the FPA or if the exemption becomes inconsistent with future statutory or regulatory requirements.

#### IV. Additional Information

##### A. How To Request a Public Hearing

A public hearing will be held, if requested, to provide an opportunity for interested persons to make oral presentations regarding this regulation in accordance with 40 CFR part 25. Persons wishing to make an oral presentation on the site-specific rule to implement the IBM Vermont XL project should contact Mr. John Moskal or Mr. George Frantz of the EPA New England office, at the address given in the **ADDRESSES** section of this document. Any member of the public may file a written statement before the hearing, or after the hearing, to be received by EPA no later than June 30, 2000. Written statements should be sent to EPA at the addresses given in the **ADDRESSES** section of this document. If a public

hearing is held, a verbatim transcript of the hearing, and written statements provided at the hearing will be available for inspection and copying during normal business hours at the EPA addresses for docket inspection given in the **ADDRESSES** section of this preamble.

##### B. How Does This Rule Comply With Executive Order 12866?

Under Executive Order 12866 (58 FR 51735, October 4, 1993) the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs of the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Because the annualized cost of this final rule will be significantly less than \$100 million and will not meet any of the other criteria specified in the Executive Order, it has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866, and is therefore not subject to OMB review.

Executive Order 12866 also encourages agencies to provide a meaningful public comment period, and suggests that in most cases the comment period should be 60 days. However, in consideration of the very limited scope of today's rulemaking and the considerable public involvement in the development of the proposed Final Project Agreement, EPA considers 30 days to be sufficient in providing a meaningful public comment period for today's action.

##### C. Is a Regulatory Flexibility Analysis Required?

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking

requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it only affects the IBM facility in Essex Junction, VT and it is not a small entity. Therefore, EPA certifies that this action will not have a significant economic impact on a substantial number of small entities.

##### D. Is an Information Collection Request Required for This Project Under the Paperwork Reduction Act?

This action applies only to one facility, and therefore requires no information collection activities subject to the Paperwork Reduction Act, and therefore no information collection request (ICR) will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

##### E. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small

government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is applicable only to one facility in Vermont. EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. EPA has also determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

#### *F. RCRA & Hazardous and Solid Waste Amendments of 1984*

##### 1. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program for hazardous waste within the State. (See 40 CFR part 271 for the standards and requirements for authorization.) States with final authorization administer their own hazardous waste programs in lieu of the Federal program. Following authorization, EPA retains enforcement authority under sections 3008, 7003 and 3013 of RCRA.

After authorization, Federal rules written under RCRA (non-HSWA), no longer apply in the authorized state except for those issued pursuant to the Hazardous and Solid Waste Act Amendments of 1984 (HSWA). New Federal requirements imposed by those rules do not take effect in an authorized State until the State adopts the requirements as State law.

In contrast, under section 3006(g) of RCRA, new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time they take effect in nonauthorized States. EPA is directed to carry out HSWA requirements and prohibitions in authorized States until the State is granted authorization to do so.

##### 2. Effect on Vermont Authorization

Today's proposed rule, if finalized, will be promulgated pursuant to non-HSWA authority, rather than HSWA. Vermont has received authority to

administer most of the RCRA program; thus, authorized provisions of the State's hazardous waste program are administered in lieu of the Federal program. Vermont has received authority to administer the regulations that specifically identify hazardous wastes by listing them. As a result, if today's proposed rule to modify the listing for F006 hazardous waste is finalized, it would not be effective in Vermont until the State adopts the modification. It is EPA's understanding that subsequent to the promulgation of this rule, Vermont intends to propose rules or other legal mechanisms to provide the exemption for the copper metallization process from the F006 listing description. EPA may not enforce these requirements until it approves the State requirements as a revision to the authorized State program.

#### *G. How Does This Rule Comply With Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks?*

The Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant," as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant rule, as defined by Executive Order 12866, and because it does not involve decisions based on environmental health or safety risks.

#### *H. Does This Rule Comply With Executive Order 13132: Federalism?*

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of

power and responsibilities among the various levels of government."

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the regulation. EPA may also not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with the State and local officials early in the process of developing the regulation.

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States. Or on the distribution of power and responsibilities among the various level of government, as specified in Executive Order 13132. The exemption outlined in today's proposed rule will not take effect unless Vermont chooses to adopt the rule or other legal implementing mechanism. Thus, the requirements of section 6 of the Executive Order do not apply to this rule. Although section 6 of Executive Order 13132 does not apply to this rule, EPA did fully coordinate and consult with the state and local officials in developing this rule.

#### *I. How Does This Rule Comply With Executive Order 13084: Consultation and Coordination With Indian Tribal Governments?*

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments to provide meaningful and timely input in the development of

regulatory policies on matters that significantly or uniquely affect their communities. Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. There are no communities of Indian tribal governments located in the vicinity of the facility. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

*J. Does This Rule Comply With the National Technology Transfer and Advancement Act?*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standard. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

**List of Subjects in 40 CFR Part 261**

Environmental protection, Hazardous materials, Recycling, Waste treatment and disposal.

Dated: June 8, 2000.

**Carol M. Browner,**  
Administrator.

For the reasons set forth in the preamble, part 261 of Chapter I of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

1. The authority citation for part 261 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y), and 6938.

2. Section 261.4 is amended by adding paragraph (b)(16) to read as follows:

**§ 261.4 Exclusions.**

\* \* \* \* \*

(b) \* \* \*  
(16) Sludges resulting from the treatment of wastewaters (not including spent plating solutions) generated by the copper metallization process at the International Business Machines Corporation (IBM) semiconductor manufacturing facility in Essex Junction, VT, are exempt from the F006 listing, provided that:

(i) IBM provides the Agency with semi-annual reports (by January 15 and July 15 of each year) detailing constituent analyses measuring the concentrations of volatiles, semi-volatiles, and metals using methods presented in part 264, Appendix IX of this chapter of both the plating solution utilized by, and the rinsewaters generated by, the copper metallization process;

(ii) IBM provides the agency with semi-annual reports (by January 15 and July 15 of each year), through the year 2004, or when IBM has achieved its facility wide goal of a 50% reduction in greenhouse gas emissions from a 1995 base year (when normalized to production), whichever is first, that contain the following:

(A) Estimated greenhouse gas emissions, and estimated greenhouse gas emission reductions. Greenhouse gas emissions will be reported in terms of total mass emitted and mass emitted normalized to production; and

(B) The number of chemical vapor deposition chambers used in the semiconductor manufacturing production line that have been converted to either low flow C<sub>2</sub>F<sub>6</sub> or NF<sub>3</sub> during the reporting period and the number of such chambers remaining to be converted to achieve the facility goal for global warming gas emission reductions.

(iii) No significant changes are made to the copper metallization process such that any of the constituents listed in 40 CFR part 261, appendix VII as the basis for the F006 listing are introduced into the process.

\* \* \* \* \*

[FR Doc. 00-15154 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 52**

**[CC Docket No. 99-200; FCC 00-104]**

**Numbering Resource Optimization**

**AGENCY:** Federal Communications Commission.

**ACTION:** Further notice of proposed rulemaking.

**SUMMARY:** This document seeks further comments on the following matters: Thousands-block number pooling; charging for numbering resources; utilization thresholds for carriers, and consideration of a transition period for wireless service providers implementation of thousand-block number pooling. The foregoing issues were addressed in a previous proposed rule; however, the comments and information received were insufficient for the agency to proceed on these matters. Therefore, the agency has formulated further questions and is now seeking additional comment.

**DATES:** Comments are due June 30, 2000, and reply comments are due July 7, 2000.

**ADDRESSES:** Federal Communications Commission, Secretary, 445 12th Street, SW, Room TW-B204F, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Aaron Goldberger, (202) 418-2320 or e-mail at [agoldberg@fcc.gov](mailto:agoldberg@fcc.gov) or Cheryl Callahan at (202) 418-2320 or [ccallaha@fcc.gov](mailto:ccallaha@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Further Notice of Proposed Rulemaking* adopted on March 17, 2000, and released on March 31, 2000. The full text of this *Report and Order and Further Notice of Proposed Rulemaking* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center. The complete text may also be obtained through the world wide web, at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders>, or may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW, Washington, DC 20036.

**Synopsis of the Further Notice of Proposed Rulemaking**

1. In this *Further Notice of Proposed Rulemaking* (FNPRM), we seek further comment on what specific utilization threshold carriers not participating in thousands-block number pooling carriers should meet in order to request growth numbering resources. Commenters that offered a specific utilization threshold suggested that utilization thresholds should be set as low as 60% and as high as 90%. However, very little information was

provided as to the basis for these specific threshold levels. We seek comment on specific utilization threshold(s). Comments should include rationale for the specific threshold(s) recommended, including the initial level, annual increases, and the maximum level. We tentatively conclude that a nationwide utilization threshold for growth numbering resources should be initially set at 50%. This threshold would increase by 10% annually until it reaches 80%. Additionally, we propose to require carriers to meet a specific rate center-based utilization threshold for the rate center in which it is seeking additional numbering resources. If parties propose a utilization threshold range, parties should explain in detail what criteria should be used to determine the specific rate-center based utilization threshold within that range. We seek further comment on whether state commissions should be allowed to set the rate-center based utilization threshold within this range based on criteria that we establish. We also seek further comment on utilization thresholds at the rate center level that should operate in unison with the thresholds at the NPA level.

2. *Implementation of pooling for non-LNP capable carriers.* We seek comment on whether covered CMRS carriers should be required to participate in pooling immediately upon expiration of the LNP forbearance period on November 24, 2002. In the alternative, we seek comment on whether we should allow some sort of transition period between the time that covered CMRS carriers must implement LNP, and the time that they must participate in pooling, and if so, what the minimum reasonable allowance for such a transition period would be. We note that by determining in this order that covered CMRS carriers will be required to participate in pooling once they have acquired LNP capability, we are providing a fairly long lead-time—more than two years—in which all of the necessary preparations may be accomplished. We further note that after they have acquired LNP capability, covered CMRS providers will be subject to the same terms and conditions regarding participation in thousands-block number pooling as are other LNP-capable carriers. For example, CMRS providers within and outside the top 100 MSAs will not be subject to pooling unless they have received a request for LNP from another carrier, and pooling will be limited to the same service area as their LNP deployment.

3. *Pricing for Numbers.* In the *Notice of Proposed Rulemaking (NPRM)* (64 FR 32471, June 17, 1999) we indicated that

an alternative approach for improving the allocation and utilization of numbering resources would be to require carriers to pay for them. We noted that this approach could be in isolation or in combination with the administrative and numbering optimization approaches identified in the *NPRM*. One of the primary economic reasons given for opposing a market-based allocation system was that numbering resources are allocated in 10,000 blocks by rate center. Pricing under this paradigm, it was argued, would create a barrier to entry to new markets. In any case, we continue to believe that a market-based approach is the most pro-competitive, least intrusive way of ensuring that numbering resources are efficiently allocated. We believe that thousands-block pooling will substantially reduce the quantity of numbering resources new entrants will need to accumulate to enter a market. Therefore, we seek further comment on how a market-based allocation system for numbering resources could be implemented. Specifically, we seek comment on how a market-based allocation system would affect the efficiency of allocation of numbers among carriers. Given that our motivation in seeking comment on such an approach is to increase the efficiency with which numbering resources are allocated and not to raise additional funds, we also seek comment on whether funds collected in this way could be used to offset other payments carriers make such as contributions to the universal service and TRS programs. Commenters addressing this issue should specifically address how to account for the fact that some carriers, such as interexchange carriers, do not generally use numbering resources but currently contribute to these other programs. Commenters should also ensure that their proposals provide market-based incentives for carriers to economize their use of numbering resources.

4. *Recovery of Shared Industry and Direct Carrier-Specific Costs.* Requiring incumbent LECs to bear their own costs related to thousands-block number pooling will not disadvantage any telecommunications carrier. All other carriers are also required to bear their own shared industry and carrier-specific costs. In the *NPRM*, the Commission tentatively concluded that incumbent LECs subject to rate-of-return or price cap regulation may not recover their interstate carrier-specific costs directly related to thousands-block number pooling through a federal charge assessed on end-users, but may recover

the costs through other cost recovery mechanisms. Several parties agree with the tentative conclusion that thousands-block number pooling costs should not be recovered through a federal charge assessed on end users, but should be recovered through access charges. Some commenters recommend that price cap LECs should be allowed to treat the thousands-block pooling number costs as exogenous cost adjustments or, alternatively, place the costs in a new or existing price cap basket. Other parties, however, urge us to abandon our tentative conclusion because recovery through access charges would violate the competitive neutrality standard of section 251(e)(2).

5. In the *Notice*, we requested detailed estimates of the costs of thousands-block number pooling and asked that commenters separate the estimates by category of costs. We also sought comment on the appropriate methodology for developing these and other cost estimates. The amount and detail of the data provided in response to our request is insufficient for us to determine the amount and/or magnitude of the costs associated with thousands-block number pooling. Without sufficient cost data, it is difficult for us to determine the appropriate cost recovery mechanism for these costs. We, therefore, find it necessary to request additional cost information prior to making a final decision on the appropriate method of cost recovery. We seek further comment and cost studies that quantify shared industry and direct carrier-specific costs of thousands-block number pooling. We also seek comment and cost studies that take into account the cost savings associated with thousands-block pooling in comparison to the current numbering practices that result in more frequent area code changes.

#### **Paperwork Reduction Act of 1995 Analysis**

6. The actions contained in this *FNPRM* have been analyzed with respect to the Paperwork Reduction Act of 1995 and found that there are no new reporting requirements or burden on the public.

#### **Initial Regulatory Flexibility Analysis**

7. As required by the Regulatory Flexibility Act 5 U.S.C. 603 (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this *FNPRM*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA

and must be filed by the deadlines for comments on the *FNPRM* provided above in section VIII. The Commission will send a copy of the *FNPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.<sup>1</sup> In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

8. *Need for and Objectives of the Proposed Rules.* The Commission is issuing this *Further Notice* to seek public comment on (a) What specific utilization threshold carriers not participating in thousands-block number pooling should meet in order to request growth numbering resources; (b) whether state commissions should be allowed to set rate-center based utilization thresholds based on criteria that we establish; (c) whether covered CMRS carriers should be required to participate in thousands-block number pooling immediately upon expiration of the LNP forbearance period on November 24, 2002, or whether a transition period should be allowed; and (d) how a market-based allocation system for numbering resources could be implemented. We also seek to obtain the following: (a) Cost studies that quantify the incremental costs of thousands-block number pooling; (b) cost studies that quantify shared industry and direct carrier-specific costs of thousands-block number pooling; and (c) cost studies that take into account the cost savings associated with thousands-block number pooling in comparison to the current numbering practices that result in more frequent area code changes.

9. The Commission seeks to ensure that the limited numbering resources of the NANP are used efficiently; to protect customers from the expense and inconvenience that result from the implementation of new area codes; to forestall the enormous expense that will be incurred in expanding the NANP, and to ensure that all carriers have the numbering resources they need to compete in the rapidly growing telecommunications marketplace.

10. *Legal Basis.* The proposed action is authorized under sections 1, 4(i) and (j), 201, 208, and 251 of the Communications Act of 1934, as amended.<sup>2</sup>

11. *Description and Estimate of the Number of Small Entities That May Be Affected by this Report and Order.* The RFA requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking

proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."<sup>3</sup> The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>4</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>5</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>6</sup>

12. In this IRFA, we have considered the potential impact of this *FNPRM* on all users of telephone numbering resources. The small entities possibly affected by these rules include wireline, wireless, and other entities, as described in Appendix B. The SBA has defined a small business for Standard Industrial Classification (SIC) categories 4,812 (Radiotelephone Communications) and 4,813 (Telephone Communications, Except Radiotelephone) to be small entities having no more than 1,500 employees.<sup>7</sup> Although some affected incumbent local exchange carriers (ILECs) may have 1,500 or fewer employees, we do not believe that such entities should be considered small entities within the meaning of the RFA because they are either dominant in their field of operations or are not independently owned and operated, and therefore by definition are not "small entities" or "small business concerns" under the RFA. Accordingly, our use of the terms "small entities" and "small businesses" does not encompass small ILECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will separately consider small ILECs within this analysis and use the term "small ILECs" to refer to any ILECs that arguably might be defined by the SBA as "small business concerns."<sup>8</sup>

<sup>3</sup> 5 U.S.C. 605(b).

<sup>4</sup> *Id.* section 601(6).

<sup>5</sup> *Id.* section 601(3) (incorporating by reference the definition of "small business concern" in Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**."

<sup>6</sup> Small Business Act, 15 U.S.C. 632.

<sup>7</sup> See 13 CFR 121.201.

<sup>8</sup> See 13 CFR 121.201, SIC code 4813. Since the time of the *Local Competition* decision, 11 FCC Rcd

13. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its *Carrier Locator: Interstate Service Providers Report (Locator)*.<sup>9</sup> These carriers include, *inter alia*, local exchange carriers, competitive local exchange carriers, interexchange carriers, competitive access providers, satellite service providers, wireless telephony providers, operator service providers, pay telephone operators, providers of telephone toll service, providers of telephone exchange service, and resellers.

14. *Total Number of Companies Affected.* The U.S. Bureau of the Census (Census Bureau) reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year.<sup>10</sup> This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, personal communications services providers, covered specialized mobile radio providers, and resellers.<sup>11</sup> It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small ILECs because they are not "independently owned and operated."<sup>12</sup> For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It is reasonable to conclude that fewer than 3,497 telephone service firms are small entity telephone service firms or small ILECs that may be affected by the proposed rules, if adopted.

15. *Description of Projected Reporting, Recordkeeping, and Other*

15499, 16144-45 (1996), 61 FR 45476 (Aug. 29, 1996), the Commission has consistently addressed its regulatory flexibility analyses the impact of its rules on such ILECs.

<sup>9</sup> FCC, *Carrier Locator: Interstate Service Providers at 1-2*. This report lists 3,604 companies that provided interstate telecommunications service as of December 31, 1997 and was compiled using information from Telecommunications Relay Service (TRS) Fund Worksheets filed by carriers (Jan. 1999).

<sup>10</sup> U.S. Department of Commerce, Bureau of the Census, *1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size*, at Firm Size 1-123 (1995) (*1992 Census*).

<sup>11</sup> A description of the affected entities are list in the Final Regulatory Flexibility Act Analysis, Appendix B.

<sup>12</sup> See generally 15 U.S.C. 632(a)(1).

<sup>1</sup> See 5 U.S.C. 603(a).

<sup>2</sup> 47 U.S.C. 151, 154(i), 154(j), 201 and 251(e).

*Compliance Requirements.*<sup>13</sup> This *FNPRM* requests comment and cost studies (1) that quantify the incremental costs of thousands-block number pooling; (2) that quantify shared industry and direct carrier-specific costs of thousands-block number pooling; and (3) that take into account the costs savings associated with thousands-block number pooling in comparison to the current number practices that result in more frequent area code changes.

16. *Recordkeeping.* None.

17. *Other Compliance Requirements.* None.

18. *Steps taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered.* We have stated that section 251(e) does not exclude any class of carriers and that all telecommunications carriers must bear numbering administration costs on a competitively neutral basis.<sup>14</sup> Therefore, we find that section 251(e)(2) requires us to ensure that the costs of numbering administration, including thousands-block number pooling, do not affect the ability of carriers to compete. As such, the costs of thousands-block number pooling should not give one provider an appreciable, incremental cost advantage over another when competing for a specific subscriber; and should not have a disparate effect on competing providers' abilities to earn a normal return.

19. *Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules.* None.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 00-15200 Filed 6-15-00; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-1237, MM Docket No. 00-104, RM-9812]

### Digital Television Broadcast Service; Oklahoma City, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by

Paramount Stations Group of Oklahoma LLC, licensee of station KAUT-TV, NTSC Channel 43, Oklahoma City, Oklahoma, requesting the substitution of DTV Channel 40 for its assigned DTV 42. DTV Channel 40 can be allotted to Oklahoma City in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 35-35-22 N. and 97-29-03 W. DTV Channel 40 can be allotted to Oklahoma City with a power of 57.7 kW and a height above average terrain (HAAT) of 475 meters.

**DATES:** Comments must be filed on or before July 31, 2000, and reply comments on or before August 15, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James R. Bayes, E. Joseph Knoll III, Wiley, Rein & Fielding, 1776 K Street, NW, Washington, DC 20006 (Counsel for Paramount Stations Group of Oklahoma City LLC).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-104, adopted June 7, 2000, and released June 8, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 00-15265 Filed 6-15-00; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-1238, MM Docket No. 00-103, RM-9878]

### Digital Television Broadcast Service; Killeen, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by White Knight Broadcasting of Killeen License Corporation, licensee of Station KAKW(TV), NTSC Channel 62, Killeen, Texas, requesting the substitution of DTV Channel 13 for its assigned DTV Channel 23. DTV Channel 13 can be allotted to Killeen, Texas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (30-43-33 N and 97-59-24 W). As requested, we propose to allot DTV Channel 13 to Killeen with a power of 39.4 and a height above average terrain (HAAT) of 553 meters.

**DATES:** Comments must be filed on or before July 31, 2000, and reply comments on or before August 15, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kathryn R. Schmeltzer, David S. Konczal, Fisher, Wayland, Cooper, Leader & Zaragoza, L.L.P., 2001 Pennsylvania Avenue, NW, Washington, DC 20006 (Counsel for White Knight Broadcasting of Killeen License Corporation).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-103, adopted June 7, 2000, and released June 8, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased

<sup>13</sup> See *NPRM*, 64 FR 32471 (June 17, 1999) for an Initial Paperwork Reduction Act analysis.

<sup>14</sup> *Telephone Number Portability Third Report and Order*, 13 FCC Rcd at 11731, 63 FR 35150 (June 29, 1998).

from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 00-15266 Filed 6-15-00; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA No. 00-1207; MM Docket No. 00-95, RM-9887]

#### Radio Broadcasting Services; Live Oak, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by SSR Communications Incorporated requesting the allotment of Channel 259A at Live Oak, Florida, as the community's third local FM broadcast service. Channel 259A can be allotted to Live Oak with a site restriction 11.6 kilometers (7.2 miles) southeast of the community at coordinates 30-13-12 and 82-54-00.

**DATES:** Comments must be filed on or before July 24, 2000, and reply comments on or before August 8, 2000.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Matthew K. Wesolowski, SSR Communications Incorporated, 5270 West Jones Bridge Road, Norcross, Georgia 30092-1628.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-95, adopted May 24, 2000, and released June 2, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-15260 Filed 6-15-00; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-1222, MM Docket No. 00-101, RM-9885]

#### Radio Broadcasting Services; Buckhead and Sparta, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Barinowski Investment Company seeking the substitution of Channel 274C3 for Channel 274A, its reallocation from Sparta to Buckhead, GA, as the community's first local aural service, and the modification of Station WPMA(FM)'s license accordingly. Channel 274C3 can be allotted to Buckhead in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.4 kilometers (4.0 miles) southeast, at coordinates 33-31-40 NL;

83-18-45 WL, to avoid a short-spacing to Stations WGMG, Channel 271C3, Crawford, GA, and WVEE, Channel 277C, Atlanta, GA. Petitioner is requested to provide information to demonstrate that Buckhead is a community for allotment purposes, the population and reception services within the loss and gain areas, and that the allotment of Channel 274C3 to Buckhead will provide a public interest benefit sufficient to warrant the deletion of Sparta's sole local aural service.

**DATES:** Comments must be filed on or before July 24, 2000, and reply comments on or before August 8, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Jeffrey Southmayd, Southmayd & Miller, 1220 19th Street, NW., Suite 400, Washington, DC 20036 (Counsel to petitioner).

#### FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-101, adopted May 24, 2000, and released June 2, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-15263 Filed 6-15-00; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-1221; MM Docket No. 00-102, RM-9888]

#### Radio Broadcasting Services; Charlotte Amalie, Frederiksted, and Christiansted, VI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Ocean FM Media and Island Prime Media proposing to allotment Channel 257A at Charlotte Amalie, Virgin Islands; and the allotment of Channel 258A at Frederiksted, Virgin Islands. To accommodate the allotments, petitioners also request the substitution of Channel 293B for Channel 258B at Christiansted, Virgin Islands, and the modification of Station WVIQ-FM's license accordingly. Channel 257A can be allotted to Charlotte Amalie with compliance with the Commission's minimum distance separation requirements with a site restriction of 4.2 kilometers (2.6 miles) west; Channel 258A can be allotted to Frederiksted in compliance with the Commission's minimum distance separation requirements at city reference; and Channel 293B can be substituted at Christiansted in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.1 kilometers (1.9 miles) southeast at Station WVIQ-FM's presently licensed site. The coordinates for Channel 257A at Charlotte Amalie are 18-21-25 North Latitude and 64-58-00 West Longitude; the coordinates for Channel 258A at Frederiksted are 17-42-48 North Latitude and 64-53-00 West Longitude; and the coordinates for Channel 293B at Christiansted are 17-44-07 North Latitude and 64-40-46 West Longitude. **DATES:** Comments must be filed on or before July 24, 2000, reply comments on or before August 8, 2000.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James L. Oyster, 108 Oyster Lane, Castleton, Virginia 22716-2839 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of

Proposed Rule Making, MM Docket No. 00-102, adopted May 24, 2000, and released June 2, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

**John A. Karousos,**

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00-15264 Filed 6-15-00; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 060100B]

#### South Atlantic Fishery Management Council; Public Hearing

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

**ACTION:** Public hearing; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will convene an additional public hearing regarding the draft Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic Ocean, Caribbean and Gulf of Mexico (draft FMP). The overall goal of the FMP is to provide a comprehensive management structure for dolphin and wahoo in the Atlantic Ocean, Gulf of Mexico, and Caribbean exclusive economic zone (EEZ). The

FMP will take a precautionary approach in conserving these fishery resources, achieving optimum yield (OY), and maintaining current allocations among user groups. The hearing dates and locations for the Council's other hearings on the draft FMP were announced in an earlier **Federal Register** document (65 FR 20428, April 17, 2000).

**DATES:** The hearing will be held on June 25, 2000. The Council will accept written comments on the draft FMP through July 7, 2000. See

**SUPPLEMENTARY INFORMATION:** for the specific date and time of the public hearing.

**ADDRESSES:** Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699. Copies of the draft FMP are available from Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; telephone: 843-571-4366. See **SUPPLEMENTARY INFORMATION** for specific hearing location.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; telephone: 843-571-4366; fax: 843-769-4520; email address: kim.iverson@noaa.gov.

#### SUPPLEMENTARY INFORMATION:

#### Proposed FMP Management Measures

The draft FMP provides for the following: Establishment of management units for dolphin and wahoo; proposed dealer, vessel and operator permit requirements; reporting requirements; establishment of a maximum sustainable yield (MSY) and OY; definition of overfishing for dolphin and wahoo; and the establishment of a framework procedure for regulatory adjustments without requiring FMP amendments.

The following proposed management measures are under consideration for dolphin and wahoo in the Atlantic EEZ: (1) Prohibition of the sale of recreationally caught fish in the Atlantic EEZ; (2) a limit on the percent of dolphin harvested in the Atlantic EEZ by the recreational fishery and the commercial fishery, at 87 percent and 13 percent, respectively. (Note: Should either sector's catch exceed these percentages, the Council will review the data and evaluate the need for additional regulations which may be established through the FMP's

framework procedures); (3) a recreational bag limit of 5 to 10 dolphins per person per day, excluding the captain and crew of for-hire boats in the Atlantic EEZ; (4) a commercial dolphin trip limit of 1,000 to 5,000 lb (453.6 to 2268.0 kg) or an equivalent number of fish, with no transfer at sea allowed in the Atlantic EEZ; (5) no minimum size limit for dolphin in the Atlantic EEZ; (6) a commercial trip limit for wahoo of 500 lb (226.8 kg) or an equivalent number of fish, with no transfer at sea allowed in the Atlantic EEZ; (7) no minimum size limit for wahoo in the Atlantic EEZ; (8) a recreational bag limit of two wahoo per person per day for the recreational fishery, excluding the captain and crew of for-hire boats in the Atlantic EEZ; (9) specification of allowable gear for dolphin and wahoo in the Atlantic EEZ

as surface longline and as hook-and-line gear including manual, electric, or hydraulic rod and reels, bandit gear, and spearfishing gear; (10) prohibition of the use of pelagic longline gear for dolphin and wahoo concurrent with time/area closures to the use of such gear for highly migratory pelagic species in the Atlantic EEZ; (11) establish a fishing year of January 1 to December 31 for the dolphin and wahoo fishery; (12) identification of essential fish habitat (EFH) for dolphin and wahoo in the Atlantic; and (13) identification of EFH—Habitat Areas of Particular Concern for dolphin and wahoo in the Atlantic.

#### **Time and Location for the Public Hearing**

The public hearing regarding the draft FMP for Dolphin/Wahoo will be held at the following date, time, and location.

June 25, 2000, 7:00 p.m., Quality Inn Lake Wright, 6280 Northhampton Blvd., Norfolk, VA 23502, Telephone: 757-461-6251.

Copies of the draft FMP can be obtained from the Council (see **ADDRESSES**).

#### **Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by June 19, 2000.

Dated: June 12, 2000.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 00-15305 Filed 6-15-00; 8:45 am]

**BILLING CODE 3510-22-F**

# Notices

Federal Register

Vol. 65, No. 117

Friday, June 16, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List: Additions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to the Procurement List.

**SUMMARY:** This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** July 17, 2000.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Louis R. Bartalot, (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** On January 21, February 4 and May 5, 2000, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (65 FR 3416, 5492 and 26178) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small

organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

#### *Grounds Maintenance*

DC Air National Guard, 201st Mission Support Squadron, Andrews Air Force Base, Maryland

#### *Impressions Custom Printed Products Services*

General Services Administration, 26 Federal Plaza, New York, New York

#### *Janitorial/Custodial*

Butler U.S. Army Reserve Center/OMS, 360 Evan City Road, Butler, Pennsylvania

#### *Office Supply Store*

Main Interior Building, 1849 C Street, NW, Washington, DC

#### *Recycling Service*

Scott Air Force Base, Illinois

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

#### **Louis R. Bartalot,**

*Deputy Director (Operations).*

[FR Doc. 00-15315 Filed 6-15-00; 8:45 am]

**BILLING CODE 6353-01-P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List: Proposed Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed additions to and deletions from procurement list.

**SUMMARY:** The Committee has received proposals to add to the Procurement List a commodity and a service to be furnished by nonprofit agencies

employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

*Comments must be received on or before: July 17, 2000.*

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Louis R. Bartalot (703) 603-7740.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

### Additions

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action will result in authorizing small entities to furnish the commodity and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity and service proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and service have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

**Commodity**

Carrier, Entrenching Tool, 8465-00-NSH-2000

NPA: Chautauqua County Chapter, NYSARC, Jamestown, New York

**Service**

Food Service Attendant, Nellis Air Force Base, Nevada,

NPA: Opportunity Village ARC, Las Vegas, Nevada

**Deletions**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodities to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

Enamel, 8010-00-079-3758, 8010-00-079-3760

**Louis R. Bartalot,**

*Deputy Director (Operations).*

[FR Doc. 00-15316 Filed 6-15-00; 8:45 am]

**BILLING CODE 6353-01-P**

**DEPARTMENT OF COMMERCE**

[Docket No. 000601163-0163-01]

RIN 0605-XX08

**Privacy Act of 1974; System of Records**

**ACTION:** Notice of Amendment of Privacy Act System of Records; Commerce/Dept System 1: Attendance, Leave, and Payroll Records of Employees and Certain Other Persons.

**SUMMARY:** In accordance with the Privacy Act (5 U.S.C. 552a(e)(4) and (11)), the Department of Commerce is issuing notice of our intent to amend the system of records under Commerce Department System 1: Attendance, Leave, and Payroll Records of Employees and Certain Other Persons to update the notification procedures.

**DATES:** *Effective Date:* The notification procedures will become effective without further notice on July 17, 2000 unless comments dictate otherwise.

*Comment date:* To be considered, written comments must be submitted on or before July 17, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Diane M. Atchinson, U.S. Department of Commerce, Room 5001, 14th & Constitution, Avenue, NW., Washington, DC 20230, 202-482-4425.

**SUPPLEMENTARY INFORMATION:** On March 10, 1999, the notification procedures changed for employees in the Office of the Secretary, Bureau of Economic Analysis, Bureau of Export Administration, Economic Development Agency, Minority Business Development Agency, and National Telecommunications and Information Administration employees in the Washington, D.C. metropolitan area. Also, on May 23, 1999, the notification procedures changed for the National Technical Information Service.

**Brenda Dolan,**

*Department of Commerce, Freedom of Information/Privacy Act Officer.*

Accordingly, the Attendance, Leave, and Payroll Records of Employees and Certain Other Persons system notice originally published at 46 FR 63502, December 31, 1981, and subsequently amended as published at 63 FR Doc. 98-6615 dated March 16, 1998, is amended by the following updates:

**COMMERCE/DEPT-1****SYSTEM NAME:**

Attendance, Leave, and Payroll Records of Employees and Certain Other Persons.

**SYSTEM LOCATION:**

For employees of the Office of the Secretary, Bureau of Economic Analysis, Bureau of Export Administration, Bureau of the Census, Economic Development Administration, Economics and Statistics Administration, International Trade Administration, Minority Business Development Agency, National Institute of Standards and Technology, National Oceanic and Atmospheric Administration, National Telecommunications and Information Administration, National Technical Information Service, Office of the Inspector General, Patent and Trademark Office, Technology Administration: National Finance Center, U.S. Department of Agriculture, PO Box 70160, New Orleans, Louisiana 70160.

For Census Field Representative employees: Field Administrative Payroll System, Bureau of the Census, Suitland, Maryland 20746.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:** \*

**CATEGORIES OF RECORDS IN THE SYSTEM:** \*

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:** \*

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:** \*

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:** \*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:** \*

**SYSTEM MANAGER(S) AND ADDRESS:**

National Finance Center, U.S. Department of Agriculture, PO Box 70160, New Orleans, Louisiana 70160.  
Field Administrative Payroll System, Demographic and Decennial Census Staff, Bureau of the Census, Suitland, Maryland 20746.

**NOTIFICATION PROCEDURES:**

For Economics and Statistics Administration and Bureau of the Census records of employees employed in the Washington, D.C., metropolitan area, a Census Regional Office, the Census Hagerstown Telephone Center and the Census Tucson Telephone Center, information may be obtained from: Bureau of the Census, Human Resources Division, ATTN: Chief, Pay, Processing and Systems Branch, Room 3254, FOB #3, Washington, D.C. 20233, (301) 457-3710.

For records of Census employees employed by the Jeffersonville Census Data Preparation Division, information may be obtained from: Bureau of the Census, Data Administration Preparation Division, ATTN: Chief, Human Resources Branch Room 113, Bldg. 66, Jeffersonville, Indiana 47132, (812) 218-3323.

For Patent and Trademark Office records, information may be obtained from: Human Resources Manager, U.S. Patent and Trademark Office, Box 3, Washington, D.C. 20231, (703) 305-8221.

For records of International Trade Administration employees employed in the Washington, D.C., metropolitan area, information may be obtained from: Human Resources Manager, Personnel Management Division, Room 4809, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, (202) 482-3438.

For records of National Institute of Standards and Technology employees other than those employed in Colorado and Hawaii and for Technology Administration records, information may be obtained from: Personnel Officer, Office of Human Resources

Management, Administration Building, Room A-123, Gaithersburg, Maryland 20899, (301) 975-3000.

For National Technical Information Service records, information may be obtained from: Human Resources Manager, 8001 Forbes Place, Suite 203, Springfield, Virginia 22161, (703) 605-6692.

For Office of the Inspector General records, information may be obtained from: Human Resources Manager, Resource Management Division, Room 7713, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, (202) 482-4948.

For records of National Oceanic and Atmospheric Administration employees in the Washington, D.C., metropolitan area, information may be obtained from: Chief, Human Resources Services Division, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13619, Silver Spring, Maryland 20910, (301) 713-0524.

For records of Office of the Secretary, Bureau of Economic Analysis, Bureau of Export Administration, Economic Development Agency, Minority Business Development Agency, and National Telecommunications and Information Administration employees in the Washington, D.C., metropolitan area, information may be obtained from: Human Resources Manager, Office of Human Resources Services, Office of the Secretary, Room 5005, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, (202) 482-3827.

For records of regional employees of National Oceanic and Atmospheric Administration, National Institute of Standards and Technology, Bureau of Export Administration, Economic Development Administration, Minority Business Development Agency, International Trade Administration, and National Telecommunications and Information Administration, information may be obtained from the Human Resources Manager servicing the region or state in which they are employed, as follows:

a. Central Region. For National Oceanic and Atmospheric Administration employees in the States of Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin; for National Marine Fisheries Service employees in the States of North Carolina, South Carolina and Texas; and for National Weather Service employees in the States of Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming;

for employees in the Bureau of Export Administration, Economic Development Administration, Minority Business Development Agency, and International Trade Administration in the States of Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, and Wisconsin: Human Resources Manager, Central Administrative Support Center (CASC), Federal Building, Room 1736, 601 East 12th Street, Kansas City, Missouri 64106, (816) 426-2056.

b. Eastern Region. For National Oceanic and Atmospheric Administration employees in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Puerto Rico, and the Virgin Islands; for employees in Bureau of Export Administration, Economic Development Administration, Minority Business Development Agency, and International Trade Administration in the States of Alabama, Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Puerto Rico, and the Virgin Islands: Human Resources Manager, Eastern Administrative Support Center (EASC), National Oceanic and Atmospheric Administration EC, 200 World Trade Center, Norfolk, Virginia 23510, (757) 441-6517.

c. Mountain Region. For National Oceanic and Atmospheric Administration employees in the States of Alaska, Colorado, Florida, Hawaii, Idaho, and Oklahoma, at the South Pole and in American Samoa; and for the National Weather Service employees in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, Texas and in Puerto Rico; for employees in Bureau of Export Administration, Economic Development Administration, Minority Business Development Agency, National Institute of Standards and Technology, and National Telecommunications and Information Administration in the States of Arkansas, Colorado, Hawaii, Iowa, Louisiana, Missouri, Montana, South Dakota, Texas, Utah and Wisconsin: Human Resources Office, Mountain Administrative Support Center (MASC), MC22A, 325 Broadway, Boulder, Colorado 80303-3328, (303) 497-3578.

d. Western Region. For National Oceanic and Atmospheric Administration employees in the States of Arizona, California, Montana, Nevada, Oregon, Utah, Washington, and the Trust Territories; for employees in Bureau of Export Administration, Economic Development Administration, Minority Business Development Agency, and International Trade Administration in the States of Arizona, California, Nevada, Oregon, Utah, Washington, and the Trust Territories: Human Resources Manager, Western Administrative Support Center (WASC), National Oceanic and Atmospheric Administration WC2, 7600 Sand Point Way, NE, Bin C15700, Seattle, Washington 98115-0070, (206) 526-6057.

For all other records, information may be obtained from: Director for Human Resources Management, U.S. Department of Commerce, Room 5001, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, (202) 482-4807.

**RECORD ACCESS PROCEDURES:** \*

**CONTESTING RECORD PROCEDURES:** \*

**RECORD SOURCE CATEGORIES:** \*

\*No changes are being made.

[FR Doc. 00-15236 Filed 6-15-00; 8:45 am]

**BILLING CODE 3510-BS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[(A-570-815) (A-533-806) (C-533-807)]

#### Correction to the Notices of Continuation of Antidumping Duty Orders: Sulfanilic Acid From People's Republic of China and India; and Continuation of Countervailing Duty Order: Sulfanilic Acid From India

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

**ACTION:** Correction to the notices of continuation of antidumping duty orders: sulfanilic acid from People's Republic of China and India; and countervailing duty order: sulfanilic acid from India.

**SUMMARY:** On June 8, 2000, the Department of Commerce ("the Department"), pursuant to 19 CFR 351.218(f)(4), published notices of the continuation of antidumping duty orders on sulfanilic acid from the PRC and India, and the countervailing duty order on sulfanilic acid from India (65 FR 36404). Subsequent to the issuance of the continuation notices, we detected

a ministerial error. We are amending our continuation notices to correct the ministerial error.

**EFFECTIVE DATE:** June 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Eun W. Cho or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-1698 or (202) 482-3330, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 8, 2000, the Department of Commerce ("the Department") published the continuation notices of antidumping duty orders on sulfanilic acid from the PRC and India, and the countervailing duty order on sulfanilic acid from India (65 FR 36404). Subsequent to the publication of the final results, we detected ministerial errors.

**Clerical Error**

The case number in reference to the antidumping order for sulfanilic acid from India should have been A-533-806 rather than A-533-807, as published. Similarly, the case number in reference to the countervailing duty order for sulfanilic acid from India should have been A-533-807 rather than A-533-806, as published. We inadvertently listed wrong case numbers in our notices of continuation. Therefore, we are amending the aforementioned notices of continuation to correct the ministerial error.

This amendment is issued and published in accordance with sections 751(h) and 777(i) of the Act.

Dated: June 12, 2000.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00-15311 Filed 6-16-00; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-821-811]

**Suspension of Antidumping Duty Investigation: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation**

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

**SUMMARY:** The Department of Commerce ("the Department") has suspended the

antidumping duty investigation involving solid fertilizer grade ammonium nitrate ("ammonium nitrate") from the Russian Federation ("Russia"). The basis for this action is an agreement between the Department and the Ministry of Trade of the Russian Federation ("MOT") accounting for substantially all imports of ammonium nitrate from Russia, wherein the MOT has agreed to restrict exports of ammonium nitrate from all Russian producers/exporters to the United States and to ensure that such exports are sold at or above the agreed reference price.

**EFFECTIVE DATE:** May 19, 2000.

**FOR FURTHER INFORMATION CONTACT:** Jean Kemp or Maria Dybczak at (202) 482-4037 and (202) 482-5811, respectively, Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 12, 1999, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930 ("the Act"), as amended, to determine whether imports of ammonium nitrate from Russia are being, or are likely to be, sold in the United States at less than fair value. On September 3, 1999, the United States International Trade Commission ("ITC") preliminarily determined that "there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Russia of solid fertilizer grade ammonium nitrate" (64 FR 50103, September 15, 1999). On January 7, 2000, the Department published its preliminary determination that ammonium nitrate is being, or is likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Act (65 FR 1139).

The Department and MOT initialed a proposed agreement suspending this investigation on April 20, 2000, at which time we invited interested parties to provide written comments on the agreement. We received comments from petitioner (the Committee for Fair Ammonium Nitrate Trade) and the Committee for a Competitive AN Market on May 10, 2000. We have taken these comments into account in the final version of the suspension agreement.

The Department and MOT signed the final suspension agreement on May 19, 2000. Accordingly the Department has suspended the investigation pursuant to section 734(f) of the Act. Pursuant to

section 734(g) of the Act, parties have 20 days from the date of publication of this notice to request a continuation of the investigation.

**Scope of Investigation**

For a complete description of the scope of the investigation, *see Agreement Suspending the Antidumping Investigation on Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*, Appendix III, signed May 19, 2000, attached hereto.

**Suspension of Investigation**

The Department consulted with the parties to the proceeding and has considered the comments submitted with respect to the proposed suspension agreement. Based on our review of these comments, we made no changes to the agreement. In accordance with section 734(l) of the Act, we have determined that the agreement will prevent the suppression or undercutting of price levels of domestic products by imports of the merchandise under investigation (*see Memorandum to Troy H. Cribb from Joseph A. Spetrini, RE: The Prevention of Price Suppression or Undercutting of Price Levels in the Suspension Agreement On Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*). Moreover, in accordance with section 734(d) of the Act, we have determined that the agreement is in the public interest, and that the agreement can be monitored effectively (*see Memorandum to Troy H. Cribb from Jeffrey May, Re: Public Interest Assessment of the Agreement Suspending the Antidumping Duty Investigation of Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*). We find, therefore, that the criteria for suspension of an investigation pursuant to sections 734(d) and (l) of the Act have been met. The terms and conditions of this agreement, signed May 19, 2000, are set forth in Appendix I to this notice.

Pursuant to section 734(f)(2)(A) of the Act, the suspension of liquidation of all entries of ammonium nitrate from Russia entered, or withdrawn from warehouse, for consumption, as directed in our notice of *Preliminary Determination of Sales at Less than Fair Value: Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation* (65 FR 1139 (January 7, 2000)), is hereby terminated.

Any cash deposits on entries of ammonium nitrate from Russia pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

This notice is published pursuant to section 734(f)(1)(A) of the Act.

Dated: June 5, 2000.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

### **Appendix 1.—Agreement Suspending the Antidumping Investigation on Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation**

For the purpose of encouraging free and fair trade in Solid Fertilizer Grade Ammonium Nitrate ("Ammonium Nitrate") from the Russian Federation ("Russia"), establishing more normal market relations, and preventing the suppression or undercutting of price levels of the like product in the United States, the United States Department of Commerce ("DOC") and the Ministry of Trade of the Russian Federation ("MOT") enter into this suspension agreement ("the Agreement").

MOT will restrict exports of Ammonium Nitrate from all Russian producers and exporters to the United States, as provided below. DOC, pursuant to the U.S. antidumping law (see Appendix II), on the Effective Date of this Agreement, will suspend its antidumping investigation of Ammonium Nitrate from Russia and instruct the U.S. Customs Service ("Customs") immediately to terminate the suspension of liquidation and release any cash deposit or bond posted for entries of Ammonium Nitrate covered by this Agreement.

Accordingly, DOC and MOT agree as follows:

#### *I. Definitions*

For purposes of this Agreement, the following definitions apply:

A. "Date of License" shall be the date on which MOT issued the Export License.

B. "Date of Contract" means the date on which price and quantity become firm, e.g., the date the contract is signed or the specification date if the price and quantity become firm on that date.

C. "Effective Date" of this Agreement means May 19, 2000.

D. "Export License" is the document issued by MOT that serves as both an export limit certificate and as a declaration of the country of origin.

E. "Ammonium Nitrate" means the solid fertilizer grade ammonium nitrate from Russia described in Appendix III.

F. "Indirect Exports" means exports of Ammonium Nitrate from Russia to the United States through one or more third countries, whether or not such exports are further processed, provided that the further processing does not result in a substantial transformation or a change in the country of origin.

G. "Party to the Proceeding" means any producer, exporter, or importer of Ammonium Nitrate, union of workers engaged in the production of Ammonium Nitrate, association of such parties, or the government of any country from which such merchandise is exported, that actively participated in the antidumping

investigation, through written submission of factual information or written argument, as described in more detail in Appendix II.

H. "Export Limit Period" means one of the following periods:

Initial Export Limit Period—The Initial Export Limit Period shall begin on the Effective Date of the Agreement, and end on December 31, 2000

Subsequent Export Limit Periods—The Subsequent Export Limit Periods shall consist of each subsequent one-year period, the first of which will begin the day after the Initial Export Limit Period ends and end one year later

I. "Reference Price" means the minimum F.O.B. Russian port of export price calculated weekly by DOC for sales of Ammonium Nitrate for export to the United States, as described in Article III.

J. "Floor Price" means the fixed price, as designated in Article III, below which the Reference Price may not fall.

K. "Current Market Price" means the U.S. domestic price calculated weekly by DOC as described in Article III.

L. "United States" means the customs territory of the United States of America (the 50 States, the District of Columbia and Puerto Rico) and foreign trade zones located within the territory of the United States.

M. "U.S. Purchaser" means the first purchaser in the United States that is not affiliated with the Russian producer or exporter and all subsequent purchasers, from trading companies to consumers.

N. "Violation" means noncompliance with the terms of this Agreement, whether through an act or omission, except for noncompliance that is inconsequential, inadvertent, or does not substantially frustrate the purposes of this Agreement.

#### *II. Export Limits*

A. No Ammonium Nitrate covered by this Agreement, whether exported directly or indirectly from Russia, shall be entered into the United States unless, when cumulated with all prior entries of Ammonium Nitrate exported from Russia during the Export Limit Period in which that Ammonium Nitrate was exported, it does not exceed the export limits set forth below.

1. The export limit for the Initial Export Limit Period (from the Effective Date of the Agreement to December 31, 2000) shall be 49,962 metric tons of Ammonium Nitrate, for the portion of the year 2000 remaining after the Effective Date of the Agreement.

2. The export limit for each subsequent Export Limit Period shall be as follows:

January 1, 2001, to December 31, 2001—  
100,000 MT

January 1, 2002, to December 31, 2002—  
110,000 MT

January 1, 2003, to December 31, 2003—  
130,000 MT

January 1, 2004, to December 31, 2004 and any subsequent Export Limit Periods—  
150,000 MT

B. When Ammonium Nitrate is imported into the United States and is subsequently re-exported, or re-packaged and re-exported, or blended and re-exported, the amount re-exported shall be deducted from the amounts

of exports that have been counted against the export limit for the Export Limit Period in which the re-export takes place. The deduction will be applied only after DOC has received, and has had the opportunity to verify, evidence demonstrating the original importation, any repackaging or blending, and subsequent exportation.

C. Notwithstanding any other provision of this Agreement, except Articles II.D. (regarding combined export limit and carried over allowance) and IV.B. (pertaining to volumes licensed but not shipped), up to 15 percent of the export limit for any Export Limit Period may be carried over to the Subsequent Export Limit Period and up to 15 percent of the export limit for any Export Limit Period may be carried back to the last 60 days of the previous Export Limit Period. Any carried over or carried back allowance shall be counted against the export limit for the previous or subsequent Export Limit Period, respectively.

D. Beginning with the first Subsequent Export Limit Period (January 1, 2001, to December 31, 2001), MOT will not issue Export Licenses authorizing the exportation to the United States of Ammonium Nitrate covered by this Agreement in either the first half (January through June) or the second half (July through December) of any Export Limit Period that exceeds 60 percent of the combined export limit volume for that Export Limit Period and the carried over volume from the previous Export Limit Period, as described in Article II.C.

E. If DOC receives information indicating that Ammonium Nitrate from Russia may have entered the United States in excess of the export limits established in Article II.A or below the Reference Price as established in Article III, DOC shall notify MOT of those entries and provide to MOT all information concerning those entries that DOC is able to disclose consistent with U.S. law. MOT shall respond within 15 days. If the information continues to indicate that these entries were in excess of the export limits or below the Reference Price, DOC shall provide MOT an opportunity for prompt consultations, which shall be completed within 60 days after DOC's initial notification. Once the consultations have been completed, unless DOC concludes that the entries were not in excess of the export limits or below the Reference Price, DOC shall count against the export limit for either the current or subsequent Export Limit Period, as appropriate, 125 percent of the volume of the entries in excess of the export limits or below the Reference Price. When a Russian producer or exporter is found responsible for the entries in excess of the export limits or below the Reference Price, MOT shall deny that producer or exporter Export Licenses for six months following the last date of entry. When any other entity was involved with the entries in excess of the export limits or below the Reference Price, MOT shall, for one year after the last date of entry, deny Export Licenses for the distribution of any Ammonium Nitrate involving that entity. The provisions of this section do not supersede the provisions of Article IX of this Agreement if DOC determines that the entries were in excess of the export limits or below the Reference Price.

### III. Reference Price

A. The Reference Price will be based on a Current Market Price, adjusted to reflect a F.O.B. Russian port of export price. In addition, there will be a Floor Price below which the Reference Price shall not fall. The Reference Price will be determined on a weekly basis. MOT will ensure that Ammonium Nitrate covered by this Agreement will not be sold at a price below the Reference Price in effect on the Date of Contract.

B. DOC will issue the first weekly Reference Price under this Agreement on the first Monday after signature of this Agreement, utilizing the calculation methodology in Article III.C below. This first Reference Price will be applicable to the week after which the Agreement is signed.

C. On the first business day of each subsequent week, DOC will calculate the Reference Price which will be effective beginning on the next business day and remain in effect until the next Reference Price becomes effective. The Reference Price shall be the higher of: the Current Market Price set forth in section C.1 less the costs detailed in section C.2, and the Floor Price set forth in section C.3.

1. The Current Market Price will be determined as follows:

a. DOC will calculate an average of the weekly Fertilizer Markets' Midwest FOB price range and Green Markets' Mid Cornbelt FOB price range.

b. DOC will calculate a simple average of the four most recent weekly averages derived in subsection 1.a, above. This four week average (converted from a short ton basis to a metric ton basis) will be the Current Market Price.

c. After consultations between DOC and MOT, should they agree that the currently used sources for the valuation of the Current Market Price for Ammonium Nitrate are no longer appropriate, they may agree to select an alternative source. DOC will give parties at least 30 days notice before choosing another source(s) for the purposes of Current Market Price valuation.

2. To express the Current Market Price on an F.O.B. Russian port of export basis, an amount for costs associated with delivering the merchandise from Russia to the United States shall be deducted from the Current Market Price calculated in section C.1. This amount will be \$55 per metric ton. Except when section C.3 applies, the result of this calculation shall be the Reference Price. After consultations between DOC and MOT, should they agree that the amount for costs associated with delivering the merchandise from Russia to the United States are no longer appropriate, they may revise this amount. DOC will give parties at least 30 days notice prior to any change becoming effective.

3. The Floor Price is the price below which Ammonium Nitrate subject to this Agreement may not be sold. The Floor Price will be \$85 F.O.B. Russian Port. The Reference Price shall not be less than the Floor Price.

D. Reference Prices are F.O.B. Russian port of export. If the sale for export is on terms other than F.O.B. Russian port of export, MOT shall ensure that the F.O.B. Russian

port of export price is not lower than the Reference Price by adjusting the relevant costs to ensure compliance with the Reference Price requirements.

### IV. Implementation

A. The United States shall require presentation of an original stamped Export License as a condition for entry into the United States of Ammonium Nitrate covered by this Agreement, except where there are multiple shipments under a single license. For multiple shipments at multiple ports or multiple entries at one port, the original license shall be presented with the first entry and the volume entered at that time will be noted on the original license. Customs will provide the importer with a certified copy for presentation to Customs with the importer's next entry under that license. Subsequent entries can be made from copies of the original which reflect all of the deductions made from the original license.

B. Export Licenses must contain the quantity in metric tons, specifications (form (prilled, granular, or other solid form)), coatings, additives, density, contract (or sales order) date and contract (or sales order) number; unit price, and F.O.B. Russian port of export sales value. If necessary, additional information may be included on the Export License or, if necessary, a separate page attached to the Export License. DOC will deduct the quantity listed on each Export License from the export limit for the Export Limit Period in which the Date of License falls. However, if the bills of lading for all of the shipments under an Export License establish that the actual imports into the United States under that license were less than the total volume listed on the license, DOC will reflect the actual amount as having been deducted from the volume listed on the export license, but, notwithstanding the carry-over and carry-back limitations in Article I.I.C, will authorize MOT to issue a new Export License in the same or Subsequent Export Licensing Period authorizing additional exports equal in volume to the amount by which the volume on the Export License exceeded the actual shipment volume. Exports under such additional licenses will be counted against the Export Limit for the Export Limit Period containing the Date of License of the original shipment. Prior to issuing additional licenses for the amounts below the actual shipment volumes, MOT shall notify DOC of the Export License(s) numbers, the Date of License, and the volumes recorded of the original shipments, and provide DOC with no less than 30 days to confirm the additional licensed volume. The United States will prohibit the entry of any Ammonium Nitrate from Russia not accompanied by an original stamped Export License, except as provided in Article IV.A.<sup>1</sup>

C. MOT will ensure compliance with all of the provisions of this Agreement. In order to ensure such compliance, MOT will take at least the following measures:

1. Ensure that no Ammonium Nitrate subject to this Agreement is exported from

Russia for entry into the United States during any Export Limit Period that exceeds the export limit for that Export Limit Period or that is priced below the Reference Price in effect on the Date of Contract.

2. Establish an export limit licensing and enforcement program for all direct and indirect exports of Ammonium Nitrate to the United States no later than August 1, 2000.

3. Require that applications for Export Licenses be accompanied by a report containing all of the information listed in part A of Appendix I (Exports to the United States).

4. Refuse to issue an Export License to any applicant that does not permit full verification and reporting under this Agreement of all of the information in the application.

5. Issue Export Licenses sequentially, endorsed against the export limit for the relevant Export Limit Period, and reference any notice of export limit allocation results for the relevant Export Limit Period. Export Licenses shall be issued no later than 25 days after the Date of Contract. Export Licenses shall remain valid for entry into the United States for 35 days after the date of issuance (Date of License). DOC and MOT may agree to an extension of the validity of the Export License in extraordinary circumstances.

6. Issue Export Licenses in the English language and, at the discretion of MOT, also in the Russian language.

7. Collect all existing information from all Russian producers, exporters, brokers, if applicable, traders of Ammonium Nitrate, and their relevant affiliated parties, as well as relevant trading companies/resellers utilized by Russian producers, on the sale of Ammonium Nitrate, and report such information pursuant to Article VI of this Agreement.

8. Permit full verification of all information related to the administration of this Agreement on an annual basis or more frequently, as DOC deems necessary, to ensure that MOT is in full compliance with this Agreement and that all Russian producers and exporters are in compliance with the requirements that MOT has placed upon them under this Agreement. This requirement applies to both Russian State documents and non-State documents, such as sales contracts. In the course of verification, DOC will examine documents that record the description of the products exported to the United States, including specifications (form, coatings, additives, and density). Such verifications will take place in association with scheduled consultations whenever possible.

9. Ensure compliance with all procedures established in order to effectuate this Agreement by any official Russian institution, chamber, or other authorized Russian entity, and any Russian producer, exporter, broker, and trader of Ammonium Nitrate, their relevant affiliated parties, and any relevant trading company or reseller utilized by a Russian producer to make sales to the United States.

10. Impose strict measures, such as prohibition from participation in the export limits allowed by the Agreement, in the event that any Russian entity does not comply in

<sup>1</sup> The validity of an Export License will not be affected by a subsequent change of an HTS number.

full with the requirements established by MOT pursuant to this Agreement.

#### V. Anticircumvention

A. MOT will take all necessary measures to prevent circumvention of this Agreement, including at least the following:

1. Require that all Russian exporters of Ammonium Nitrate agree, as a condition of being permitted to export any Ammonium Nitrate, regardless of destination, not to engage in any of the following activities:

a. Exporting to the United States Ammonium Nitrate subject to this Agreement that is not accompanied by an Export License issued pursuant to this Agreement.

b. Transshipping Ammonium Nitrate that is subject to this Agreement to the United States through third countries unaccompanied by an Export License.

c. Exchanging ("swapping") Ammonium Nitrate subject to this Agreement for non-subject Ammonium Nitrate, so as to cause the non-subject merchandise to be entered into the United States in place of the subject Ammonium Nitrate, thereby evading the export limits under this Agreement. "Swaps" include, but are not limited to:

i. Ownership swaps—involve the exchange of ownership of Ammonium Nitrate without physical transfer. These may include exchange of ownership of Ammonium Nitrate in different countries, so that the parties obtain ownership of products located in different countries, or exchange of ownership of Ammonium Nitrate produced in different countries, so that the parties obtain ownership of products of different national origin.

ii. Flag swaps—involve the exchange of indicia of national origin of Ammonium Nitrate, without any exchange of ownership.

iii. Displacement Swaps—involve the sale or delivery of Ammonium Nitrate from Russia to an intermediary country (or countries) which, regardless of the sequence of events, results in the ultimate sale or delivery into the United States of displaced Ammonium Nitrate, where the Russian exporter knew or had reason to know that the export sale would have that result.

2. Require that all Russian exporters of Ammonium Nitrate agree, as a condition of being permitted to export any Ammonium Nitrate, regardless of destination, to require all of their customers to agree, as part of the contract for sale:

a. Not to engage in any of the activities listed in Article V.A.1 of this Agreement. This requirement does not apply to exports to the United States that are accompanied by a valid Export License.

b. To include that same requirement in any subsequent contracts for the sale or transfer of such Ammonium Nitrate, and to report to MOT subsequent arrangements entered into for the sale, transfer exchange, or loan to the United States of Ammonium Nitrate covered by this Agreement.

3. When MOT has received an allegation that circumvention has occurred, including an allegation from DOC, MOT shall promptly initiate an inquiry, normally complete the inquiry within 45 days and notify DOC of the results of the inquiry within 15 days after the conclusion of the inquiry.

4. If MOT determines that a Russian entity has participated in a transaction circumventing this Agreement, MOT shall impose penalties upon such company including, but not limited to, denial of access to export certificates for Ammonium Nitrate under this Agreement.

5. If MOT determines that a Russian entity has participated in the circumvention of this Agreement, MOT shall count against the export limit for the Export Limit Period in which the circumvention took place an amount of Ammonium Nitrate equivalent to the amount involved in such circumvention and shall immediately notify DOC of the amount deducted. If sufficient tonnage is not available in the current Export Limit Period, then the remaining amount shall be deducted from the subsequent Export Limit Period or Periods.

6. If MOT determines that a company from a third country has circumvented the Agreement and DOC and MOT agree that no Russian entity participated in or had knowledge of such activities, then the Parties shall hold consultations for the purpose of sharing information regarding such circumvention and reaching mutual agreement on the appropriate measures to be taken to eliminate such circumvention. If the Parties are unable to reach mutual agreement within 45 days, then DOC may take appropriate measures, such as deducting the amount of Ammonium Nitrate involved in such circumvention from the export limit for the then-current Export Limit Period or a subsequent Period. Before taking such measures, DOC will notify MOT of the facts and reasons constituting the basis for DOC's intended action and will afford MOT 15 days in which to comment.

B. DOC will direct the U.S. Customs Service to require all importers of Ammonium Nitrate into the United States, regardless of the stated country of origin of those imports, to submit a written statement, on the last day of every quarter, indicating that the importer is maintaining a list of all entries of such merchandise and certifying that the Ammonium Nitrate imported during that quarter was not obtained under any arrangement in circumvention of this Agreement. Where DOC has reason to believe that such a certification has been made falsely, DOC will refer the matter to the U.S. Customs Service or U.S. Department of Justice for further action.

C. DOC will investigate any allegations of circumvention which are brought to its attention, both by asking MOT to investigate such allegations and by itself gathering relevant information. MOT will respond to requests from DOC for information relating to the allegations under Article VI.A.4. In distinguishing normal arrangements, swaps, or other exchanges in the Ammonium Nitrate market from arrangements, swaps, or other exchanges which would result in the circumvention of the export limits established by this Agreement, DOC will take the following factors into account:

1. Existence of any verbal or written arrangement leading to circumvention of this Agreement;

2. Existence and function of any subsidiaries or affiliates of the parties involved;

3. Existence and function of any historical and traditional patterns of production and trade among the parties involved, and any deviation from such patterns;

4. Existence of any payments unaccounted for by previous or subsequent deliveries, or any payments to one party for Ammonium Nitrate delivered or swapped by another party;

5. Sequence and timing of the arrangements; and

6. Any other information relevant to the transaction or circumstances.

D. In the event that DOC determines that a Russian entity has participated in circumvention of this Agreement, DOC and MOT shall hold consultations for the purpose of sharing evidence regarding such circumvention and reaching mutual agreement on an appropriate resolution of the problem. If DOC and MOT are unable to reach mutual agreement within 60 days, DOC may take appropriate measures, such as deducting the amount of Ammonium Nitrate involved in such circumvention from the export limit for the current Export Limit Period (or, if necessary, the Subsequent Export Limit Period) or instructing the U.S. Customs Service to deny entry to any Russian Ammonium Nitrate sold by the entity found to be circumventing the Agreement. Before taking such measures, DOC will notify MOT of the basis for DOC's intended action and will afford MOT 30 days in which to comment. DOC will enter its determinations regarding circumvention into the record of the Agreement. MOT may request an extension of up to 15 days for any of the deadlines mentioned in this Article.

#### VI. Monitoring and Notifications

A. MOT will collect and provide to DOC such information as is necessary and appropriate to monitor the implementation of, and compliance with, this Agreement, including the following:

1. Thirty days following the allocation of export rights for any Export Limit Period, MOT shall notify DOC of each allocation recipient and the volume granted to each recipient. MOT also shall inform DOC of any changes in the volume allocated to individual quota recipients within 60 days of the date on which such changes become effective.

2. MOT shall collect and provide to DOC information on exports to the United States in the format in Appendix I to this Agreement, and on the aggregate quantity and value of exports of Ammonium Nitrate to all other countries. This information will be subject to verification. This information will be based on semi-annual periods (January 1 through June 30 and July 1 through December 31) and will be provided no later than 90 days following the end of each half-year period, beginning on September 30, 2000.

3. If DOC has reason to suspect non-compliance with the Agreement, and after consultations with MOT, and subject to the provisions of Article VII.A, MOT shall also collect and provide to DOC, within 45 days of the request, transaction-specific data for sales of Ammonium Nitrate within the Russian home market or to any third country

or countries, in the format provided in Appendix I.

4. Within 15 days of a request from DOC for information concerning alleged circumvention or other violation of this Agreement, MOT shall share with DOC all information received or collected by MOT regarding its inquiries, its analysis of such information, and the results of such inquiries.

5. MOT will inform DOC of any violations of any provisions of this Agreement that come to its attention and of the measures taken with respect thereto.

6. MOT and DOC recognize that the effective monitoring of this Agreement may require that MOT provide information additional to that identified above.

Accordingly, after consulting with MOT, DOC may establish additional reporting requirements consistent with the U.S. antidumping law, as appropriate, during the course of this Agreement. MOT shall also collect and provide to DOC, within 45 days of the request, any such additional information requested by DOC.

B. MOT may request an extension of up to 30 days of any deadline in this Article.

C. DOC may disregard any information submitted after the deadlines set forth in this Article or any information which it is unable to verify to its satisfaction.

D. DOC shall provide MOT with the following information relating to implementation and enforcement of this Agreement.

1. Semi-annual reports indicating the volume of U.S. imports of Ammonium Nitrate subject to this Agreement, together with such additional information as is necessary and appropriate to monitor compliance with the export limits. Such reports and information shall be provided within 120 days after the end of the last semi-annual period.

2. Notice of any violations of any term of this Agreement.

E. DOC will also monitor the following information relevant to this Agreement, and provide such information that is public to MOT upon request.

1. Publicly available data as well as U.S. Customs entry summaries and other official import data from the U.S. Bureau of the Census, on a monthly basis, to determine whether there have been imports that are inconsistent with the provisions of this Agreement.

2. U.S. Bureau of the Census computerized records, which include the quantity and value of each entry. Because these records do not provide other specific entry information, such as the identity of the producer/exporter which may be responsible for such sales, DOC may request the U.S. Customs Service to provide such information. DOC may request other additional documentation from the U.S. Customs Service.

F. DOC may also request the U.S. Customs Service to direct ports of entry to forward an Antidumping Report of Importations for entries of Ammonium Nitrate during the period this Agreement is in effect.

#### VII. Disclosure and Comment

A. DOC shall make available to representatives of each Party to the

Proceeding, under appropriately-drawn administrative protective orders consistent with U.S. laws and regulations, business proprietary information submitted to DOC semi-annually or upon request pursuant to this Agreement, and in any administrative review of this Agreement.

B. Not later than 45 days after the date of disclosure under Article VII.A, the Parties to the Proceeding may submit written comments to DOC, not to exceed 30 pages.

C. At the end of each Export Limit Period, each Party to the Proceeding may request a hearing on issues raised during the preceding Export Limit Period. If such a hearing is requested, it will be conducted in accordance with U.S. laws and regulations.

#### VIII. Consultations

A. If, in response to a request by MOT at any time, DOC determines that the designated Floor Price and/or the calculated Reference Price under Article III prevents Russian producers from participating in the U.S. market, MOT and DOC will promptly enter into consultations in order to review the market situation and the appropriateness of the Floor Price and/or the Reference Price levels.

B. MOT and DOC shall hold consultations concerning the implementation, operation (including the calculation of Reference Prices) and enforcement of this Agreement each year during the anniversary month of this Agreement.

C. Additional consultations on any aspect of this Agreement shall be held as soon as possible, but no later than 30 days, after a request by either MOT or DOC.

D. If DOC receives information indicating that there has been a violation of this Agreement, DOC shall promptly request special consultations with MOT. Such consultations shall begin no later than 21 days after the day of DOC's request, and must be completed within 40 days after commencement. After completion of the consultations, DOC will provide MOT 20 days within which to provide comments.

E. Two years after the effective date of this Agreement, DOC and MOT shall enter into additional consultations to review the extent to which this Agreement is accomplishing the purposes set forth in the preamble and make any revisions consistent with U.S. law that are appropriate in light of their mutual conclusions.

#### IX. Violations

A. DOC will investigate any information relating to circumvention or other violations of this Agreement which is brought to its attention, both by asking MOT to investigate such allegations and by itself gathering relevant information. Prior to making a determination that a violation has occurred, DOC will engage in consultations with MOT, pursuant to Articles V.D or VIII.D. of this Agreement.

B. DOC will determine whether a violation has occurred within 30 days after the date for submission of comments by MOT upon the allegation under Article VIII.D.

C. If DOC determines that this Agreement is being or has been violated, DOC will take such action as it determines is appropriate under U.S. law and regulations.

#### X. Duration

A. This Agreement will remain in force until the underlying antidumping proceeding is terminated in accordance with U.S. antidumping law.

B. DOC will, upon receiving a proper request made by MOT, conduct an administrative review of this Agreement under U.S. laws and regulations.

C. MOT or DOC may terminate this Agreement at any time upon written notice to the other party. Termination shall be effective 60 days after such notice is given. Upon termination of this Agreement, the provisions of U.S. antidumping law and regulations shall apply.

#### XI. Other Provisions

A. DOC finds that this Agreement is in the public interest, that effective monitoring of this Agreement by the United States is practicable, and that this Agreement will prevent the suppression or undercutting of price levels of United States domestic Ammonium Nitrate products by imports of the Ammonium Nitrate subject to this Agreement.

B. DOC does not consider any of the obligations concerning exports of Ammonium Nitrate to the United States undertaken by MOT pursuant to this Agreement relevant to the question of whether firms in the underlying investigation would be entitled to separate rates, should the investigation be resumed for any reason.

C. The English and Russian language versions of this Agreement shall be authentic, with the English version being controlling for purposes of interpreting and implementing the terms and conditions of this Agreement.

D. All provisions of this Agreement, including the provisions of the Preamble, shall have equal force.

E. For all purposes hereunder, the signatory Parties shall be represented by, and all communications and notices shall be given and addressed to:

DOC: Assistant Secretary for Import Administration, U.S. Department of Commerce, International Trade Administration, Washington, DC 20230.

MOT: Department for State Regulation of External Economic Activities, Ministry of Trade of the Russian Federation, 18/1 Ovchinnikovskaya naberezhnaya, Moscow, 1 13324, Russia.

Signed on this 19th day of May, 2000.

For DOC

Robert S. LaRussa, Acting Under Secretary for International Trade

For MOT

Yuri V. Akhremenko, Trade Representative of the Russian Federation to the United States, Minister-Counselor Commercial

#### Appendix I

In accordance with the established format, MOT shall collect and provide to DOC all information necessary to ensure compliance with this Agreement. This information will be provided to DOC on a semi-annual basis.

MOT will collect and maintain data on exports to the United States on a continuous

basis. Sales data for the home market, and data for exports to countries other than the United States, will be reported upon request.

MOT will provide a narrative explanation to substantiate all data collected in accordance with the following formats:

#### A. Exports to the United States

MOT will provide all Export Licenses issued to Russian entities, which shall contain the following information with the exception that information requested in item #9, date of entry, item #10, importer of record, item #16, final destination, and item #17, other, may be omitted if unknown to MOT and the licensee.

1. Export License/Temporary Document: Indicate the number(s) relating to each sale and or entry.
2. Description of Merchandise: Include the 10 digit HTS category, and the specifications of merchandise.
3. Quantity: Indicate in metric tons.
4. F.O.B. Sales Value: Indicate value and currency used.
5. Unit Price: Indicate unit price per metric ton and currency used.
6. Date of Contract: The date all essential terms of the order (i.e., price and quantity) become fixed.
7. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
8. Date of License: Date the Export License/Temporary Document is Issued.
9. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
10. Importer of Record: Name and address.
11. Trading Company: Name and address of trading company involved in sale.
12. Customer: Name and address of the first unaffiliated party purchasing from the Russian exporter.
13. Customer Relationship: Indicate whether the customer is affiliated or unaffiliated to the Russian exporter.
14. Allocation to Exporter: Indicate the total amount of quota allocated to the individual exporter during the Relevant Period.
15. Allocation Remaining: Indicate the remaining export limit allocation available to the individual exporter during the export limit period.
16. Final Destination: The complete name and address of the U.S. purchaser.
17. Other: The identity of any party(ies) in the transaction chain between the customer and the final destination/U.S. purchaser.

#### B. Exports Other Than to the United States

Pursuant to Article VI.A, MOT will provide country-specific volume and value information for exports of Ammonium Nitrate to third countries, upon request, regardless of whether MOT licenses exports of Ammonium Nitrate to such country(ies). The following information shall be provided except that information requested in item #6, date of entry, #7, importer of record, and item #10, other, may be omitted if unknown to MOT and the Russian licensee.

1. Export License/Temporary Document: Indicate the number(s) relating to each sale and/or entry, if any.
2. Quantity: Indicate in original units of measure sold and/or entered in metric tons.

3. Date of Contract: The date all essential terms of the order (i.e., price and quantity) become fixed.

4. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.

5. Date of License: Date Export License/Temporary Document is issued, if any.

6. Date of Entry: Date the merchandise entered the third country or the date a book transfer took place.

7. Importer of Record: Name and address.

8. Customer: Name and address of the first unaffiliated party purchasing from the Russian exporter.

9. Customer Relationship: Indicate whether the customer is affiliated or unaffiliated.

10. Other: The identity of any party(ies) in the transaction chain between the customer and the final destination.

#### C. Home Market Sales

Pursuant to Article VII.A, the MOT will provide home market volume and value information for sales of Ammonium Nitrate, upon request. The following information shall be provided with the exception of item #6, other, if unknown to MOT and the Russian producer/exporter.

1. Quantity: Indicate in original units of measure sold and/or entered in metric tons.
2. Date of Contract: The date all essential terms of order (i.e., price and quantity) become fixed.
3. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
4. Customer: Name and address of the first unaffiliated party purchasing from the Russian exporter.
5. Customer Relationship: Indicate whether the customer is affiliated or unaffiliated.
6. Other: The identity of any party(ies) in the transaction chain between the customer and the final destination.

#### Appendix II

Section 734 (1) of the Tariff Act of 1930 as amended, provides, in part, as follows:

##### (1) SPECIAL RULE FOR NON-MARKET ECONOMY COUNTRIES.

(I) In General.—The administering authority may suspend an investigation under this subtitle upon acceptance of an agreement with a non-market economy country to restrict the volume of imports into the United States of the merchandise under investigation only if the administering authority determines that

(A)—such agreement satisfies the requirements of subsection (d), and

(B)—will prevent the suppression or undercutting of price levels of domestic products by imports of the merchandise under investigation.

(2) Failure of Agreements—If the administering authority determines that the agreement accepted under this subsection no longer prevents the suppression or undercutting of domestic prices of merchandise manufactured in the United States, the provisions of subsection (I) shall apply.

Section 771(9) of the Tariff Act of 1930, as amended, provides in part, as follows:

(9) Interested Party—The term “interested party” means—

(A) a foreign manufacturer, producer, or exporter, or the United States importer, of

subject merchandise under this title or a trade or business association a majority of the members of which are producers, exporters, or importers of such merchandise,

(B) the government of a country in which such merchandise is produced or manufactured or from which such merchandise is exported,

(C) a manufacturer, producer, or wholesaler in the United States of a domestic like product,

(D) a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product,

(E) a trade or business association a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States,

(F) an association, a majority of whose members is composed of interested parties described in subparagraph (C), (D), or (E) with respect to a domestic like product.

\* \* \* \* \*

#### Appendix III

For purposes of this Agreement, Ammonium Nitrate is defined as the following:

Solid, fertilizer grade ammonium nitrate products, whether prilled, granular or in other solid form, with or without additives or coating, and with a bulk density equal to or greater than 53 pounds per cubic foot. Specifically excluded from this scope is solid ammonium nitrate with a bulk density less than 53 pounds per cubic foot (commonly referred to as industrial or explosive grade ammonium nitrate).

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) at subheading 3102.30.00.00. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

[FR Doc. 00–15312 Filed 6–15–00; 8:45 am]

BILLING CODE 3510-DS-U

## DEPARTMENT OF COMMERCE

### National Ocean Service

[I.D. 061200LE]

#### Submission for OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Tortugas Access Permits.

Form Number(s): None.

OMB Approval Number: None.

*Type of Request:* Regular submission.

*Burden Hours:* 24.

*Number of Respondents:* 101.

*Average Hours Per Response:* 10 minutes for a permit application, 2 minutes for radio notifications when entering or leaving the reserve, 30 minutes for requests to certify existing leases or licences, and 1 hour for appeals of permit actions.

*Needs and Uses:* NOAA is proposing regulations to implement a Tortugas Ecological Reserve and to regulate activities within that Reserve. The proposed rule will prohibit fishing, taking of organisms, anchoring, or discharging pollutants by vessels, and would control access to the Reserve through an access permit. The permits will help to enforce access and no-take restrictions. Persons with permits would have to provide notification via telephone or radio prior to entering the reserve and when leaving.

*Affected Public:* Business or other for-profit organizations, individuals, and not-for-profit institutions.

*Frequency:* On occasion.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, Room 6066, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at lengelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: June 8, 2000.

**Madeleine Clayton,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 00-15304 Filed 6-15-00; 8:45 am]

BILLING CODE 3510-08-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Availability of Seats for the Channel Islands National Marine Sanctuary Advisory Council

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The Channel Islands National Marine Sanctuary (CINMS or Sanctuary) is seeking applicants for the following vacant alternate slots for its Sanctuary Advisory Council (Council): Recreation Alternate and Pubic At-Large Alternate. Alternates represent members of the Council at meetings for which the members cannot be present. Applicants are chosen based upon their particular expertise and experience in relation to the alternate slots for which they are applying; community and professional affiliations; philosophy regarding the conservation and management of marine resources; and the length of residence in the area affected by the Sanctuary.

**DATES:** Applications are due by July 10, 2000.

**ADDRESSES:** Application kits may be obtained by from Michael Murray at 115 Harbor Way, Suite 150, Santa Barbara, CA 96825. Completed applications should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** Michael Murray at (805) 884-1464, or michael.murry@noaa.gov, or visit the CINMS web site at: www.cinms.nos.noaa.gov.

**SUPPLEMENTARY INFORMATION:** The CINMS Advisory Council was originally established in December 1998 and has a broad representation consisting of 20 members, including ten government agency representatives and ten members from the general public. The Council functions in an advisory capacity to the Sanctuary Manager. The Council works in concert with the Sanctuary Manager by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Manager in achieving the foals of the Sanctuary program.

Specifically, the Council's objectives are to provide advice on: (1) Protecting natural and cultural resources, and identifying and evaluating emergent or critical issues involving Sanctuary use or resources; (2) identifying and realizing the Sanctuary's research objectives; (3) identifying and realizing educational opportunities to increase the public knowledge and stewardship of the Sanctuary environment; and (4) assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the Sanctuary and the National Marine Sanctuary Program.

**Authority:** 16 U.S.C. Section 1431 *et seq.* (Federal Dometic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: June 12, 2000.

**Ted Lillestolen,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 00-15287 Filed 6-15-00; 8:45 am]

BILLING CODE 3510-08-M

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting

**AGENCY:** Consumer Product Safety Commission, Washington, DC 20207.

**TIME AND DATE:** Thursday, June 22, 2000, 2 p.m.

**LOCATION:** Room 410, East West Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Closed to the Public.

**MATTER TO BE CONSIDERED:**

*Compliance Status Report*

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504-0709.

**CONTACT PERSON FOR ADDITIONAL**

**INFORMATION:** Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504-0800.

Dated: June 14, 2000.

**Sadye E. Dunn,**

*Secretary.*

[FR Doc. 00-15408 Filed 6-14-00; 2:55 pm]

BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Submission for OMB Review; Comment Request

**ACTION:** Notice.

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

*Title and OMB Number:* Report on the Use of Employees of Non-Federal Entities to Provide Services to Department of Defense (32 CFR Part 657); OMB Number 0702-0112.

*Type of Request:* Extension.

*Number of Respondents:* 7,400.

*Responses Per Respondent:* 55 (average).

*Annual Responses:* 408,768.

*Average Burden Per Response:* 0.083 hours.

*Annual Burden Hours:* 33,928.

*Needs and Uses:* The collection of information contained in the interim rule published on March 15, 2000, was approved as an emergency submission until August 31, 2000. This submission requests a three year extension of the information collection requirements previously approved under OMB Control Number 0702-0112. The information collection is required to provide documentation of various support services from contractors in compliance with Section 343 of Public Law 106-65 (FY 2000 National Defense Authorization Act), and Section 2461(g) of Title 10 United States Code. The intent of the reporting requirement is to obtain direct and indirect labor hour data for services in support of the Army under contracts not specifically excluded in the interim rule. The information obtained will be transmitted directly to the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs). The labor hour information provided will be protected as company proprietary data (when associated with contact number and contractor name) and will be required at a level of detail not greater than required by intended use. The reports will include: the Federal Supply Class or Service Code pertinent to the services reported; the complete appropriations data for the appropriations funding the line item(s); the name and complete address of the Army contracting office; the name and address of the Army organization receiving the benefit of the services; the time period covered by the report; and, the contract/order number and the associated value.

*Affected Public:* Business or Other For-Profit.

*Frequency:* Monthly.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* Mr. Lewis W. Oleinick.

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

*DOD Clearance Officer:* Mr. Robert Cushing.

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

Dated: June 8, 2000.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 00-15218 Filed 6-15-00; 8:45 am]

**BILLING CODE 5001-10-M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Submission for OMB Review; Comment Request

**ACTION:** Notice.

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

*Title, Associated Form, and OMB Number:* Record of Arrivals and Departures of Vessels at Marine Terminals; ENG Form 3926; OMB Number 0710-0005.

*Type of Request:* Extension.

*Number of Respondents:* 450.

*Responses Per Respondent:* 12.

*Annual Responses:* 5,400.

*Average Burden Per Response:* 27 minutes.

*Annual Burden Hours:* 2,500.

*Needs and Uses:* The Corps of Engineers uses ENG Form 3926 in conjunction with the ENG Form 3925 Series as the basic source of input to conduct the Waterborne Commerce Statistics data collection program. The information collected enables the COE to identify significant movements of vessels and tonnage. The information is voluntarily submitted by respondents to assist the Waterborne Commerce Statistics Center (WCSC) in the identification of vessel operators who fail to report significant vessel moves and tonnage.

*Affected Public:* Business or Other For-Profit.

*Frequency:* Monthly.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Mr. Jim Laity.

Written comments and recommendations on the proposed information collection should be sent to Mr. Laity at the Office of Management and Budget, Desk Officer for U.S. Army COE, Room 10202, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Mr. Robert Cushing.

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

Dated: June 8, 2000.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 00-15219 Filed 6-15-00; 8:45 am]

**BILLING CODE 5001-10-M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Science Board Task Force on Improving Fuel Efficiency of Weapons Platforms

**ACTION:** Notice of meeting.

**SUMMARY:** The Defense Science Board Task Force on Improving Fuel Efficiency of Weapons Platforms will meet in closed session on June 10-21 at Carderock Division, Naval Surface Warfare Center, 9500 MacArthur Boulevard, West Bethesda, MD 20817-5700.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, The Task Force will review fuel-efficient technologies, including new or improved fuels, engines, Alternative Fueled Vehicles, and other advanced technologies and assess their operational, logistical, cost, and environmental impacts for a range of practical implementation scenarios.

Due to critical mission requirements in finalizing briefings for this Task Force, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101-.6.1015(g) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 101-6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force on June 20-21, 2000.

Persons interested in further information should call Commander Brain D. Hughes, USN, at (703) 695-4157.

Dated: June 12, 2000.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 00-15220 Filed 6-15-00; 8:45 am]

**BILLING CODE 5001-10-M**

**DEPARTMENT OF DEFENSE****Department of the Air Force****Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Brooks City Base Project, Brooks Air Force Base (AFB), Texas**

The United States Air Force is issuing this notice to advise the public of its intention to prepare an EIS for the Brooks City Base Project (BCBP). The EIS will be prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500 to 1508), and Air Force policy and procedures (32 CFR part 989). The BCBP is authorized under the provisions of the Fiscal year 2000 Defense Appropriations Act, Public Law 106-79, section 8168. It is intended to improve mission effectiveness and asset management and reduce the cost of providing quality installation support services at Brooks AFB.

Under the BCBP, the Air Force proposes to convey all or portions of the approximately 1,310 acres of base real property to the City of San Antonio or other public or private entity and lease back those facilities required to support the continuing Air Force mission. The City of San Antonio or other entity would develop available portions of the base property in a manner that is not inconsistent with continuing Brooks AFB mission activities.

The EIS will address the potential environmental impacts associated with the proposed BCBP. The Proposed Action is a transfer/leaseback of Brooks AFB property. Alternatives include Air Force outgrant of portions of the base, under which the Air Force would retain ownership, and the no-action alternative, under which the BCBP would not be implemented. The analysis will examine the reasonably foreseeable environmental consequences of the Proposed Action and alternatives under several different land use scenarios.

To provide a forum for public officials and the community to provide information and comments on the project, the Air Force will hold a public scoping meeting in San Antonio at the following location near Brooks AFB:

*Date:* July 12, 2000.

*Location:* Slattery Hall, 9006 Villamain Road, San Antonio, Texas 78223.

*Time:* 7-9 p.m.

Notice of the time and location of the meeting will also be announced in local

newspapers. The purpose of the meeting is to: (1) Identify the environmental issues and concerns that should be analyzed; (2) solicit comments on the Proposed Action and alternatives; and (3) solicit potential alternatives to the Proposed Action. In soliciting information on potential alternatives, the Air Force will consider reasonable alternatives offered during the public scoping period, currently scheduled to continue through August 4, 2000.

To ensure sufficient time to adequately consider public input concerning environmental issues and alternatives to be included in the EIS, the Air Force recommends that comments be forwarded to the address listed below by the end of the scoping period. The Air Force will, however, accept additional comments at any time during the environmental impact analysis process.

Please direct written comments or requests for further information concerning the BCBP EIS to Mr. Jonathan D. Farthing, HQ AFCEE/ECA, 3207 North Road, Brooks Air Force Base, Texas 78235-5363; (210) 536-3668.

**Janet A. Long,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 00-15286 Filed 6-15-00; 8:45 am]

**BILLING CODE 5001-05-M**

**DEPARTMENT OF EDUCATION****Submission for OMB Review; Comment Request**

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before July 17, 2000.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal

agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

*Dated:* June 13, 2000.

**John Tressler,**

*Leader, Regulatory Information Management, Office of the Chief Information Officer.*

**Office of Vocational and Adult Education**

*Type of Review:* Revision.

*Title:* Progress Measures.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs; Not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:*

Responses: 1,300.

Burden Hours: 6,850.

*Abstract:* The National School-to-Work Office collects information from funded local partnerships to gather evidence on state and local progress in implementing School-to-Work systems. Data elements have included student, school, and employer involvement in School-to-Work; graduation and postsecondary transition rates for students; and funds leveraged by partnerships to sustain their School-to-Work systems. Information is used to provide an annual School-to-Work report to Congress, as well as to build state's capacity to collect and analyze information for their own system improvement purposes.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional

Office Building 3, Washington, D.C. 20202-4651. Requests may also be electronically mailed to the internet address OCIO\_IMG\_Issues@ed.gov or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708-6287 or via her internet address Sheila\_Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 00-15317 Filed 6-15-00; 8:45 am]  
BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before July 17, 2000.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed

information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 13, 2000.

**John Tressler,**

*Leader, Regulatory Information Management,  
Office of the Chief Information Officer.*

### Office of Postsecondary Education

*Type of Review:* New.

*Title:* The Evaluation of Exchange, Language, International and Area Studies (EELIAS), NRC, FLAS and IIPP.

*Frequency:* Annually and Other: FLAS.

*Affected Public:* Not-for-profit institutions; Individuals or households.

*Reporting and Recordkeeping Hour Burden:*

Responses: 1,246.

Burden Hours: 9,932.

*Abstract:* Information collection assists IEGPS in meeting program planning and evaluation requirements. Program Officers require performance information to justify continuation funding, and grantees use this information for self evaluations and to request continuation funding from ED.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651. Requests may also be electronically mailed to the internet address OCIO\_IMG\_Issues@ed.gov or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708-9266 or via his internet address Joe\_Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 00-15318 Filed 6-15-00; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP98-54-000]

### Colorado Interstate Gas Company; Notice of Informal Settlement Conference

June 12, 2000.

On May 23, 2000, an informal settlement conference was held in the above-docketed filing respecting the Kansas *ad valorem* issues. At that conference, the participants agreed to hold a second informal settlement conference on June 29, 2000. The conference will begin at 10:30 and the location will be at the offices of the Attorney General, 1525 Sherman Street, Denver, Colorado 80203. The specific meeting room will be posted at the Attorney General's offices.

All interested parties in the above dockets are requested to attend the informal settlement conference. If a party has any questions respecting the conference, please call Richard Miles, the Director of the Dispute Resolution Service. His telephone number is 1 877 FERC ADR (337-2237) or 202-208-0702 and his e-mail address is [richard.miles@ferc.fed.us](mailto:richard.miles@ferc.fed.us).

**David P. Boergers,**  
*Secretary.*

[FR Doc. 00-15272 Filed 6-15-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP00-379-000]

### Natural Gas Pipeline Company of America; Application for Permission and Approval To Abandon Interests in Offshore Lateral, Tap, Meter and Non- Mainline Compression Facilities and Request for Nonjurisdictional Determination

June 12, 2000.

Take notice that on June 7, 2000, Natural Gas Pipeline Company of America (Natural), 747 East 22nd Street, Lombard, Illinois 60148, filed an application pursuant to Section 7(b) of the Natural Gas Act (NGA) and the Commission's Regulations to abandon interests in offshore lateral, tap, meter and non-mainline compression facilities and requests for nonjurisdictional determination, all as more fully set forth in the application 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).

Any questions regarding this application should be directed to James J. McElligott, Senior Vice President, Natural Gas Pipeline Company of America, 747 East 22nd Street, Lombard, Illinois 60148 at (630) 691-3525.

Specifically Natural requests:

(1) permission and approval to abandon, by sale to East Breaks Gathering Company, L.L.C. ("East Breaks"), a nonjurisdictional gathering company, interests in an aggregate of 39.98 miles of various diameter offshore laterals including related tap, meter and "non-mainline" compression facilities and appurtenances in the West Cameron ("WC") and Vermilion ("VR") Areas, offshore Louisiana. Specifically, Natural seeks to abandon its interests in lateral facilities connecting gas supply in VR 221A, VR 340A, VR 348A, WC 170A, WC 172CB, WC 212C, WC 533 (meter and "non-mainline" compressor only), WC 534A (meter only), WC 537A, WC 551A/New, WC 564A and WC 630 (meter only). Natural will also sell to East Breaks facilities interests in an aggregate of 15.62 miles of previously abandoned and retired in place lateral facilities, which specifically had connected gas supply in East Cameron ("EC") 281B, offshore Louisiana, EC 347A, WC 264A #1, WC 540A and WC 551A/Old; 1/ and

(2) a determination in the Commission's order in the present docket that following abandonment, and upon transfer to East Breaks, the subject facilities interests to be abandoned here and those in the previously abandoned and retired in place laterals to be sold will become part of East Breaks' system and will be nonjurisdictional and not subject to NGA regulation by the Commission.

Natural states that its interests in the subject facilities were originally constructed as a means of receiving gas purchased from various suppliers for Natural's system supply to support Natural's merchant function. Natural's merchant function terminated effective December 1, 1993. Consequently, Natural states that it no longer has a need for the facilities interests to be abandoned in the present application. Natural states that it proposes to abandon and transfer these facilities interests, as well as Natural's interests in five (5) previously abandoned and retired in place laterals, to East Breaks for \$5,137,618.

Any person desiring to be heard or make any protest with reference to said application should on or before July 3, 2000, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition 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 petition 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 petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for Natural to appear or be represented at the hearing.

**David P. Boergers,**

*Secretary.*

[FR Doc. 00-15276 Filed 6-15-00; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP98-52-000]

#### Williams Gas Pipelines Central, Inc.; Notice of Informal Settlement Conference

June 12, 2000.

On March 13 and 28, 2000, the Kansas Corporation Commission (KCC) sponsored two informal settlement conferences for the purpose of initiating settlement discussions potentially leading to a resolution of all the Kansas *ad valorem* proceedings. During the March 28 conference, the participants agreed that settlement negotiations among all interested parties should be pursued separately for each pipeline involved with the Kansas *ad valorem* tax refund issues.

An informal settlement conference in the above docket will be held on July,

11, 2000, at the offices of Shook, Hardy & Bacon, 1 Kansas City Place, 1200 Main Street, Kansas, Missouri. The Director of the Commission's Dispute Resolution Service and the KCC will attend the conference and facilitate the settlement negotiations.

All interested parties in the above dockets are requested to attend the informal settlement conference. If a party has any questions respecting the conference, please call Richard Miles, the Director of the Dispute Resolution Service. His telephone number is 1 877 FERC ADR (337-2237) or 202-208-0702 and his e-mail address is [richard.miles@ferc.fed.us](mailto:richard.miles@ferc.fed.us).

**David P. Boergers,**

*Secretary.*

[FR Doc. 00-15271 Filed 6-15-00; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC00-97-000, et al.]

#### Atlantic City Electric Company, et al.; Electric Rate and Corporate Regulation Filings

June 9, 2000.

Take notice that the following filings have been made with the Commission:

#### 1. Atlantic City Electric Company, Delmarva Power & Light Company and Conectiv Energy Supply, Inc.

[Docket No. EC00-97-000]

Take notice that on June 1, 2000, Atlantic City Electric Company (Atlantic), Delmarva Power & Light Company (Delmarva) and Conectiv Energy Supply, Inc. (CESI) (collectively, the Applicants) tendered an application under the provisions of Section 203 of the Federal Power Act involving the assignment of Atlantic and Delmarva's rights and obligations under certain of their wholesale power sales agreements ("Agreements") to CESI.

The Applicants respectfully request an effective date of June 1, 2000, the date of filing.

The Applicants state that copies of this joint application have been served upon Atlantic and Delmarva's counter parties in the Agreements and the pertinent state regulatory commissions.

*Comment date:* July 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

**2. Commonwealth Edison Company**

[Docket No. EC00-98-000]

Take notice that on May 31, 2000 Commonwealth Edison Company (ComEd) tendered for filing an application pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's regulations, 18 CFR part 33, for an order approving the transfer of jurisdictional assets.

ComEd states that it has, by mail, served a copy of the Application on the Illinois Commerce Commission and on other identified entities.

*Comment date:* June 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

**3. Mountain West Independent Scheduling Administrator**

[Docket Nos. ER99-3719-000 and EC99-100-000]

Take notice that on June 6, 2000, the Mountain West Independent Scheduling Administrator (Mountain West) tendered for filing modifications to its Electric Rate Tariff to comply with the Commission's order in Mountain West Independent System Administrator, 90 FERC ¶ 61,067 (January 27, 2000).

Mountain West states that this filing has been served upon all parties in this proceeding.

*Comment date:* June 27, 2000, in accordance with Standard Paragraph E at the end of this notice.

**4. PECO Energy Company**

[Docket No. ER00-2679-000]

Take notice that on June 1, 2000, PECO Energy Company (PECO) submitted for filing a Notice of Cancellation seeking to terminate PECO's Rate Schedule FERC No. 55, that certain Transmission Service and Interconnection Contract dated December 26, 1989, between Philadelphia Electric Company and Delaware Resource Management, Inc., to which PECO and American Ref-Fuel Company of Delaware Valley, L.P. (American Ref-Fuel) are successors respectively; and an Interconnection Agreement between PECO and American Ref-Fuel for Generation Interconnection and Parallel Operation.

Copies of this filing were served on American Ref-Fuel and the Pennsylvania Public Utility Commission.

*Comment date:* June 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

**5. PJM Interconnection, L.L.C.**

[Docket No. ER00-2709-000]

Take notice that on June 5, 2000, PJM Interconnection, L.L.C. (PJM), tendered

for filing an executed interconnection service agreement between PJM and Commonwealth Chesapeake Company, L.L.C., (Commonwealth).

PJM requests a waiver of the Commission's 60-day notice requirement and an effective date of June 1, 2000.

Copies of this filing were served upon Commonwealth, Delmarva Power & Light Company, and the Virginia State Corporation Commission.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**6. SOWEGA Power LLC**

[Docket No. ER00-2710-000]

Take notice that on June 5, 2000, SOWEGA Power LLC, tendered for filing, pursuant to Section 205 of the Federal Power Act, an amendment to its existing service agreement with Coral Power, L.L.C., under SOWEGA's market-based sales tariff, SOWEGA FERC Rate Schedule No. 1, Service Agreement No. 3.

SOWEGA requests an effective date from the Commission as of June 1, 2000 for the 1st Revised Service Agreement No. 3.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**7. Maine Public Service Company**

[Docket No. ER00-2711-000]

Take notice that on June 2, 2000, Maine Public Service Company (Maine Public) tendered for filing an executed Service Agreement for Network Integration Transmission Service and Network Operating Agreement under Maine Public's open access transmission tariff with Van Buren Light & Power District.

Maine Public requests waiver of the Commission's 60-day notice requirements so that the service agreement can become effective on June 1, 2000.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

**8. El Dorado Energy, LLC**

[Docket No. ER00-2712-000]

Take notice that on June 5, 2000, El Dorado Energy, LLC (El Dorado), tendered for filing two service agreements under its market-based rate tariff.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**9. Southwest Power Pool, Inc.**

[Docket No. ER00-2713-000]

Take notice that on June 5, 2000, Southwest Power Pool, Inc., (SPP), tendered for filing proposed amendments to its Open Access Transmission Tariff adding a new Attachment V prescribing coordinated procedures for customers seeking interconnection of generation.

SPP requests that the Commission accept the proposed revisions to become effective on June 6, 2000.

Copies of this filing were served upon all SPP Members and customers, as well as on all state commissions within the SPP region.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**10. Tampa Electric Company**

[Docket No. ER00-2714-000]

Take notice that on June 5, 2000, Tampa Electric Company (Tampa Electric), tendered for filing a notice pursuant to the Commission's "Order Accepting Filing," issued on May 8, 2000 in the matter of North American Electric Reliability Council, Docket No. ER00-1666-000, stating that: (1) It uses the North American Electric Reliability Council's revised Transmission Loading Relief procedures; and (2) its open access transmission tariff shall be considered so modified.

Tampa Electric states that a copy of its notice has been served on each person identified on the official service list in Docket No. ER00-1666-000 and each customer under its open access tariff.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**11. Florida Power Corporation**

[Docket No. ER00-2715-000]

Take notice that on June 6, 2000, Florida Power Corporation (FPC), tendered for filing a service agreement between Sempra Energy Trading Corp. and FPC under FPC's Market-Based Wholesale Power Sales Tariff (MR-1), FERC Electric Tariff, Original Volume Number 8. This Tariff was accepted for filing by the Commission on June 26, 1997, in Docket No. ER97-2846-000.

The service agreement with Sempra Energy Trading Corp., is proposed to be effective May 30, 2000.

*Comment date:* June 27, 2000, in accordance with Standard Paragraph E at the end of this notice.

**12. Kentucky Utilities Company**

[Docket No. ER00-2716-000]

Take notice that on June 5, 2000, Kentucky Utilities Company tendered

for filing an executed supplement to the interconnection between Kentucky Utilities Company and East Kentucky Power Cooperative, Inc. The agreements provides for the construction of facilities to add an additional interconnection point on Kentucky Utilities Company's Rodburn-Spencer 138kV transmission line to serve the load area near Kentucky Utilities Company's Sharkey substation.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

### 13. New England Power Pool

[Docket No. ER00-2717-000]

Take notice that on June 5, 2000, the New England Power Pool (NEPOOL), Participants Committee filed notification that the effective date of membership in NEPOOL of Quinipiac Energy LLC will be deferred until the date of the closing of Quinipiac's acquisition of generating assets from The United Illuminating Company.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

### 14. Cleco Utility Group Inc.

[Docket No. ER00-2718-000]

Take notice that on June 5, 2000, Cleco Utility Group Inc., tendered for filing, pursuant to Section 206 of the Federal Power Act and the Commission's order in *North American Electric Reliability Council*, 91 FERC ¶ 61,122 (2000), an amendment to its Second Revised FERC Electric Tariff Volume No. 1 to incorporate the revised transmission loading relief procedures approved by the Commission therein.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

### 15. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER00-2719-000]

Take notice that on June 5, 2000, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies), tendered for filing an executed Netting Agreement between the Companies and Tenaska Power Services Co.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

### 16. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER00-2720-000]

Take notice that on June 5, 2000, Northern States Power Company (Minnesota) and Northern States Power

(Wisconsin) (together NSP) tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations, settlement provisions that extend certain of the provisions in the filing approved by the Commission at Northern States Power Co., 89 FERC ¶ 61,300 (1999).

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

### 17. Southwest Power Pool, Inc.

[Docket No. ER00-2721-000]

Take notice that on June 5, 2000, Southwest Power Pool, Inc. (SPP), tendered for filing an executed service agreement for Firm Point-to-Point Transmission Service with Central and South West Services, Inc., as agent for West Texas Utilities company (Transmission Customer).

SPP requests an effective date of April 1, 2000 for this agreement.

A copy of this filing were served upon the Transmission Customer.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

### 18. Virginia Electric and Power Company

[Docket No. ER00-2728-000]

Take notice that on June 5, 2000, Virginia Electric and Power Company (Virginia Power or the Company), tendered for filing a long-term Service Agreement between Virginia Power and Associated Electric Cooperative, Inc. Virginia Power requests that the Commission accept this Agreement as a service agreement under the Company's Revised Market-Based Rate Tariff designated as FERC Electric Tariff (Second Revised Volume No. 4), which was accepted by order of the Commission dated August 13, 1998 in Docket No. ER98-3771-000.

As requested by the customer, the Company asks that the Commission grant a waiver to make this agreement effective June 1, 2000.

Copies of the filing were served upon Associated Electric Cooperative, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

*Comment date:* June 26, 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. 00-15270 Filed 6-15-00; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EG00-160-000, et al.]

### Joliet Trust I, et al.; Electric Rate and Corporate Regulation Filings

June 8, 2000.

Take notice that the following filings have been made with the Commission:

#### 1. Joliet Trust I

[Docket No. EG00-160-000]

Take notice that on June 2, 2000, Joliet Trust I filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in Units 7 and 8 (totaling 1044 MW) of the coal-fired Joliet Station in Will County, Illinois. Units 7 and 8 will be leased by applicant and one or more additional trusts holding the remaining interests in the units to Midwest Generation, LLC, which will operate the units as an exempt wholesale generator.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

#### 2. Joliet Trust II

[Docket No. EG00-161-000]

Take notice that on June 2, 2000, Joliet Trust II filed with the Federal

Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in Units 7 and 8 (totaling 1044 MW) of the coal-fired Joliet Station in Will County, Illinois. Units 7 and 8 will be leased by applicant and one or more additional trusts holding the remaining interests in the units to Midwest Generation, LLC, which will operate the units as an exempt wholesale generator.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 3. Joliet Trust III

[Docket No. EG00-162-000]

Take notice that on June 2, 2000, Joliet Trust III filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in Units 7 and 8 (totaling 1044 MW) of the coal-fired Joliet Station in Will County, Illinois. Units 7 and 8 will be leased by applicant and one or more additional trusts holding the remaining interests in the units to Midwest Generation, LLC, which will operate the units as an exempt wholesale generator.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 4. Joliet Trust IV

[Docket No. EG00-163-000]

Take notice that on June 2, 2000, Joliet Trust IV filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in Units 7 and 8

(totaling 1044 MW) of the coal-fired Joliet Station in Will County, Illinois. Units 7 and 8 will be leased by applicant and one or more additional trusts holding the remaining interests in the units to Midwest Generation, LLC, which will operate the units as an exempt wholesale generator.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 5. Powerton Trust I

[Docket No. EG00-164-000]

Take notice that on June 2, 2000, Powerton Trust I filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in the 1,538 MW coal-fired Powerton Station in Tazwell County, Illinois. The facility will be leased by applicant and one or more additional trusts holding the remaining interests in the Powerton Station to Midwest Generation, LLC, which will operate the facility as an exempt wholesale generator.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 6. Powerton Trust II

[Docket No. EG00-165-000]

Take notice that on June 2, 2000, Powerton Trust II filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in the 1,538 MW coal-fired Powerton Station in Tazwell County, Illinois. The facility will be leased by applicant and one or more additional trusts holding the remaining interests in the Powerton Station to Midwest Generation, LLC, which will operate the facility as an exempt wholesale generator.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E

at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 7. Powerton Trust III

[Docket No. EG00-166-000]

Take notice that on June 2, 2000, Powerton Trust III filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in the 1,538 MW coal-fired Powerton Station in Tazwell County, Illinois. The facility will be leased by applicant and one or more additional trusts holding the remaining interests in the Powerton Station to Midwest Generation, LLC, which will operate the facility as an exempt wholesale generator.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 8. Powerton Trust IV

[Docket No. EG00-167-000]

Take notice that on June 2, 2000, Powerton Trust IV filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding an undivided interest in the 1,538 MW coal-fired Powerton Station in Tazwell County, Illinois. The facility will be leased by applicant and one or more additional trusts holding the remaining interests in the Powerton Station to Midwest Generation, LLC, which will operate the facility as an exempt wholesale generator.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 9. Foote Creek IV Project

[Docket No. EG00-168-000]

Take notice that on June 5, 2000, Foote Creek IV, LLC, 1455 Frazee Road, Suite 900, San Diego, California 92108

filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Foote Creek IV, LLC, is a Delaware limited liability company that intends to construct, own and operate a 16.8 MW generation facility consisting of twenty-eight (28) Mitsubishi Heavy Industries MWT-600 wind turbine generators in Carbon County, Wyoming. Foote Creek IV, LLC, is engaged directly and exclusively in the business of owning and operating all or part of one or more eligible facilities and selling electric energy at wholesale.

*Comment date:* June 29, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

#### 10. Kansas Gas and Electric Company

[Docket No. ER00-2344-000]

Take notice that on June 2, 2000, Kansas Gas and Electric Company filed a Notice of Withdrawal of its April 28, 2000 application for acceptance of the Interconnection Agreement between itself and Westar Generating II, Inc.

*Comment date:* June 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 11. Ameren Service Company

[Docket No. ER00-2364-001]

Take notice that on June 5, 2000, Ameren Services Company (Ameren), tendered for filing a substitute revised unexecuted Network Integration Transmission Service Agreement (revised Agreement) with Soyland Power Cooperative, Inc. (Soyland) under Ameren's Open Access Transmission Tariff. This revised Agreement is intended as a substitute for the document filed in the above-captioned proceeding on May 1, 2000. Ameren states that it has corrected a misstated rate in the document in Paragraph 7.0 and that this correction is the only change in the document.

Copies of the filing have been served on Soyland and the Illinois Commerce Commission. Ameren continues to seek an effective date of June 1, 2000.

*Comment date:* June 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 12. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company LLC

[Docket No. ER00-2504-001]

Take notice that on June 5, 2000, Allegheny Energy Service Corporation

on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply Company), tendered for filing Amendment No. 2 to Supplement No. 42 to complete the filing requirement for one (1) new Customer of the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy requests a waiver of notice requirements to make service available as of April 19, 2000 to Tractebel Energy Marketing, 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 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 13. SEI Wisconsin, L.L.C.

[Docket No. ER00-2682-000]

Take notice that on June 2, 2000, SEI Wisconsin, L.L.C. (SEI Wisconsin) filed with the Federal Energy Regulatory Commission a short-term service agreement for sales under SEI Wisconsin's Market Rate Tariff, which was accepted for filing in Document No. ER99-669-000. The Electric Power Sale Agreement is between SEI Wisconsin, L.L.C. and Southern Company Energy Marketing L.P.

SEI Wisconsin respectfully requests that the agreement become effective May 5, 2000.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 14. PJM Interconnection, L.L.C.

[Docket No. ER00-2683-000]

Take notice that on June 2, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing 10 executed service agreements for firm point-to-point transmission service, non-firm point-to-point transmission service, and network integration transmission service under the PJM Open Access Transmission Tariff. These agreements are with It's Electric & Gas, L.L.C., MIECO, Inc., Rainbow Energy Marketing Corp., SmartEnergy.com, and Utilimax.com, Inc.

Copies of this filing were served upon the parties to the service agreements and the state commissions within the PJM control area.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 15. American Ref-Fuel Company of Delaware Valley, L.P.

[Docket No. ER00-2684-000]

Take notice that on June 1, 2000, American Ref-Fuel Company of Delaware Valley, L.P. (ARC) submitted a notice of cancellation of that certain Amended and restated Contract for Sale and Purchase of Electric Energy dated December 26, 1989, which is on file with the Federal Energy Regulatory Commission (Commission) as ARC's Rate Schedule FERC No. 2 and each supplement thereto, and an Amendment to that certain Agreement for Purchase of Electric Power dated November 18, 1988 between ARC and Atlantic City Electric Company which is on file with the Commission as ARC's Rate Schedule FERC No. 1 and each supplement thereto.

*Comment date:* June 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 16. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00-2685-000]

Take notice that on June 2, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Supplement No. 46 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 April 12, 2000 to Amoco Energy Trading 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 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

#### 17. Tucson Electric Power Company

[Docket No. ER00-2686-000]

Take notice that on June 2, 2000, Tucson Electric Power Company tendered for filing one (1) umbrella service agreement (for short-term firm service) pursuant to Part II of Tucson's Open Access Transmission Tariff, which was filed in Docket No. OA 96-140-000.

The details of the service agreement is as follows:

(1) Umbrella Agreement for Short-Term Firm Point-to-Point Transmission Service dated as of May 30, 2000 by and between Tucson Electric Power Company and Southern Company Energy Marketing, L.P. No service has commenced at this time.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

**18. Ameren Energy, Inc., on behalf of Union Electric Company d/b/a AmerenUE**

[Docket No. ER00-2687-000]

Take notice that on June 2, 2000, Ameren Energy, Inc., as agent for Union Electric Company, d/b/a AmerenUE, filed a FERC Electric Rate Schedule No.1 and Rate Schedule for Resale, Assignment or Transfer of Transmission Rights and Ancillary Services (Rate Schedule). The Rate Schedule will allow Ameren Energy, Inc, on behalf of and as agent for AmerenUE to continue the wholesale of power under the market-based rate authority previously granted by the Commission to Ameren Services Company on behalf of AmerenUE and Central Illinois Public Service Company, d/b/a AmerenCIPS, but utilizing negotiated terms and conditions. Ameren Services, as agent for AmerenUE and AmerenCIPS, proposes to phase out its Market Based Rate Sales Tariff. The Rate Schedule will also allow Ameren Energy, on behalf of AmerenUE, to resell transmission services and ancillary service rights on their own and third-party systems in accordance with Order Nos. 888 and 888-A.

Ameren Energy has requested a June 3, 2000 effective date for the Rate Schedule.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

**19. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company, LLC**

[Docket No. ER00-2688-000]

Take notice that on May 31, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Amendment No. 4 to Supplement No. 23 to the Market Rate Tariff to incorporate a Netting Agreement with Aquila Energy Marketing Corporation into the tariff provisions.

Allegheny Energy Supply requests a waiver of notice requirements to make the Amendment effective as of May 25, 2000 or such other date as ordered by the Commission.

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.

**20. PPL Electric Utilities Corporation**

[Docket No. ER00-2689-000]

Take notice that on June 1, 2000, PPL Electric Utilities Corporation, formerly known as PP&L, Inc., filed notice that effective June 30, 2000, Schedule FERC No. 152, effective on June 1, 1997, is to be cancelled.

Notice of the termination has been served upon Jersey Central Power & Light Company.

*Comment date:* June 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

**21. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company, LLC**

[Docket No. ER00-2690-000]

Take notice that on June 1, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Amendment No. 2 to Supplement No. 10 to the Market Rate Tariff to incorporate a Netting Agreement with DTE Energy Trading, Inc. into the tariff provisions.

Allegheny Energy Supply Company requests a waiver of notice requirements to make the Amendment effective as of May 2, 2000.

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 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

**22. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)**

[Docket No. ER00-2691-000]

Take notice that on, June 1, 2000, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison

Company and West Penn Power Company (Allegheny Power), submitted a Notice of Cancellation for NP Energy, Inc., a customer under Allegheny Power's Open Access Transmission Service Tariff and Standard Generation Service Rate Schedule.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

*Comment date:* June 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

**23. Alliant Energy Corporate Services, Inc.**

[Docket No. ER00-2692-000]

Take notice that on June 1, 2000, Alliant Energy Corporate Services, Inc. (Alliant Energy) on behalf of Interstate Power Company (IPC) and Wisconsin Power & Light (WPL) tendered for filing a Amendment of Negotiated Capacity Transaction (Agreement) between IPC and WPL for the period January 1, 2000 through December 31, 2000. The Agreement was negotiated to provide service under the Alliant Energy System Coordination and Operating Agreement among IES Utilities Inc., Interstate Power Company, Wisconsin Power & Light Company and Alliant Energy.

*Comment date:* June 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

**24. FirstEnergy System**

[Docket No. ER00-2693-000]

Take notice that on June 2, 2000, FirstEnergy System tendered a Service Agreement to provide Non-Firm Point-to-Point Transmission Service for: MIECO, Inc., the Transmission Customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97-412-000.

The proposed effective date under this Service Agreement is May 30, 2000, for the above mentioned Service Agreement in this filing.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

**25. FirstEnergy System**

[Docket No. ER00-2694-000]

Take notice that on June 2, 2000, FirstEnergy System tendered for filing Service Agreements to provide Firm Point-to-Point Transmission Service for

MIECO, Inc., the Transmission Customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff tendered for filing by the Federal Energy Regulatory Commission in Docket No. ER97-412-000.

The proposed effective date under this Service Agreement is May 30, 2000, for the above mentioned Service Agreement in this filing.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 26. Virginia Electric and Power Company

[Docket No. ER00-2695-000]

Take notice that on June 2, 2000, Virginia Electric and Power Company (Virginia Power), tendered for filing an Assignment of Contracts entered into by and among Statoil Energy Services, Inc. (Assignor), Amerada Hess Corporation (Assignee), and Virginia Electric and Power Company (Virginia Power). Under this assignment, the Assignor assigns to the Assignee and the Assignee assumes all of the Assignor's rights and obligations pertaining to its Service Agreement with Virginia Power for Short-Term Market Based Rate Power Sales dated March 28, 2000 and accepted by Letter Order dated May 18, 2000 and made effective April 6, 2000 in Docket No. ER00-2145-000.

Virginia Power requests an effective date of May 16, 2000, the date of the Assignment of Contracts.

Copies of this filing were served upon Amerada Hess Corporation, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 27. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00-2696-000]

Take notice that on June 2, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Supplement No. 45 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 February 2, 2000 to Entergy 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 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 28. Ameren Energy Marketing Company

[Docket No. ER00-2697-000]

Take notice that on June 2, 2000, Ameren Energy Marketing Company (AEM), tendered for filing a Rate Schedule for Resale, Assignment, or Transfer of Transmission Rights and Ancillary Services (Rate Schedule). The Rate Schedule will allow AEM to resell transmission service and ancillary service rights on their own and third-party systems in accordance with Order Nos. 888 and 888-A.

AEM has requested a June 3, 2000 effective date for the Rate Schedule.

*Comment date:* June 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 29. PPL Electric Utilities Corporation

[Docket No. ER00-2698-000]

Take Notice that on June 2, 2000, PPL Electric Utilities Corporation d/b/a PPL Utilities (formerly known as PP&L, Inc.) (PPL), tendered for filing a Service Agreement dated May 12, 2000, with Goldsboro Borough (Goldsboro) under PPL's Market-Based Rate and Resale of Transmission Rights Tariff, FERC Electric Tariff, Revised Volume No. 5. The Service Agreement adds Goldsboro as an eligible customer under the Tariff.

PPL requests an effective date of June 1, 2000, for the Service Agreement.

PPL states that copies of this filing have been supplied to Goldsboro and to the Pennsylvania Public Utility Commission.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 30. Cinergy Services, Inc.

[Docket No. ER00-2699-000]

Take notice that on June 5, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Amerada Hess Corporation (Amerada).

Cinergy and Amerada are requesting an effective date of May 5, 2000.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 31. UtiliCorp United Inc.

[Docket No. ES00-42-000]

Take notice that on June 1, 2000, UtiliCorp United Inc. (UtiliCorp) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue (1) a forward underwriting agreement for the sale of up to 6,000,000 shares of common stock through such forward underwriting agreement or \$100,000,000 of UtiliCorp preference stock at some point in the future, and (2) the issuance of up to \$100,000,000 of trust preferred securities of a special purpose financing subsidiary which will be guaranteed by UtiliCorp in one or more private offerings.

*Comment date:* June 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 32. Cinergy Services, Inc.

[Docket No. ER00-2700-000]

Take notice that on June 5, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing a Non-Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Mico Inc., (Amerada).

Cinergy and Amerada are requesting an effective date of May 11, 2000.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 33. Cinergy Services, Inc.

[Docket No. ER00-2701-000]

Take notice that on June 5, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff), entered into between Cinergy and Mico Inc. (Mico).

Cinergy and Mico are requesting an effective date of May 11, 2000.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

## 34. Cinergy Services, Inc.

[Docket No. ER00-2702-000]

Take notice that on June 5, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing a Non-Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Pepco Energy Services, Inc., (Pepco).

Cinergy and Pepco are requesting an effective date of May 23, 2000.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**35. Cinergy Services, Inc.**

[Docket No. ER00-2703-000]

Take notice that on June 5, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing a Non-Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Amerada Hess Corporation (Amerada).

Cinergy and Amerada are requesting an effective date of May 5, 2000.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**36. Cinergy Services, Inc.**

[Docket No. ER00-2704-000]

Take notice that on June 5, 2000, Cinergy Services, Inc. (Cinergy), tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Pepco Energy Services, Inc., (Pepco).

Cinergy and Pepco are requesting an effective date of May 23, 2000.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**37. Foote Creek IV, LLC**

[Docket No. ER00-2706-000]

Take notice that on June 5, 2000, Foote Creek IV, LLC, a Delaware limited liability company, tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for blanket waivers and blanket approvals under various regulations of the Commission including authority to sell electricity at market-based rates and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective on September 1, 2000.

Foote Creek IV, LLC's FERC Electric Rate Schedule No. 1 provides for sales under the Wind Energy Supply Agreement between Foote Creek IV, LLC and Bonneville Power Administration and for sales to other purchasers. Foote Creek IV, LLC is a Delaware limited liability company that proposes to engage in the wholesale sale of electric power in the state of Wyoming and has its principal business office in San Diego, California.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**38. Delmarva Power & Light Company**

[Docket Nos. ER00-2707-000]

Take notice that on June 5, 2000, Delmarva Power & Light Company (Delmarva) tendered for filing an Amended and Restated Interconnection

Agreement (Amended Interconnection Agreement) with Commonwealth Chesapeake Company, LLC (CCC). The Amended Interconnection Agreement sets forth the terms and conditions under which Delmarva will construct interconnection facilities and provide interconnection service for generating facilities being constructed by CCC.

Delmarva requests that the Amended Interconnection Agreement become effective on June 5, 2000.

Delmarva also has filed a Notice of Cancellation of the Unexecuted Interconnection Agreement with CCC, FERC Electric Rate Schedule No. 121, and Supplements thereto.

Copies of the filing were served upon the Delmarva Public Service Commission, the Maryland Public Service Commission and the Virginia State Corporation Commission.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**39. Southern Energy Delta, L.L.C.; Southern Energy Potrero, L.L.C.**

[Docket Nos. ER00-2726-000; ER00-2727-000]

Take notice that on May 31, 2000, Southern Energy Delta, L.L.C. (SE Delta) and Southern Energy Potrero, L.L.C. (SE Potrero), tendered for filing revised tariff sheets to the Must-Run Service Agreements (RMR Agreements) between SE Delta and the California Independent System Operator Corporation (the ISO). These agreements reflect the expected impact of Amendment No. 26 to the ISO's Tariff on SE Delta and SE Potrero.

*Comment date:* June 21, 2000, in accordance with Standard Paragraph E at the end of this notice.

**40. Virginia Electric and Power Company**

[Docket No. ER00-2705-000]

Take notice that on June 5, 2000, Virginia Electric and Power Company (Virginia Power), tendered for filing a confidential version and a public version of a Long-Term Power Purchase Agreement (Agreement) between Virginia Power and Dynegy Power Marketing, Inc.

Pursuant to Section 388.112 of the Commission's Regulations, Virginia Power respectfully requests privileged treatment of portions of this Agreement as they contain information that the parties consider confidential.

Virginia Power requests that the Commission accept the Long-Term Power Purchase Agreement as a service agreement under the Company's Revised Market-Based Rate Tariff designated as FERC Electric Tariff (Second Revised Volume No. 4), which

was accepted by order of the Commission dated August 13, 1998 in Docket No. ER98-3771-000. If the Commission will not accept this agreement under the Company's Market-Based Rate Tariff, the Company requests that the Commission consider it as a separate bilateral rate schedule. As requested by the customer, the Company asks that the Commission grant a waiver to make the Agreement effective June 1, 2000.

Copies of the filing were served upon Dynegy Power Marketing, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

*Comment date:* June 26, 2000, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraphs**

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**David P. Boergers,***Secretary.*

[FR Doc. 00-15235 Filed 6-15-00; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests**

June 12, 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](mailto: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.

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, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on the web at [www.ferc.fed.us](http://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.

m. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. 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, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**David P. Boergers,**

*Secretary.*

[FR Doc. 00–15273 Filed 6–15–00; 8:45 am]

**BILLING CODE 6717–01–M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Intent To File an Application for a Subsequent License (Transmission line)

June 12, 2000.

a. *Type of filing*: Notice of Intent to File An Application for a Subsequent License (Transmission Line).

b. *Project No.*: 2117.

c. *Date Filed*: May 31, 2000.

d. *Submitted By*: South Carolina Public Service Authority (Santee Cooper)—current licensee.

e. *Name of Project*: Clark Hill-Aiken Transmission Line Project.

f. *Location*: In Aiken, Edgefield, and McCormick Counties, South Carolina. The project affects federal lands within the Sumter National Forest.

g. *Filed Pursuant to*: Section 15 of the Federal Power Act

h. *Licensee Contact*: John H. Tiencken, Jr., One Riverwood Drive, P.O. Box 2946101, Moncks Corner, S.C. 29461, (843) 761–7063.

i. *FERC Contact*: Tom Dean, [thomas.dean@ferc.fed.us](mailto:thomas.dean@ferc.fed.us), (202) 219–2778.

j. *Effective date of current license*: June 1, 1953

k. *Expiration date of current license*: May 31, 2003

l. *Description of the Project*: The project consists of the following existing facilities: (1) A 27.6-mile-long, 115-kV single circuit transmission line; and (2) other appurtenances.

m. Each application for a subsequent license and any competing license applications must be filed with the commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by May 31, 2001.

**David P. Boergers,**

*Secretary.*

[FR Doc. 00–15274 Filed 6–15–00; 8:45 am]

**BILLING CODE 6717–01–M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Intent To File an Application for a New License

June 12, 2000.

a. *Type of Filing*: Notice of Intent to File an Application for a New License.

b. *Project No.*: 2183.

c. *Date Filed*: May 31, 2000.

d. *Submitted By*: Grand River Dam Authority—current licensee.

e. *Name of Project*: Markham Ferry Hydroelectric Project.

f. *Location*: On the Grand River near the City of Pryor, in Mayes County, Oklahoma.

g. *Filed Pursuant to*: Section 15 of the Federal Power Act.

h. *Licensee Contract*: Robert W. Sullivan, Jr., Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301 (918) 256–5545.

i. *FERC Contact*: Tom Dean, [thomas.dean@ferc.fed.us](mailto:thomas.dean@ferc.fed.us), (202) 219–2778.

j. *Effective date of current license*: June 1, 1955.

k. *Expiration date of current license*: May 31, 2005.

l. *Description of the Project*: The project consists of the following existing facilities: (1) The 90-foot-high, 3,744-foot-long Robert S. Kerr Dam comprised of an earthen embankment section, a

concrete non-overflow section and gated spillway; (2) the 45-foot-high, 6,200-foot-long Salina dike; (3) a reservoir at a normal power pool elevation of 619 feet msl; (4) a powerhouse integral with the dam containing four generating units with a total installed capacity of 100 MW, and (5) other appurtenances.

m. Each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by May 31, 2003.

**David P. Boergers,**

*Secretary.*

[FR Doc. 00-15275 Filed 6-15-00; 8:45 am]

**BILLING CODE 6717-01-M**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6714-8]

### Information Collection Request for the State Source Water Assessment and Protection Programs 1997 Guidance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): The 1997 State Source Water Assessment and Protection Programs Guidance; EPA ICR #1816.01; OMB Control #2040-0197; expiration date August 31, 2000. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described in the supplementary information.

**DATES:** Comments must be submitted on or before August 15, 2000.

**ADDRESSES:** Interested persons may obtain a copy by requesting EPA ICR# 1816.01 from Edward Heath; US Environmental Protection Agency; Ariel Rios Building; 1200 Pennsylvania Avenue, NW.; MC 4606; Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Edward Heath (202) 260-9865; FAX (202) 401-3041; E-mail: [heath.edward@epa.gov](mailto:heath.edward@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Affected Entities:* Entities (hereinafter referred to as "States") potentially

affected by this action are the 50 States, Puerto Rico, and the District of Columbia.

*Title:* The 1997 State Source Water Assessment and Protection Programs Guidance; OMB Control #2040-0197; EPA ICR #1816.01; expiring 8/31/2000.

Section 1453 of the Safe Drinking Water Act (SDWA) Amendments of 1996 authorizes State Source Water Assessment Programs (SWAPs) to achieve or maintain compliance with SDWA requirements and to protect public health.

*Abstract:* Section 1453(a)(3) of the Safe Drinking Water Act Amendments of 1996 required States to submit a Source Water Assessment Program within 18 months after the guidance was issued on August 6, 1997. These SWAP's describe the process by which a State delineates source water protection areas, conducts contamination source inventories and susceptibility determinations, and indicates whether or not it plans to implement a source water protection program. A State must develop a SWAP program with public participation, and release assessment results to the public.

Once a State program is approved by EPA, the State has two years to complete the source water assessment for the public water systems within their borders. Section 1453(a)(4) of the SDWA Amendments of 1996 allows a State to request an extension of up to 18 months to complete the assessments. The final phase of this ICR will focus on the years 2000-2003 of the SWAP program, including completing the assessments, and State reporting of data on the required assessments to EPA.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

*Burden Statement:* The annual public reporting and record keeping burden for

this collection of information is estimated to average 50,256 hours per State response.

*Estimated Number of Likely Respondents:* 52.

*Frequency of Response:* Once per year.

*Estimated Total Annual Hour Burden:* 2,613,349 hours.

*Estimated Total Annualized Cost Burden:* \$82,031,139.00

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to implement the source water assessments; review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* States, Puerto Rico and the District of Columbia.

Dated: June 2, 2000.

**Cynthia C. Dougherty,**

*Director, Office of Ground Water and Drinking Water.*

[FR Doc. 00-15300 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[CT-044-7171, FRL-6717-7]

### Adequacy Status of the VOC and NO<sub>x</sub> Budgets for Connecticut Submitted for Transportation Conformity Purposes as Part of Their Addenda to the Ozone Attainment Demonstrations for the Southwest Connecticut Severe Ozone Nonattainment Area and the Greater Connecticut Serious Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy.

**SUMMARY:** In this document EPA is notifying the public that we have found that the 2007 budgets received from Connecticut on February 15, 2000 adequate for conformity purposes. This includes VOC and NO<sub>x</sub> motor vehicle emission budgets for the Southwest

Connecticut severe ozone nonattainment area and the Greater Connecticut serious ozone nonattainment area. On March 2, 1999, the D.C. Circuit Court ruled that submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, Connecticut can use the motor vehicle emissions budgets from the submitted SIP addenda for future conformity determinations.

**DATES:** These budgets are effective July 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** The finding and the response to comments are available at EPA's conformity website: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity"). You may also contact Jeff Butensky, Environmental Planner, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114-2023; (617) 918-1665; [butensky.jeff@epa.gov](mailto:butensky.jeff@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Today's document publishes the Region's finding that the motor vehicle emissions budgets for the Southwest Connecticut severe ozone nonattainment area and the Greater Connecticut serious ozone nonattainment area for 2007 for VOC and NO<sub>x</sub> are adequate for transportation conformity purposes. This finding has also been announced on EPA's conformity website: <http://www.epa.gov/oms/traq> (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a

budget adequate, the SIP could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision"). We followed this guidance in making and publishing our adequacy determination.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: June 1, 2000.

**Mindy S. Lubber,**

*Regional Administrator, EPA New England.*  
[FR Doc. 00-15296 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-U**

**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-6608-3]

**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared May 29, 2000 through June 02, 2000 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

**Draft EISs**

ERP No. RD-FRA-A53055-00 Rating EC2, Proposed Rule for the Use of Locomotive Horns at Highway-Rail Grade Crossings in the United States.

**Summary:** EPA expressed concern regarding the lack of information on funding the quiet zones and requested that more flexibility be provided to those communities that have existing quiet zones.

**Final EISs**

ERP No. F-UAF-E11046-FL Tyndall Air Force Base, Implementation, Proposed Conversion of Two F-15 Fighter Squadrons to F-22 Fighter Squadrons, FL.

**Summary:** EPA believes that the proposed action will not pose significant and/or long-term adverse environmental consequences.

Dated: June 13, 2000.

**Ken Mittelholtz,**

*Environmental Protection Specialist, Office of Federal Activities.*

[FR Doc. 00-15302 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-U**

**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-6608-2]

**Environmental Impact Statements; Notice of Availability**

**Responsible Agency:** Office of Federal Activities, General Information (202) 564-7167 or [www.epa.gov/oeca/ofa](http://www.epa.gov/oeca/ofa) Weekly receipt of Environmental Impact Statements filed June 05, 2000 through June 09, 2000 pursuant to 40 CFR 1506.9.

**EIS No. 000178, DRAFT EIS, COE, NE,** Sand Creek Watershed Restoration Project, To Develop Environmental Restoration, City of Wahoo, Saunders County, NE, Due: July 31, 2000, Contact: Kevin Mayberry (402) 221-4020.

**EIS No. 000179, FINAL EIS, AFS, UT,** South Manti Timber Salvage, To address Ecological and Economic Values affected by Spruce Beetle Activity in the South Manti Project, Manti-La National Forest, Ferron-Price and Sanpete Ranger Districts, Sanpete and Sevier Counties, UT, Due: July 17, 2000, Contact: Don Fullmer (435) 637-2817.

**EIS No. 000180, DRAFT EIS, NRC, MS,** New Porters Bayou Watershed Plan, Reducing Flood and Drainage Damage To Cropland, Improvements to Watershed Channels, City of Shaw, Bolivar and Sunflower Counties, MS, Due: July 31, 2000, Contact: Homer L. Wilkes (601) 965-5205.

**EIS No. 000181, FINAL EIS, IBR, CA,** Lower Mokelumne River Restoration Program, Implementation, Resource Management Plan, San Joaquin County, CA, Due: July 17, 2000, Contact: Buford Holt (530) 275-1554.

**EIS No. 000182, FINAL EIS, AFS, AK,** Skipping Cow Timber Sale, Harvesting Timber, South half of Zarembo Island, Tongass National Forest, Wrangell Ranger District, Due: July 17, 2000, Contact: Jerry Jordan (907) 874-2323.

**EIS No. 000183, DRAFT EIS, NPS, LA,** Cane River Creole National Historical Park, General Management Plan, Natchitoches Parish, LA, Due: August 15, 2000, Contact: Jerry Belson (318) 352-0383.

**EIS No. 000184, DRAFT EIS, COE, MS, TN,** Wolf River, Memphis and

Tennessee Feasibility Study, Flood Control and Drainage Improvements, Marshall, Benton and Tippah Counties, MS and Shelby, Fayette and Hardeman, TN, Due: July 31, 2000, Contact: Richard Hite (901) 544-0706.

*EIS No. 000185, DRAFT EIS, AFS, WV, Fernow Experimental Forest, Implementation of New Research Studies, Monongahela National Forest Land and Resource Management Plan, Tucker County, WV, Due: July 31, 2000, Contact: Mary Beth Adams (304) 478-2000.*

*EIS No. 000186, REVISED DRAFT EIS, COE, CA, Delta Wetlands Project, Construction and Operation Revised Information for the Water Storage Project on Four Islands in the Sacramento-San Joaquin Delta, Approval of Permits, San Joaquin and Contra Costa Counties, CA, Due: July 31, 2000, Contact: Mike Finan (916) 557-5324.*

*EIS No. 000187, FINAL SUPPLEMENT, NOA, Atlantic Tunas, Swordfish and Sharks, Highly Migratory Species Fishery Management Plan, Due: July 17, 2000, Contact: Rebecca Lent (202) 482-5181.*

*EIS No. 000188, FINAL EIS, NPS, WA, Whitman Mission National Historic Site, General Management Plan, Development Concept Plan, Implementation, Walla Walla County, WA, Due: July 17, 2000, Contact: Francis T. Darby (509) 522-6360.*

Dated: June 13, 2000

**Ken Mittelholtz,**

*Environmental Protection Specialist, Office of Federal Activities.*

[FR Doc. 00-15303 Filed 6-15-00; 8:45 am]

BILLING CODE 6560-50-U

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6708-9]

**Regulatory Reinvention (XL) Pilot Projects**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability of the Project XL Proposed Final Project Agreement: International Business Machines Corporation Copper Metallization Project.

**SUMMARY:** EPA is requesting comments on a proposed Project XL Final Project Agreement (FPA) for the International Business Machines Corporation, (hereafter "IBM") semiconductor manufacturing facility in Essex Junction, VT. The FPA is a voluntary agreement developed collaboratively by

IBM, the Vermont Department of Environmental Conservation, EPA and interested stakeholders. Project XL, announced in the **Federal Register** on May 23, 1995 (60 FR 27282), gives regulated entities the flexibility to develop alternative strategies that will replace or modify specific regulatory or procedural requirements on the condition that they produce greater environmental benefits. EPA has set a goal of implementing fifty XL projects undertaken in full partnership with the states.

In the draft FPA, IBM proposes to determine whether the wastewater treatment sludge resulting from a new, innovative copper metallization process should continue to be designated a Resource Conservation and Recovery Act (RCRA) hazardous waste (F006). IBM's innovative copper metallization process is used to create electrical interconnections between device levels for new semiconductor technologies and replaces the Aluminum Chemical Vapor Deposition process used in previous generation semiconductor device technologies. Under current RCRA regulations, sludges or solids created from the treatment of wastewaters which include rinsewaters generated from an electroplating process carry the F006 listing (40 CFR 261.31). This process results in the generation of copper plating rinsewaters, which when introduced to the other process wastewaters generated at the facility, generates sludge that is regulated under RCRA as F006 hazardous waste. EPA currently considers IBM's process a traditional "electroplating" process for purposes of RCRA and therefore subject to its regulations.

It appears that this classification artificially inflates IBM's figures for hazardous waste generation, while at the same time not providing any additional environmental protection, and adding paperwork and reporting requirements. In addition, it appears that the source documents for the F006 listing focused on much different industrial processes than IBM's copper metallization process. Finally, and perhaps most importantly, the chemicals used in IBM's process do not contain the heavy metals or cyanides listed in appendix VII of 40 CFR part 261 which are the focus of the original F006 listing. IBM has also conducted Toxicity Characteristic Leaching Procedure (TCLP) analysis of the rinsewater sludge that demonstrates that the sludge is not hazardous per the RCRA toxicity characteristic requirements (see 40 CFR 261.24).

IBM has proposed that EPA exempt this copper metallization process for

semiconductor manufacture from the F006 definition through a site-specific rulemaking and that this be done through the Project XL process. EPA is proposing the site-specific rule for the IBM semiconductor manufacturing facility in Essex Junction, VT in this issue of the **Federal Register**. Project XL was chosen as the vehicle for this project because IBM is asking EPA to review its entire copper metallization process and not just analyze the resultant wastewater sludge. This novel approach will possibly provide the Agency with a new methodology for evaluating the applicability of its regulations to specific activities. This paradigm shift will allow the Agency appropriate flexibility to ensure that necessary environmental standards continue to be met while providing a means to adapt their regulatory framework to a changing industrial landscape.

**DATES:** The period for submission of comments ends on July 17, 2000.

**ADDRESSEES:** All comments on the proposed Final Project Agreement should be sent to: John Moskal, EPA New England, 1 Congress Street (SPP), Boston, MA 02114, or Chad Carbone, U.S. Environmental Protection Agency, Room 1027WT (1802), 1200 Pennsylvania Ave., NW, Washington, DC 20460. Comments may also be faxed to Mr. Moskal (617) 918-1810, or Mr. Carbone (202) 260-1812. Comments may also be received via electronic mail sent to: moskal.john@epa.gov or carbone.chad@epa.gov.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the proposed Final Project Agreement, Test Plan or Fact Sheet, contact: John Moskal, EPA New England, 1 Congress Street (SPP), Boston, MA 02114 or Chad Carbone, Room 1027WT (1802) U.S. EPA, 1200 Pennsylvania Ave., NW, Washington, DC 20460. The FPA and related documents are also available via the Internet at the following location: <http://www.epa.gov/ProjectXL>. Questions to EPA regarding the documents can be directed to John Moskal at (617) 918-1826 or Chad Carbone at (202) 260-4296. For information on all other aspects of the XL Program contact Christopher Knopes at the following address: Office of Policy, Economics and Innovation, United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Room 1029WT (Mail Code 1802), Washington, DC 20460. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, regional XL contacts, application

information, and descriptions of existing XL projects and proposals, is available via the Internet at <http://www.epa.gov/projectxl/inter/page1.htm>.

Dated: May 23, 2000.

**Elizabeth A. Shaw,**

*Deputy Associate Administrator, Office of Policy and Reinvention.*

[FR Doc. 00-15155 Filed 6-15-00; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6718-3]

### Notice of Public Meeting of the National Environmental Education Advisory Council

Notice is hereby given that the National Environmental Education Advisory Council, established under section 9 of the National Environmental Education Act of 1990 (the Act), will hold a public meeting on June 29 and 30, 2000. The meeting will take place at the Mansion on O Street, 2020 O Street, NW, Washington, DC from 9 am to 5 pm on Thursday, June 29 and Friday, June 30. The purpose of this meeting is to provide the Council with an opportunity to advise EPA's Office of Communications, Education and Media Relations (OCEMR) and the Office of Environmental Education (OEE) on its implementation of the Act. Members of the public are invited to attend and to submit written comments to EPA following the meeting.

For additional information regarding the Council's upcoming meeting, please contact Ginger Keho, Office of Environmental Education (1704), Office of Communications, Education and Media Relations, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW Washington, DC 20460 or call (202) 260-4129.

Dated: May 15, 2000.

**Ginger Keho,**

*Designated Federal Official, National Environmental Education Advisory Council.*

[FR Doc. 00-15301 Filed 6-15-00; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

OPP-00665; FRL-6593-3

### State FIFRA Issues Research and Evaluation Group (SFIREG); Notice of Public Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of public meeting.

**SUMMARY:** The State FIFRA Issues Research and Evaluation Group (SFIREG) will hold a 2-day meeting, beginning on June 26, 2000 and ending on June 27, 2000. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

**DATES:** The meeting will be held on Monday, June 26 from 8:30 a.m. to 5 p.m. and: Tuesday, June 27, 2000 from 8:30 a.m. to 12:00 noon.

**ADDRESSES:** The meeting will be held at Doubletree Hotel, 300 Army Navy Drive, Arlington,—Crystal City, VA.

**FOR FURTHER INFORMATION CONTACT:** Philip H. Gray, SFIREG Executive Secretary, P.O. Box 1249, Hardwick, VT 05843-1249; (802) 472-6956; fax: (802) 472-6957; e-mail address: [aapco@plainfield.bypass.com](mailto:aapco@plainfield.bypass.com) or Georgia A. McDuffie, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20405: (703) 605-0195; fax number: (703) 308-1850; e-mail address: [McDuffie.Georgia@epa.gov](mailto:McDuffie.Georgia@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Does this Action Apply to Me?

This action is directed to the public in general, but all parties interested in SFIREG's information exchange relationship with EPA regarding important issues related to human health, environmental exposure to pesticides, and insight into the EPA's decision-making process are invited and encouraged to attend the meetings and participate as appropriate.

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

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

<http://aapco.ceris.purdue.edu/doc/index.html>. To access this document, on the Home Page select "SFIREG" Meetings.

2. *By mail.* Philip H. Gray, SFIREG Executive Secretary, P.O. Box 1249, Hardwick, VT 05843-1249.

#### III. Purpose of Meeting

##### Tentative Agenda:

1. Reregistration comments on approach to 15 year reregistration cycle.
2. Phosphine labeling initiative.
3. Prescription pesticide use is this a new direction for reregistration decisions?
4. Mandatory versus Advisory label language PR Notice describe responses to comments.
5. Update on Inspector Credentials Initiative.
6. CTAG—activities and workshops.
7. Worker Protection Standard: agency activities.
8. Keep out of Reach of Children.
9. Regional reports.
10. Committee reports and introduction of issue papers.
11. LifeLine presentation.
12. SFIREG issue paper status report.
13. Other topics as appropriate.

#### List of Subjects

Environmental protection.

Dated: June 12, 2000.

**Jay Ellenberger,**

*Director, Field and External Affairs Division, Office of Pesticide Programs.*

[FR Doc. 00-15379 Filed 6-14-00; 1:17 pm]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6714-9]

### Proposed Prospective Purchaser Agreement Under CERCLA for the Solar Paints & Varnishes Superfund Site

**AGENCY:** U.S. Environmental Protection Agency ("USEPA").

**ACTION:** Proposal of CERCLA Prospective Purchaser Agreement for the Solar Paints & Varnishes Superfund Site.

**SUMMARY:** USEPA is proposing to execute a Prospective Purchaser Agreement ("PPA") under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended, and under the inherent authority of the Attorney General of the United States to compromise and settle claims of the

United States, for the transfer of title to property at the Solar Paints & Varnishes Superfund Site to Ralos, LLC. Ralos, in turn, will lease the property to Excel Connection, Inc. and Marshall Erecting, Inc. The owner of all three companies is Mr. Joseph Marshall. These companies and Mr. Marshall are all Settling Respondents under the PPA.

In return for a covenant not to sue and contribution protection from USEPA, the Settling Respondents will continue to participate in the Wisconsin Department of Natural Resources ("WDNR") Voluntary Clean-Up Program for further investigation and remediation of any remaining contamination at the Site, and redevelopment of the Site. The proposed PPA has been executed by the Settling Respondents, and has been submitted to the Attorney General for approval. USEPA today is proposing to execute the PPA because it achieves a benefit for the community where the Site is located by encouraging the reuse or redevelopment of property at which fear of Superfund liability may have been a barrier, thereby fulfilling USEPA's Brownfields policies and goals. The Site is not on the National Priorities List. No further response activities by USEPA are anticipated at the Site at this time.

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

**ADDRESSES:** A copy of the proposed PPA is available for review at USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Kevin C. Chow at (312) 353-6181 prior to visiting the Region 5 office. Comments on the proposed PPA should be addressed to Kevin C. Chow, Office of Regional Counsel (C-14), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Kevin C. Chow, Office of Regional Counsel, at (312) 353-6181.

**SUPPLEMENTARY INFORMATION:** The Site is located at 5375 South Ninth Street, Milwaukee, Wisconsin, and is about 6.23 acres in size. Solar Paints manufactured paint at the facility until May 1995, when it filed for bankruptcy. Solar Paints retained title to the property. Upon ending operations, Solar Paints left behind paint, paint ingredients, varnishes, and solvents containing hazardous substances throughout the Site.

Because of these conditions, USEPA determined that the Site posed an imminent and substantial endangerment to human health and environment, and undertook an emergency removal action.

USEPA concluded the clean-up on December 8, 1995, and perfected a lien for its response costs in February 1996.

Upon acquiring title to Site property, the Settling Respondents will investigate and remediate any remaining hazardous substances under the WDNR's Voluntary Clean-Up Program, and redevelop the property in order to locate their equipment moving and wire harness assembly businesses there, thereby returning an abandoned Superfund site to productive use and creating jobs.

Under the proposed PPA, USEPA covenants not to sue and provides contribution protection to the Settling Respondents as consideration for these clean-up and redevelopment activities. Additionally, upon the Settling Respondents' performance of their obligations under the PPA, USEPA will remove its lien on property acquired by the Settling Respondents. A 30-day period, beginning on the date of publication of this notice, is open for comments on the proposed Prospective Purchaser Agreement.

**Doug Ballotti,**

*Acting Director, Superfund Division, United States Environmental Protection Agency, Region 5.*

[FR Doc. 00-15295 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-M**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6711-7]

### Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; Tulalip Landfill Superfund Site

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed administrative settlement and opportunity for public comment.

**SUMMARY:** The U.S. Environmental Protection Agency ("EPA") is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"). Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve past and estimated future liabilities of one de minimis party for costs incurred, or to be incurred, by EPA at the Tulalip Landfill Superfund Site in Marysville, Washington.

**DATES:** Comments must be provided on or before July 17, 2000.

**ADDRESSES:** Comments should be addressed to Docket Clerk, U.S. Environmental Protection Agency, Region 10, ORC-158, 1200 Sixth Avenue, Seattle, Washington 98101, and should refer to In Re Tulalip Landfill Superfund Site, Marysville, Washington, U.S. EPA Docket No. CERCLA-10-99-0197.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth McKenna, Office of Regional Counsel (ORC-158), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-0016.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Tulalip Landfill hazardous waste site located on Ebey Island between Steamboat Slough and Ebey Slough in the Snohomish River delta system between Everett and Marysville, Washington. The Site was listed on the National Priorities List ("NPL") on April 25, 1995. 60 FR 20350 (April 25, 1995). Subject to review by the public pursuant to this Notice, the agreement has been approved by the United States Department of Justice. The party who has executed the proposed Administrative Order on Consent is Marco Seattle, Inc.

The EPA is entering into this agreement under the authority of sections 122(g), 106 and 107 of CERCLA, 42 U.S.C. 9622(g), 9606 and 9607. Section 122(g) authorizes settlements with de minimis parties to allow them to resolve their liabilities at Superfund sites without incurring substantial transaction costs. Under this authority, the agreement proposes to settle with a party in the Tulalip Landfill case who is responsible for less than 0.6% of the volume of hazardous substances at the site.

In February and March 1988, EPA contractor Ecology & Environment, Inc. ("E&E") performed a site inspection of the landfill for NPL evaluation. The inspection revealed groundwater contamination with unacceptably high levels of arsenic, barium, cadmium, chromium, lead, mercury, and silver. Water samples taken in the wetlands adjacent to the site showed exceedences of marine chronic criteria for cadmium, chromium, and lead, as well as exceedences in marine acute criteria for copper, nickel, and zinc. In addition, a variety of metals were found in on-site pools and leachate. The study concluded that contamination was migrating off site. On July 29, 1991, EPA proposed adding the Tulalip Landfill to

the NPL, and on April 25, 1995, with the support of the Governor of the State of Washington and the Tulalip Tribes of Washington, EPA published the final rule adding the Site to the NPL.

EPA performed a Remedial Investigation ("RI") and Feasibility Study ("FS") in two parts pursuant to an Administrative Order on Consent with several potentially responsible parties. The first part evaluated various containment alternatives for the landfill source area, which includes approximately 147 acres in which waste was deposited. The second part evaluated the off-source areas, which include the wetlands and tidal channels that surround the landfill source area.

On March 1, 1996, EPA issued a Record of Decision that selected an interim remedial action for the source area. The selected interim remedy requires installation of an engineered, low-permeability cover over the source area of the landfill, at an estimated cost of \$25.1 million. On September 29, 1998, EPA issued a Record of Decision that selected the final remedial action for the source and off-source areas. The selected final remedy requires completion of the cover over the source area and placement of signs in the off-source area. The estimated cost of the signs is approximately \$15,000.

The proposed settlement requires the settling party to pay a fixed sum of money based on its volumetric share. The total amount to be recovered from the proposed settlement is \$110,698, paid in five equal annual installments, plus interest at 5% per annum. The amount paid will be deposited in the Tulalip Landfill Special Account within the EPA Hazardous Substances Superfund to be used for the cover over the source area at the landfill. Upon full payment, the settling party will receive a release from further civil or administrative liabilities for the Site and statutory contribution protection under Section 122(g)(5) of CERCLA, 42 U.S.C. 9622(g)(5).

EPA will receive written comments relating to this proposed settlement for a period of thirty (30) days from the date of this publication.

The proposed agreement may be obtained from Cindy Colgate, Office of Environmental Cleanup (ECL-113), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-1815. The Administrative Record for this settlement may be examined at the EPA's Region 10 office located at 1200 Sixth Avenue, Seattle, Washington 98101, by contacting Bob Phillips, Superfund Records Manager, Office of Environmental Cleanup (ECL-110),

1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-6699.

**Authority:** The Comprehensive Environmental Response, Compensation and Liability Act, as amended, 41 U.S.C. Sections 9601-9675.

**Chuck Clarke,**

*Regional Administrator, Region 10.*

[FR Doc. 00-14491 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6717-5 ]

RIN 2040-AC20

### Effluent Guidelines Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Proposed Effluent Guidelines Plan.

**SUMMARY:** Section 304(m) of the Clean Water Act requires EPA to publish an Effluent Guidelines Plan every two years. Today's notice describes the Agency's ongoing effluent guidelines development efforts and proposes EPA's plans for developing new and revised effluent guidelines, which regulate industrial discharges to surface waters and to publicly owned treatment works. The Agency requests comment on the proposal and will publish a final plan after the comment period ends.

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

**ADDRESSES:** The public record for this notice is located in the EPA Water Docket, Room EB 57 East Tower, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** James Lund, Engineering and Analysis Division (4303), telephone 202-260-7811.

### SUPPLEMENTARY INFORMATION:

#### Comments and Record

Please send an original and 3 copies of your comments and enclosures (including references) to Comment Clerk, Docket Number W-00-14, Water Docket (MC4101), USEPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Comments must be received or post-marked by midnight July 17, 2000.

Commenters who want EPA to acknowledge receipt of their comments should enclose a self-addressed, stamped envelope. No facsimiles (faxes) will be accepted. Comments may also be submitted electronically to [owdocket@epamail.epa.gov](mailto:owdocket@epamail.epa.gov). Electronic comments must be submitted as an

ASCII, WP5.1, WP6.1 or WP8 file that does not contain special characters or encryption. Electronic comments must be identified by the docket number W-00-14. You may also submit comments and data on disks in WP 5.1, 6.1, 8 or ASCII file format, or electronically at many online Federal Depository Libraries.

The public record for this notice has been established under docket number W-00-14 and is available for review in the EPA Water Docket, East Tower Basement, Room EB 57, 401 M Street, SW., Washington, D.C. from 9 to 4 p.m., Monday through Friday, excluding legal holidays. Please call 202/260-3027 to schedule an appointment to see docket materials. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

### Outline

- I. Regulated Entities
- II. Legal Authority
- III. Introduction
- IV. Effluent Guidelines Program Background
  - A. Legal Framework
  - B. Components of an Effluent Guideline Regulation
  - C. Effluent Guideline Regulations Promulgated Since the Last 304(m) Plan
    1. Pharmaceutical Manufacturing
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    3. Landfills and Commercial Hazardous Waste Combustors
- V. Recent Improvements in the Development of Effluent Guideline Regulations
- VI. Today's Proposed Effluent Guidelines Plan
  - A. Rulemaking Activities Started in 1999
    1. Meat Products
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  - B. Effluent Guidelines Currently Under Development
- VII. Future Direction of the Effluent Guidelines Program
  - A. Targeting the Most Significant Environmental Problems
  - B. Targeting Industry Sectors That May Be Candidates for Pollution Prevention and Multi-Media Rulemaking
  - C. Targeting Sources That are Difficult to Permit
  - D. Involving Stakeholders in the Year 2002 Section 304(m) Plan
- VIII. Request for Comments
- IX. Economic Impact Assessment; E.O. 128866

### I. Regulated Entities

Today's proposed plan does not contain regulatory requirements. Rather, it identifies industrial categories that EPA has already chosen for new or revised effluent guidelines regulation and sets forth the schedules for those rulemaking efforts. Entities that could be affected by the forthcoming effluent limitations guidelines and standards identified in this proposed plan are:

| Category of Entity                    | Examples of potentially affected entities   |
|---------------------------------------|---|
| Industry/Commercial/Agriculture ..... | Pulp, Paper and Paperboard; Synthetic-Based Drilling Fluids (oil and gas production); Centralized Waste Treatment; Metal Products and Machinery (including electroplating, metal finishing); Transportation Equipment Cleaning (truck tanks, railroad tank cars, barge tanks); Iron and Steel Manufacturing; Coal Mining; builders and developers engaged in construction, development, and redevelopment; Feedlots (swine, poultry, dairy and beef cattle); Aquaculture (fish hatcheries and farms); Meat Products (slaughtering, rendering, packing, and processing of red meat and poultry). |
| Federal Government .....              | Metal Products and Machinery (including electroplating, metal finishing); builders and developers engaged in construction, development, and redevelopment.  |
| State Government .....                | Metal Products and Machinery (including electroplating, metal finishing); builders and developers engaged in construction, development, and redevelopment.  |
| Local Government .....                | Metal Products and Machinery (including electroplating, metal finishing); builders and developers engaged in construction, development and redevelopment.   |

**II. Legal Authority**

Today's notice is published under the authority of section 304(m) of the Clean Water Act, 33 U.S.C. 1314(m).

**III. Introduction**

Today's notice announces the Agency's proposed section 304(m) plan for 2000, including the two new effluent guidelines regulations that EPA started in 1999 (Meat Products and Aquaculture). Today's notice also outlines a preliminary framework by which EPA, working with its State partners, the regulated community, and concerned citizens, can build upon the successes of its effluent guidelines program for the next decade and beyond. EPA invites the public to comment on all aspects of today's notice and particularly welcomes comments regarding the ways in which EPA can use its effluent guidelines program to achieve sustained environmental improvements.

With the 1972 passage of the landmark Clean Water Act, EPA was charged with developing effluent limitations guidelines and standards that would provide a minimum, technology-based threshold for ongoing improvements in effluent quality. The legislative history of CWA section 304(b), which is the heart of the effluent guidelines program, describes the need to press toward higher levels of control through research and development of new processes, modifications, replacement of obsolete plans and processes, and other improvements in technology, taking into account the cost of controls. See Statement of Senator Muskie (Oct. 4, 1972), *reprinted* in Legislative History of the Clean Water Act of 1972, at 170.

To date, EPA has promulgated effluent limitations guidelines for more than 50 industrial categories affecting approximately 30,000 facilities that discharge directly to the Nation's waters. If EPA includes pretreatment controls for sources that discharge into

publicly owned treatment works (POTWs), EPA's effluent limitations guidelines and standards regulate the effluent from approximately 45,000 facilities. These technology-based regulations are responsible for preventing the discharge of more than a billion pounds of priority toxic pollutants each year. These toxic pollutants include chemicals known to cause or contribute to cancer, hinder mental and motor development in children, impact the central nervous system, and damage major organs, such as the kidney and liver.

These regulations have helped to reverse the degradation of water quality that accompanied industrialization in this country by reducing the discharge of pollutants that kill or impair aquatic organisms, degrade aquatic ecosystems, or cause human health problems through ingestion of contaminated water, fish, or shellfish. Rivers that once were impaired now sustain thriving ecosystems. Waterways once suitable for little more than transportation are now valued recreational resources, often leading to expanded tourism and increased value of waterfront property.

These regulations have accomplished water quality improvements through cost-effective control of pollutants. This in turn has allowed growth and expansion of industry concurrent with an improved quality of life for generations to come.

While EPA is very proud of these accomplishments, we recognize that water quality problems have not been eliminated. Despite successes in reducing water pollution, approximately 40 percent of the Nation's waters assessed by the States and Tribes do not meet State or Tribal water quality standards. In 1998, States identified more than 20,000 such waters in their section 303(d) lists of impaired waters, comprising approximately 300,000 miles of impaired rivers and streams and 7.9 million acres of lakes. The overwhelming majority of Americans

live within ten miles of a polluted waterbody. The pollutants most frequently identified as causing water impairment are siltation, excess nutrients, and harmful pathogens. Toxics pollutants (including metals, mercury and pesticides) also contribute to water quality impairments. As EPA establishes new or revised effluent limitations guidelines for pollutants discharged by categories or classes of sources, we expect that fewer waters will need additional water quality-related controls to meet water quality standards.

As discussed in greater detail in Section VII below, EPA intends to continue to use the effluent guidelines program to provide even greater protection of human health and the environment. EPA expects that, from 1995 to 2005, the effluent guidelines program will prevent an additional nine million pounds of priority toxic pollutants and 1.5 billion pounds of conventional and nonconventional pollutants from entering the Nation's waters each year. EPA believes that most stakeholders recognize the continuing role of effluent guidelines in helping achieve the objectives of the Clean Water Act, although EPA also recognizes that there are many paths. For this reason, EPA believes it is critical to engage in an ongoing dialogue with the interested public about the future role of the program. EPA intends today's notice to start that dialogue.

**IV. Effluent Guidelines Program Background**

*A. Legal Framework*

The Clean Water Act directs EPA to promulgate effluent limitations guidelines and standards that, for most pollutants, reflect the level of pollutant control achievable by the best available technologies economically achievable for categories or subcategories of industrial point sources. See CWA sections 301(b)(2), 304(b), 306, 307(b) and 307(c). For point sources that

introduce pollutants directly into the Nation's waters (i.e., direct dischargers), the limitations and standards promulgated by EPA are implemented in National Pollutant Discharge Elimination System (NPDES) permits. See CWA sections 301(a), 301(b) and 402. For sources that discharge to POTWs (i.e., indirect dischargers), EPA promulgates pretreatment standards that apply directly to those sources and are enforced by POTWs backed by State and Federal authorities. See CWA sections 307(b) and (c).

Section 304(m) requires EPA to publish a plan every two years that consists of three elements. First, under section 304(m)(1)(A), EPA is required to establish a schedule for the annual review and revision of existing effluent guidelines in accordance with section 304(b). Section 304(b) applies to effluent limitations guidelines for direct dischargers and requires EPA to revise such regulations as appropriate. Second, under section 304(m)(1)(B), EPA must identify categories of sources discharging toxic or nonconventional pollutants for which EPA has not published effluent limitations guidelines under 304(b)(2) or new source performance standards (NSPS) under section 306. Finally, under 304(m)(1)(C), EPA must establish a schedule for the promulgation of effluent limitations guidelines under 304(b)(2) and NSPS for the categories identified under subparagraph (B) not later than three years after being identified in the 304(m) plan. Section 304(m) does not apply to pretreatment standards for indirect dischargers, which EPA promulgates pursuant to sections 307(b) and 307(c) of the Clean Water Act.

On October 30, 1989, Natural Resources Defense Council, Inc., and Public Citizen, Inc., filed an action against EPA in which they alleged, among other things, that EPA had failed to comply with CWA section 304(m). Plaintiffs and EPA agreed to a settlement of that action in a consent decree entered on January 31, 1992. The consent decree, which has been modified several times, established a schedule by which EPA is to propose and take final action for eleven point source categories identified by name in the decree, see Consent Decree, pars. 2(a) and 4(a), and for eight other point source categories identified only as new or revised rules, numbered 5 through 12, see Consent Decree par. 5(a).

The schedule has been modified several times since 1992. The last date for EPA action under the decree, as modified, is June 2004. The decree also established deadlines for EPA to

complete studies of eight identified and three unidentified point source categories. See Consent Decree, par. 3(a). The decree further provides that the foregoing requirements shall be set forth in EPA's section 304(m) plans. See Consent Decree, pars. 3(a), 4(a), 5(a). Under the decree, EPA is directed to use the studies as well as other available information to select the eight point source categories for which EPA has agreed to issue new or revised rules under paragraph 5(a). Finally, the consent decree provides that section 304(m) plans issued subsequent to the decree that are consistent with its terms shall satisfy EPA's obligations under section 304(m) with respect to the publication of such plans. See Consent Decree, par. 7(b).

The decree also required EPA to establish an Effluent Guidelines Task Force to make recommendations for improvements to the effluent guidelines program. See Consent Decree, par. 8. EPA did so in 1992. The Task Force, which was created to offer advice to the EPA Administrator on a process for expediting the promulgation of effluent guidelines, among other topics, consists of members appointed by the Agency from industry, citizen groups, state and local governments, the academic and scientific communities, and EPA's Office of Research and Development. The Task Force has held several public meetings each year since 1992 and has submitted recommendations to the EPA Administrator.

#### *B. Components of an Effluent Guideline Regulation*

The principal components of most effluent guideline regulations are numerical wastewater discharge limitations controlling specified pollutants for a given industrial point source category or subcategory. These are typically concentration-based limits (specified in units such as milligrams of pollutant per liter of water) or production-based mass limits (specified in units such as milligrams of pollutant per unit of production). Numerical limits also cover parameters such as pH and temperature.

When developing an effluent guideline regulation, EPA often subcategorizes an industrial category based on differences in raw materials, manufacturing processes, characteristics of the wastewaters, or type of product manufactured. Sometimes, EPA establishes subcategories based on economic impacts, non-water quality environmental impacts or other appropriate factors that justify the imposition of specialized requirements on facilities in segments of an industry.

Typically, EPA develops a set of effluent limitations for each category, subcategory or segment.

In some cases, a regulation may prescribe Best Management Practices (BMPs) in addition to or in lieu of numerical limits. BMPs may include, for example, requirements addressing the minimization or prevention of storm water runoff, plant maintenance schedules, and requirements addressing the training of plant personnel. See, e.g., 40 CFR 430.03 (BMPs for portions of the Pulp, Paper and Paperboard category).

#### *C. Effluent Guideline Regulations Promulgated Since the Last 304(m) Plan*

In addition to the Airport Deicing Preliminary Study, which EPA completed in December 1999, EPA completed the following regulatory efforts since the last 304(m) plan:

##### 1. Pharmaceutical Manufacturing

The Administrator published a final rule for the Pharmaceutical Manufacturing Category in the **Federal Register** on September 21, 1998 (63 FR 50387).

##### 2. Industrial Laundries

The Administrator published a final decision in the **Federal Register** on August 18, 1999 (64 FR 45071) with respect to the proposed industrial laundries industry effluent guideline. In that notice, the Administrator announced the Agency's decision not to promulgate effluent limitations guidelines and standards for that industrial category.

##### 3. Landfills and Commercial Hazardous Waste Combustors

The Administrator published final rules for the Landfills industry in the **Federal Register** on January 19, 2000 (65 FR 3007), and for the Commercial Hazardous Waste Combustors industry on January 24, 2000 (65 FR 4360).

#### **V. Recent Improvements in the Development of Effluent Guideline Regulations**

EPA has accumulated a great deal of experience and expertise in the course of preparing more than 50 effluent guidelines. Since the last 304(m) Plan was announced in 1998, EPA has made significant progress in expediting effluent guideline development. For many of the effluent guidelines underway, EPA is in the process of revising existing regulations to address specific environmental issues. In many of these instances, EPA is focusing on the segments of the industry most pertinent to those environmental issues

and is collecting data on pollutants of greatest concern.

In turn, these focused efforts make it possible for EPA, in several cases, to use existing data instead of requiring regulated entities to respond to detailed questionnaires. Greater involvement of other government agencies, other offices within EPA, industry, equipment vendors, and environmental interest groups is crucial to the success of this approach. For several rules, including the effluent guidelines for the Synthetic-Based Drilling Fluids (Oil and Gas Production) category and the Metal Products and Machinery category, stakeholders expressed an interest in submitting sampling data for EPA's consideration. The Office of Water worked with these stakeholders in order to ensure that the information they submitted met EPA's data quality needs.

The Office of Water also adopted an approach that has been successfully used in many instances by the Office of Air and Radiation. This approach, sometimes called the "presumptive" approach, involves the early identification of one technology option through a combination of stakeholder involvement and early analysis of available information. This approach is particularly useful for those industry sectors for which relatively few technologies have been identified or implemented.

As a result, EPA is significantly expediting the proposal of regulations. On average, this means that EPA now issues its proposed regulations approximately 30 months from the start

of the process, compared to the traditional 60 month schedule that was common in earlier years of the program.

**VI. Today's Proposed Effluent Guidelines Plan**

*A. Rulemaking Activities Started in 1999*

EPA has learned that States and Regions have a strong interest in EPA promulgating new or revised regulations to address nutrient loadings. The new selections reflect the Agency's desire to reduce nutrient loadings and improve the quality of our Nation's waters.

**1. Meat Products**

This industry includes approximately 1,300 packing plants, 1,100 plants that perform "further processing" of meats, 270 rendering facilities, and 370 poultry processing facilities. Although guidelines for the control of water pollution from these facilities were established in the mid-1970's, those regulations do not include controls on nutrients. Moreover, no guidelines of any kind were promulgated for the poultry sector. Some of these facilities contribute nutrient loadings in environmentally sensitive areas. Improvements in waste treatment to control nutrients and pathogens are available, but changes in industry practices to increase food safety, health, and sanitation concerns may affect the design and cost of those controls.

**2. Aquaculture**

The Aquaculture category includes close to 5,000 facilities (both land-based

and marine-based) with locations in every state and in Puerto Rico. It is currently the fastest growing segment of U.S. agriculture. EPA produced a guidance document for the control of wastewater from fish hatcheries and farms in 1977, but no national effluent limitations guidelines have ever been promulgated for this industry.

Some aquaculture facilities contribute nutrients and pathogens to environmentally sensitive areas such as the Gulf of Mexico, the Chesapeake Bay, and other estuaries, rivers, lakes, and streams throughout the country. Improvements in wastewater treatment within the Aquaculture category have been used by some facilities to reduce the pollutant load. EPA's regulatory development will consider the availability and affordability of effluent limits based on these wastewater treatment technologies. EPA will develop regulatory options that apply to the following types of aquatic animal production: ponds, net pens (including pens in open waters), raceways, and recirculating systems. EPA will consider establishing limitations to control nutrients, total suspended solids, human and non-human pathogens, antibiotics, pesticides, and biological impairments due to the introduction of non-native species.

*B. Effluent Guidelines Currently Under Development*

The status of the regulations for new or revised effluent guidelines are set forth in Table 1.

| Category   | Federal Register Cite/Proposal Date                                   | Final action date |
|--|---|-------------------|
| Transportation Equipment Cleaning .....                        | 63 FR 34685 (June 25, 1998) .....                                     | 6/15/00           |
| Centralized Waste Treatment .....                              | 60 FR 5464 (January 27, 1995);<br>64 FR 2279 (January 13, 1999) ..... | 8/31/00           |
| Synthetic-Based Drilling Fluids (Oil and Gas Production) ..... | 64 FR 5487 (February 3, 1999) .....                                   | 12/00             |
| Coal Mining .....  | 65 FR 19439 (April 11, 2000) .....                                    | 12/01             |
| Iron and Steel Manufacturing .....                             | 10/00 .....   | 4/02              |
| Metal Products and Machinery, Phases I and II .....            | 60 FR 28209 (May 30, 1995)—Phase I only; 10/00 (Phase I and II).      | 12/02             |
| Construction and Development .....                             | * 12/00 .....   | * 12/02           |
| Feedlots (Poultry, Swine, Beef, and Dairy Subcategories) ..... | 12/15/00 .....  | 12/15/02          |
| Pulp, Paper, and Paperboard, Phases 2 & 3 .....                | 58 FR 66078 (December 17, 1993) .....                                 | 2000–2002         |
| Meat Products .....  | 12/01 .....   | 12/03             |
| Aquaculture .....  | 6/30/02 .....   | 6/30/04           |

\* EPA is discussing extensions to Consent Decree dates with NRDC

**VII. Future Direction of the Effluent Guidelines Program**

The effluent guidelines program is one of EPA's most successful environmental protection programs. EPA develops performance standards based on demonstrated technologies that are affordable for industry as a

whole. Supported by sound data and analysis, the effluent guidelines program strives for the greatest pollutant reductions that can be economically achieved within the regulated community. In setting performance standards, EPA considers pollution prevention approaches in addition to more traditional treatment technologies,

with the result that the air and soil also benefit from wastewater regulations.

Moreover, this program gives the regulated community considerable flexibility in achieving the performance standards. Thus, dischargers are encouraged to develop less expensive alternatives to comply with the performance standards than those

identified by the Agency. Invariably, the more cost-effective technologies and processes often become the industry norm—in this way yielding even greater environmental results at lower cost than contemplated by the regulation itself.

In the future, the effluent guidelines program will evolve to face new challenges. New or revised effluent guidelines can help solve the serious water quality problems still remaining in the Nation's waterways, which are most frequently caused by excess nutrients, sedimentation, pathogens, metals, and toxic pollutants. Also, more stringent levels of pollution reduction are now economically achievable in some industrial categories or subcategories due to the emergence of new or innovative pollution control technologies. To help plan for the future, EPA intends to use the section 304(m) planning process established by the Clean Water Act to expand its dialogue with the interested public regarding how to use the effluent guidelines program to achieve the greatest environmental benefits.

As discussed above, section 304(m)(1) requires EPA every two years to identify industry categories for new or revised regulations and to establish a schedule for final action on those rules.

Consistent with the consent decree pertaining to section 304(m), EPA discharged this duty in December 1999 when it identified Aquaculture and Meat Products as categories for new effluent guidelines and established schedules for those rules. The 2000 section 304(m) plan will report that action. Now, EPA is beginning the process for developing its section 304(m) plan for the year 2002.

As EPA looks forward to the 2002 section 304(m) plan, selection criteria will be critical. Based on recommendations of the Effluent Guidelines Task Force, EPA has identified criteria for selecting categories for new or revised effluent guidelines. These include categories with potential multi-media impacts that may be candidates for coordinated rulemakings and categories that cause environmental impacts.

In order to apply these selection criteria, EPA needs to assemble information for numerous industrial categories. Possible information sources are discussed below.

#### *A. Targeting the Most Significant Environmental Problems*

EPA identified three currently available sources of information to help determine the most significant environmental problems. First, EPA's Office of Pollution Prevention and

Toxics has developed a risk model called "Risk Screening Environmental Indicators" (RSEI). This model can be used to perform screening-level analyses of the potential risk-related impacts associated with releases reported in the Toxic Release Inventory. Many of the sources modeled to have the highest risk to water are in one of the metals industries, such as the Iron and Steel industry or the Metal Products and Machinery industry, for which effluent limitations guidelines development or revision is already underway. Second, pursuant to section 303(d) of the Clean Water Act and EPA's implementing regulations, States must list waters that do not meet applicable water quality standards after application of technology-based and other controls. These section 303(d) lists identify the pollutants and the source categories that may be responsible for the water quality impairments. Third, pursuant to section 305(b) of the Clean Water Act, States report the quality of their waters every two years. The source categories reported as the cause of impairment in these reports are consistent with those listed under section 303(d).

EPA notes that there is no overlap between the categories ranking highest using the RSEI risk model and the categories listed by the States as contributing to siltation, nutrients, and pathogens. This finding is not particularly surprising because the assessment factors differ, *e.g.*, chronic human health impacts in the case of the RSEI risk model, in contrast to emphases on aquatic ecosystem health as well as other designated use impairments, in the case of the section 303(d) lists and 305(b) reports.

#### *B. Targeting Industry Sectors That May Be Candidates for Pollution Prevention and Multi-Media Rulemaking*

Through its sector-based activities, such as the Common Sense Initiative, EPA recognizes that addressing all environmental concerns from an industry sector concurrently can improve pollution prevention, resulting in better environmental results at lower cost than addressing the environmental releases one media at a time. EPA's Task Force on Coordinated Rulemaking, which was created to identify and initiate sector-based rulemakings that would benefit from a cross-Agency, multi-program coordinated effort, is one attempt to capitalize on this concept. The Task Force on Coordinated Rulemaking is one potential source of information on possible sectors for future effluent guideline development.

Another potential source is EPA's Integrated Urban Strategy of the

National Air Toxics Program. Although this strategy presents a framework for reducing air toxics (*i.e.*, hazardous air pollutants) in urban areas, many of the sources that have been identified contribute pollutants to the water environment as well. The link between wastewater treatment and air emissions, like the link between air emission treatment and wastewater, may point to a coordinated approach for addressing the highest risk sources.

#### *C. Targeting Sources That are Difficult to Permit*

Effluent limitations guidelines establish nationally applicable standards that are implemented through NPDES discharge permits issued by authorized States and Tribes or EPA. In the absence of these regulations, permit writers must determine technology-based limitations using their best professional judgment. Our State and Tribal regulatory partners are some of the best sources of information about the adequacy and coverage of existing effluent limitations guidelines. States and Tribes have helped to identify many of the sectors for which effluent guidelines are currently being developed or revised.

#### *D. Involving Stakeholders in the Year 2002 Section 304(m) Plan*

To help prepare the year 2002 section 304(m) plan, EPA plans to engage all interested parties in a dialogue about how to make the section 304(m) planning process succeed—and how to define success. The Agency has already launched the dialogue through discussions with the Effluent Guidelines Task Force, whose membership reflect a variety of stakeholder viewpoints. Based on those discussions, EPA proposes and solicits public comment regarding the following planning strategy.

First, EPA intends to seek the views of as many interested persons as possible, with particular emphasis on individuals and organizations associated with industry, environmental interest groups, and State, Tribal and local governments. EPA expects to explore issues associated with the future and objectives of the effluent guidelines program and criteria EPA should employ in selecting among industry categories for possible new or revised effluent guidelines regulations. EPA also hopes to gather specific information regarding pollution problems and possible sources that will allow EPA to make its selection decisions for the coming years.

EPA intends to reach out to interested stakeholders primarily by attending and where possible participating in meetings

and conferences sponsored by members of these communities, as well as through its website (<http://www.epa.gov/ost>) and less formal meetings. Members of the Effluent Guidelines Task Force have also agreed to assist EPA in this outreach effort. At this point, EPA envisions that this outreach will culminate in a one or two day highly focused national meeting of interested stakeholders in early December 2000 for the purpose of discussing how EPA can best use the effluent guidelines program to advance the Nation's most important water pollution problems, including a discussion of selection criteria and information sources. EPA also intends to discuss whether EPA's procedures for implementing the requirements of CWA section 304(m), including the process for selecting industrial categories for new or revised effluent guidelines, should be codified in federal regulations. The Effluent Guidelines Task Force has expressed preliminary support for such a regulation.

Next, assuming that there is support for EPA to develop a regulation to implement section 304(m), EPA would hope to propose such a regulation for public comment in May 2001. EPA expects that the content of the regulation would be greatly influenced by the discussions at the national stakeholders meeting. The Effluent Guidelines Task Force has indicated its willingness to work with EPA in developing any such proposed section 304(m) regulation. If EPA proposes a section 304(m) regulation, EPA also envisions proposing for public comment at the same time its section 304(m) plan for 2002. In this scenario, EPA expects that the proposed plan would apply the principles set forth in the accompanying proposed section 304(m) regulation, thereby giving the public an opportunity to evaluate the proposed regulation in terms of how EPA would apply it.

Finally, EPA intends to issue a final section 304(m) plan in February 2002. Again assuming that EPA proceeds with the regulation, EPA hopes to promulgate at the same time a final regulation to guide EPA in implementing section 304(m) for the future.

**VIII. Request for Comments**

EPA invites public comment on today's proposed plan and most particularly on the section 304(m) planning strategy described immediately above. The Agency will accept comments until July 17, 2000. In particular, the Agency wants to learn about other sources of data that would help it compare wastestream characteristics, treatment practices, and

effects on water quality among different discharger categories. EPA also requests comments on methodologies by which the Agency, together with our regulatory partners, technology experts, and other stakeholders, can annually review the applicability and potential economic impacts of technological advances on industries regulated by effluent guidelines. EPA also requests comment on potential methodologies for identifying categories of sources discharging toxic or nonconventional pollutants for which effluent limitations guidelines under 304(b)(2) and NSPS have not been published.

**IX. Economic Impact Assessment; Executive Order 12866**

Today's notice proposes a plan for the review and revision of existing effluent guidelines and for the selection of priority industries for new regulations. This notice is not a "rule" subject to 5 U.S.C. 553 and does not establish any requirements; therefore, EPA has not prepared an economic impact assessment. EPA will provide economic impact analyses, regulatory flexibility analyses or regulatory impact assessments, as appropriate, for all of the future effluent guideline rulemakings developed by the Agency.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this plan is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

Dated: June 2, 2000.

**Dana D. Minerva,**

*Acting Assistant Administrator for Water.*

[FR Doc. 00-15298 Filed 6-15-00; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6715-8]

**Massachusetts Marine Sanitation Device Standard; Receipt of Petition; Buzzards Bay**

Notice is hereby given that a petition has been received from the State of Massachusetts requesting a determination from the Regional Administrator, U.S. Environmental Protection Agency, pursuant to Section 312(f)(3) of Public Law 92-500 as amended by Public Law 95-217 and Public Law 100-4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Buzzards Bay, surrounded by the towns Acushnet, Bourne, Dartmouth, Fairhaven, Falmouth, Gosnold, Marion, Mattapoisett, New Bedford, Rochester, and Wareham, in the State of Massachusetts, to qualify as a "No Discharge Area" (NDA). The proposed area encompasses approximately 210 square miles. The areas covered under this petition include:

| Longitude          | Latitude     |
|--------------------|--------------|
| 71°07'12.80" ..... | 41°29'48.48" |
| 71°05'45.60" ..... | 41°25'05.52" |
| 71°03'32.04" ..... | 41°25'24.96" |
| 71°59'51.72" ..... | 41°22'30.00" |
| 70°56'57.12" ..... | 41°24'33.12" |
| 70°54'29.88" ..... | 41°25'17.04" |
| 70°54'11.52" ..... | 41°25'17.04" |
| 70°51'19.80" ..... | 41°26'24.00" |
| 70°50'22.92" ..... | 41°26'44.88" |
| 70°48'28.80" ..... | 41°26'56.76" |
| 70°48'18.00" ..... | 41°26'59.28" |
| 70°42'06.12" ..... | 41°30'34.92" |
| 10°41'58.20" ..... | 41°30'37.80" |
| 10°40'51.60" ..... | 41°30'55.44" |
| 70°40'58.44" ..... | 41°31'14.16" |

70°37'27.48" 41°44'14.64"—Canal Entrance West  
 70°37'21.36" 41°44'10.68"—Canal Entrance East

The State of Massachusetts has certified that there are thirty disposal facilities available to service vessels operating in the waters of Buzzards Bay. A list of the facilities, phone numbers, locations, and hours of operation is appended at the end of this petition. An additional seven facilities are pending or under construction. Of the thirty current facilities, sixteen are fixed shore

based facilities, one is a mobile cart, and thirteen are pumpout boats. Eight of the sixteen fixed, shore based facilities discharge to holding tanks which have capacities ranging from 110 to 1000 gallons. The other twenty-two facilities discharge directly to municipal sewage systems. In addition, there are shoreside restrooms located at the majority of marinas.

The estimated number of boats registered to residents in Buzzards Bay is 13,163 according to Registry of Motor Vehicle data. The State of Massachusetts estimates there are 2000 registered vessels in Buzzards Bay that may have Marine Sanitation Devices. In addition

to the vessels that reside in Buzzards Bay, there is an estimated transient population of 700 vessels which may have marine sanitation devices.

In 1987 Buzzards Bay was designated as a National Estuary Program. In 1991 the Comprehensive Conservation and Management Plan was approved for the Bay and it's watersheds. The Comprehensive Conservation and Management Plan recommends that the Bay become a No Discharge Area to achieve greater water quality protection. The eleven municipalities surrounding Buzzards Bay express support for the Bay wide No Discharge Designation.

Comments and reviews regarding this request, to designate approximately 210 square miles in Buzzards Bay becoming as a No Discharge Area, for the boating population, may be filed on or before July 17, 2000. Such communications, or requests for information should be addressed to: Ann Rodney, U.S. EPA New England Region, 1 Congress Street, Suite 1100, CWQ, Boston, MA 02114-2023, (617) 918-1538, (617) 918-1505 (fax), [rodney.ann@epa.gov](mailto:rodney.ann@epa.gov)

Dated: June 7, 2000.

**Mindy S. Lubber,**

*Regional Administrator, EPA, New England Region.*

| City/town    | Location  | VHF Chan. | Telephone    | Hours   |
|--------------|---|-----------|--------------|---------|
| Falmouth     | Woods Hole Marine, pumpout boat                       | 9         | 508-540-2402 |         |
| Falmouth     | Quisset Harbor boatyard, pumpout boat                 | 9         | 508-548-0506 | 8-6/7   |
| Falmouth     | Brewer's Fiddler Cove, dockside facility              | 9         | 508-564-6327 | 9-5/7   |
| Falmouth     | Brewer's Fiddler Cove, pump-out cart                  | 9         | 508-564-6327 | 9-5/7   |
| Falmouth     | Town owned boat: W. Falmouth/Waquoit Bay.             |           |              |         |
| Bourne       | Parker's boat Yard, dockside facility                 | 68        | 508-563-9366 | 8-8/7   |
| Bourne       | Kingman Marine, dockside facility                     | 9         | 508-563-7136 | 8-8/7   |
| Bourne       | Dockside Facility, Pocasset River, town operated.     |           |              |         |
| Bourne       | Monument Beach Marina, dockside facility, town owned. |           |              |         |
| Bourne       | Bourne Marina, dock-side facility                     | 9         | 508-759-0623 | 8-5/7   |
| Bourne       | Bourne Marina, pumpout boat #1, serving northside     | 9         | 508-759-0623 | 8-5/7   |
| Bourne       | Bourne Marina, pumpout boat #2, serving southside     | 9         | 508-759-0623 | 8-5/7   |
| Wareham      | Bevans/Continental Marina, dockside facility          | 9         | 508-759-5451 | Call    |
| Wareham      | Onset Bay Marina, dockside facility                   | 9         | 508-295-0338 | Call    |
| Wareham      | Onset Bay Marina, pumpout boat                        | 9         | 508-295-0338 | Call    |
| Wareham      | Pt. Independence YC, dockside facility                | 9         | 508-295-3972 | Call    |
| Wareham      | Stonebridge Marina, dockside facility                 | 9         | 508-295-8003 | Call    |
| Wareham      | Onset Town Pier, dockside facility                    | 9         | 508-295-8160 | Call    |
| Wareham      | Warr's Marine, dockside facility                      | 9         | 508-295-0022 | Call    |
| Wareham      | Warr's Marine (Town oper.) pumpout boat #1            | 9         | 508-291-3100 | Call    |
| Marion       | Island Wharf, dockside facility                       | 9         | 508-748-3535 | 8-5/7   |
| Marion       | Island Wharf, Pumpout boat                            | 9         | 508-748-3535 | 8-5/7   |
| Mattapoisett | Mattapoisett boat Yard, pumpout boat                  | 68        | 508-758-3812 | 8-4/5   |
| Mattapoisett | Mattapoisett Town Dock, pumpout boat.                 |           |              |         |
| Mattapoisett | Mattapoisett Town Dock, dockside facility             | 68        | 508-758-4191 | 8-5/5   |
| Fairhaven    | Earl's Marina, dockside facility                      | 18        | 508-993-8600 | 7-6/7   |
| Fairhaven    | Shipyard Marine, pumpout boat does entire town        | 9         | 508-979-4023 | On Call |
| Fairhaven    | Shipyard Marine, pumpout boat.                        |           |              |         |
| New Bedford  | Pope's Island Marina, dockside facility               | 9, 74     | 508-979-1456 | 7-8/7   |
| New Bedford  | State Pier facility, dockside facility, large vessels |           |              |         |
| New Bedford  | Proposed Boat.  |           |              |         |
| Dartmouth    | No. Side Bridge, Town Dock, pumpout boat              | 9         | 508-999-0759 | 8-8/7   |
| Dartmouth    | Davis & Tripp's Marina, pumpout boat                  | 9         | 508-999-0759 | 8-8/7   |
| Westport     | Tripp's Marina  | 9         | 508-636-4058 | Call    |
| Westport     | Westport Point-Town Dock, boat #1                     | 9         | 508-636-1105 | Call    |
| Westport     | Westport Point-Town Dock, boat #2                     | 9         | 508-636-1105 | Call    |
| Baywide      | CBB Bay Keeper, Gosnold and Bay-wide                  | TBA       | 508-999-6363 | TBA     |

[FR Doc. 00-15026 Filed 6-15-00; 8:45 am]  
 BILLING CODE 6560-50-P

**FARM CREDIT ADMINISTRATION**

**Sunshine Act Meeting; Farm Credit Administration Board; Regular Meeting**

**AGENCY:** Farm Credit Administration.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)), that the

July 13, 2000 regular meeting of the Farm Credit Administration Board (Board) will not be held. the Board will hold a special meeting at 9:00 a.m. on Thursday, July 20, 2000. An agenda for that meeting will be published at a later date.

**FOR FURTHER INFORMATION CONTACT:**

Vivian L. Portis, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

**ADDRESSES:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

Dated: June 14, 2000.

**Vivian L. Portis,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 00-15409 Filed 6-14-00; 2:55 pm]

**BILLING CODE 6705-01-M**

**FEDERAL RESERVE SYSTEM**

**Sunshine Act Meeting**

**AGENCY HOLDING THE MEETING:** Board of Governors of the Federal Reserve System.

**TIME AND DATE:** 10:00 a.m., Wednesday, June 21, 2000.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

**Matters to be Considered:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Lynn S. Fox, Assistant to the Board; 202-452-3204.

**SUPPLEMENTARY INFORMATION:** You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: June 14, 2000.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 00-15359 Filed 6-14-00; 11:32 am]

**BILLING CODE 6210-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[60 Day-00-40]

**Proposed Data Collections Submitted for Public Comment and Recommendations**

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639-7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC-Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

**Proposed Project**

Exposure to Aerosolized Brevetoxins During Red Tide Events—New—National Center for Environmental Health (NCEH). *Gymnodinium breve* is the marine dinoflagellate responsible for extensive blooms (called red tides) that

form in the gulf of Mexico. *G. breve* produces potent toxins, called brevetoxins, that have been responsible for killing millions of fish and other marine organisms. The biochemical activity of brevetoxins is not completely understood and there is very little information regarding human health effects from environmental exposures, such as inhaling brevetoxin that has been aerosolized and swept onto the coast by offshore winds. The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC) is planning to recruit 100 people who work along the coast of Florida and who potentially will be occupationally exposed to aerosolized red tide toxins some time during the year following recruitment.

NCEH plans on administering a baseline respiratory health questionnaire and conducting pre- and post-shift pulmonary function tests during a time when there is no red tide reported near the area. When a red tide develops, we plan to administer a symptom survey and conduct pulmonary function testing (PFT) on a group of study participants who are working in the area where the red tide is near shore, and on a control group of study participants who are not working in an area where the red tide is near shore (i.e., are not exposed to the red tide). We will then compare (1) symptom reports before and during the red tide and (2) the changes in baseline PFT values during the work shift (differences between pre- and post-shift PFT results without exposure to red tide) with the changes in PFT values during the work shift when individuals are exposed to red tide. In addition, we plan to assist in collecting biological specimens (inflammatory cells from nose and throat swabs) to assess whether they can be used to verify exposure and to demonstrate a biological effect (i.e., inflammatory response) from exposure to red tide. There are no costs to respondents.

| Respondents                           | No. of respondents | No. of responses per respondent | Average burden per response (in hrs.) | Total burden |
|---------------------------------------|--------------------|---------------------------------|---------------------------------------|--------------|
| Pulmonary History Questionnaire ..... | 100                | 1                               | 20/60                                 | 33           |
| Symptom Questionnaire .....           | 100                | 20                              | 5/60                                  | 167          |
| Nasal and throat swabs .....          | 100                | 20                              | 5/60                                  | 167          |
| Pulmonary Function Tests .....        | 100                | 20                              | 20/60                                 | 667          |
| Total .....                           | .....              | .....                           | .....                                 | 1034         |

Dated: June 12, 2000.

**Kathy Cahill,**

*Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 00-15253 Filed 6-15-00; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[Program Announcement 00136]

**Landmine Survivor Peer Support Networks in Five Mine-Affected Countries; Notice of Availability of Funds**

**A. Purpose**

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2000 funds for a cooperative agreement program for "Landmine Survivor Peer Support Networks in Five Mine-Affected Countries".

**B. Eligible Applicant**

Assistance will be provided only to Landmine Survivors Network (LSN). No other applications are solicited.

LSN is the most appropriate and qualified organization for conducting activities under this program because:

1. LSN has existing staff, both domestically and internationally, trained in public health and social sciences related to landmine survivors.
2. LSN has a significant global presence, allowing it to coordinate with local governments and international organizations in the implementation of projects related to landmine survivors.
3. LSN has a singularly high level of expertise and experience in working with landmine survivor issues.
4. LSN has an existing field presence including peer support networks in four of the five countries identified in this announcement (Bosnia, Ethiopia, Mozambique and Jordan).
5. LSN has established itself as a leader in the Non-Governmental Organization (NGO) community as a provider of support to individuals, families, and communities injured by landmines, giving it the resources and contacts to implement the program with the support of professional networks in the NGO community.

**Note:** Public Law 104-65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

**C. Availability of Funds**

Approximately \$1,200,000 is available in FY 2000 to fund this award. It is expected that the award will begin on or about September 30, 2000 and will be made for a 12-month budget period within a project period of up to 3 years.

**D. Where To Obtain Additional Information**

Program technical assistance may be obtained from: Brad Woodruff, International Emergency and Refugee Health Branch, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway, NE (F-48), Atlanta, GA 30341-3724, Telephone number: 770-488-3523, Email address: baw4@cdc.gov

Business management technical assistance may be obtained from: Mattie Jackson, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341-4146, Telephone number: 770-488-2718, Email address: mij3@cdc.gov

Dated: June 12, 2000.

**John L. Williams,**

*Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 00-15251 Filed 6-15-00; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**CDC Advisory Committee on HIV and STD Prevention: Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

*Name:* CDC Advisory Committee on HIV and STD Prevention.

*Times and Dates:*

8:30 a.m.-5 p.m., June 29, 2000.

8:30 a.m.-3 p.m., June 30, 2000.

*Place:* Marriott Atlanta Century Center, 2000 Century Boulevard NE, Atlanta, Georgia 30345.

*Status:* Open to the public, limited only by the space available. The meeting room will accommodate approximately 100 people.

*Purpose:* This Committee is charged with advising the Director, CDC,

regarding objectives, strategies, and priorities for HIV and STD prevention efforts including maintaining surveillance of HIV infection, AIDS, and STDs, the epidemiologic and laboratory study of HIV/AIDS and STDs, information/education and risk reduction activities designed to prevent the spread of HIV and STDs, and other preventive measures that become available.

*Matters To Be Discussed:* Agenda items include issues pertaining to (1) national syphilis elimination efforts (2) strategic planning for HIV Prevention and (3) CDC's HIV Prevention efforts in Africa and India.

Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Paulette Ford, Committee Management Analyst, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE, m/s E-07, Atlanta, Georgia 30333. Telephone 404/639-8008, fax 404/639-8600, e-mail pbf7@cdc.gov.

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. 00-15252 Filed 6-15-00; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. 00D-1305]

**Foods: "Apple Juice, Apple Juice Concentrates, and Apple Juice Products—Adulteration with Patulin;" Draft Compliance Policy Guide; Availability and "Patulin in Apple Juice, Apple Juice Concentrates, and Apple Juice Products;" Draft Supporting Document; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a draft compliance policy guide (CPG) entitled "Apple Juice, Apple Juice Concentrates, and Apple Juice Products—Adulteration with

Patulin". This document is intended to make FDA offices and industry aware of FDA's guidance for enforcement concerning apple juice, apple juice concentrates, and apple juice products that contain patulin, a toxic substance produced by molds that may grow on apples, and that has been found to occur at high levels in some apple juice products offered for sale or import in the United States. The agency is also announcing the availability of a document entitled "Patulin in Apple Juice, Apple Juice Concentrates, and Apple Juice Products" (the draft supporting document).

**DATES:** Submit written comments by August 15, 2000.

**ADDRESSES:** Submit written requests for single copies of the draft CPG entitled "Apple Juice, Apple Juice Concentrates, and Apple Juice Containing Products—Adulteration with Patulin" and/or the draft supporting document entitled "Patulin in Apple Juice, Apple Juice Concentrates, and Apple Juice Products" to Michael E. Kashtock (address below). Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to this document.

Submit written comments on the draft CPG and the draft supporting document to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments and requests for copies should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:**

Michael E. Kashtock, Center for Food Safety and Applied Nutrition (CFSAN) (HFS-305), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5321, FAX 202-205-4422, e-mail: mkashtoc@cfsan.fda.gov.

**SUPPLEMENTARY INFORMATION:** FDA has developed a draft CPG on FDA's guidance for enforcement concerning apple juice, apple juice concentrates, and apple juice products that contain patulin. This document is intended to provide clear policy and regulatory guidance to FDA's field and headquarters staff with regard to such foods. In particular, if these products: (1) Contain patulin at or above 50 parts per billion (ppb) (the action level) based on the level found or calculated to be found in single strength apple juice, reconstituted single strength apple juice (if the food is an apple juice concentrate), or the single strength apple juice component of the product (if

the food contains apple juice as an ingredient); and (2) the identity of patulin is confirmed by gas chromatography/mass spectrometry, then the FDA field enforcement office may consider whether to recommend legal action against such apple juice, apple juice concentrates, and apple juice products in interstate commerce, and it may consider whether to recommend detention of the same products when offered for import into the United States. For the purposes of this guidance, single strength juice is 100 percent juice that is unconcentrated (see 21 CFR 101.30(h)). The scientific basis for the 50 ppb action level is presented in the draft supporting document. The draft CPG also contains information that may be useful to the regulated industry and to the public.

FDA has included an import specimen charge in this draft CPG to assist its field personnel in recommending refusal of admission for imported goods when warranted. The fact that this draft CPG contains an import specimen charge (in addition to the customary specimen charge addressing regulatory action against food in domestic commerce) does not restrict any action FDA may take under circumstances addressed by other CPG's that do not have an import specimen charge, and it does not imply that FDA will not take action when warranted.

The agency has adopted good guidance practices (GGP's) that set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (62 FR 8961, February 27, 1997). The draft CPG is being issued as a level 1 draft guidance consistent with GGP's. The draft CPG represents the agency's current thinking on its enforcement guidance concerning the adulteration of apple juice, apple juice concentrates, and apple juice products with patulin. It does not create or confer any rights for or on any person and does not operate to bind FDA, or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding the draft CPG and the draft supporting document by August 15, 2000. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments, the draft CPG, and the draft supporting document may be seen in the Dockets Management Branch between 9 a.m. and

4 p.m., Monday through Friday. These two documents may also be accessed at the CFSAN home page on the Internet at <http://www.fda.cfsan.gov>.

Dated: June 8, 2000.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 00-15122 Filed 6-15-00; 8:45 am]

**BILLING CODE 4160-01-F**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### Privacy Act of 1974; Report of Altered Systems

**AGENCY:** Department of Health and Human Services (HHS), Health Care Financing Administration (HCFA).

**ACTION:** Notice of the modification or alteration to 20 systems of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, we are correcting information provided in 20 HCFA systems of records specified in Appendix A. These systems are all related to research or demonstration projects under the control of the Office of Strategic Planning. We are deleting the published routine uses in the system of records listed in Appendix A and replacing them with four revised routine uses. The routine uses are being prioritized and renumbered accordingly. We are taking the opportunity to update those sections of the SORs that were affected by the recent reorganization. We are also updating the language in the administrative sections to correspond with language used in other HCFA system of records.

The primary purpose of the corrections to these systems is to shorten the language, make the routine uses easier to read, and provide clarity to HCFA's intention to disclose individual-specific information related to the purposes for which the information is being collected.

**EFFECTIVE DATES:** HCFA filed a correction to a system report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on June 12, 2000. To ensure that all parties have adequate time in which to comment, the corrected systems of records, including routine uses, will become effective 40 days from the publication of the notice, or from the date it was submitted to OMB and the Congress, whichever is

later, unless HCFA receives comments that require alterations to this notice.

**ADDRESSES:** The public should address comments to: Director, Division of Data Liaison and Distribution (DDLDD), HCFA, Room N2-04-27, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.-3 p.m., eastern time zone.

**FOR FURTHER INFORMATION CONTACT:** Sydney P. Galloway, Privacy Act Coordinator, Systems, Technical, and Analytic Resources Group, Office of Strategic Planning (OSP), HCFA, Mailstop C3-24-07, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. The telephone number is 410-786-6645.

**SUPPLEMENTARY INFORMATION:**

**I. Collection and Maintenance of Data in the System**

*Agency Policies, Procedures, and Restrictions on the Routine Use*

We are establishing the following policies, procedures and restrictions on routine use disclosures of information that will be maintained in these systems. In general, routine uses of these systems (or a subset thereof) will be approved for the minimum set of data elements in the record needed to accomplish the purpose of the disclosure after HCFA:

(a) Determines that the use or disclosure is consistent with the reason that the data is being collected, e.g., conducting research related to specific projects and demonstrations, and monitoring the quality of care provided to patients.

(b) Determines:

(1) That the purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;

(2) That the purpose for which the disclosure is to be made is of sufficient importance to warrant the potential effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and

(3) That there is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).

(c) Requires the information recipient to:

(1) Establish administrative, technical, and physical safeguards to prevent unauthorized use of disclosure of the record; and

(2) Remove or destroy at the earliest time all patient-identifiable information.

(d) Determines that the data are valid and reliable.

**II. Proposed Routine Use Disclosures of Data in the System**

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use." The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are correcting the language in the following routine use disclosures of information maintained in these systems:

1. To an individual or organization for research, evaluation, or epidemiological projects related to the prevention of disease or disability, or the restoration or maintenance of health, and for payment related projects.

The collected data will provide the research, evaluation and epidemiological projects a broader, longitudinal, national perspective of the data. HCFA anticipates that many researchers will have legitimate requests to use these data in projects that could ultimately improve the care provided to Medicare patients and the policy that governs the care. HCFA understands the concerns about the privacy and confidentiality of the release of data for a research use. Disclosure of data for research and evaluation purposes may involve aggregate data rather than individual-specific data.

2. To agency contractors, or consultants who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which HCFA may enter into a contractual or similar agreement with a third party to assist in accomplishing HCFA function relating to purposes for these systems of records.

HCFA occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. HCFA must be able to give a contractor or consultant whatever information is necessary for the contractor or consultant to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor or consultant from using or disclosing the information for any purpose other than that described in the contract and requires the contractor or consultant to return or destroy all information at the completion of the contract.

3. To a member of congress or to a congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the record is maintained.

Beneficiaries sometimes request the help of a member of congress in resolving an issue relating to a matter before HCFA. The member of congress then writes HCFA, and HCFA must be able to give sufficient information to be responsive to the inquiry.

4. To the Department of Justice (DOJ), court or adjudicatory body when:

(a) The agency or any component thereof, or

(b) Any employee of the agency in his or her official capacity, or

(c) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

(d) The United States Government is a party to litigation or has an interest in such litigation, and by careful review, HCFA determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever HCFA is involved in litigation, or occasionally when another party is involved in litigation and HCFA's policies or operations could be affected by the outcome of the litigation, HCFA would be able to disclose information to the DOJ, court or adjudicatory body involved. A determination would be made in each instance that, under the circumstances involved, the purposes served by the use of the information in the particular litigation is compatible with a purpose for which HCFA collects the information.

**III. Safeguards**

The systems will conform with applicable law and policy governing the privacy and security of federal automated information systems. These include but are not limited to: the Privacy Act of 1974, Computer Security Act of 1987, the Paperwork Reduction Act (PRA) of 1995, the Clinger-Cohen Act of 1996, and OMB Circular A-130, Appendix III, "Security of Federal Automated Information Resources." HCFA has prepared a comprehensive system security plan as required by the Office of Management and Budget (OMB) Circular A-130, Appendix III. This plan conforms fully to guidance issued by the National Institute for Standards and Technology (NIST) in NIST Special Publication 800-18,

“Guide for Developing Security Plans for Information Technology Systems.” Paragraphs A–C of this section highlight some of the specific methods that HCFA is using to ensure the security of this system and the information within it.

*A. Authorized users:* Personnel having access to the system have been trained in Privacy Act and systems security requirements. Employees who maintain records in the system are instructed not to release any data until the intended recipient agrees to implement appropriate administrative, technical, procedural, and physical safeguards sufficient to protect the confidentiality of the data and to prevent unauthorized access to the data. In addition, HCFA is monitoring the authorized users to ensure against excessive or unauthorized use. Records are used in a designated work area or work station and the system location is attended at all times during working hours.

To assure security of the data, the proper level of class user is assigned for each individual user as determined at the agency level. This prevents unauthorized users from accessing and modifying critical data. The system database configuration includes five classes of database users:

- Database Administrator class owns the database objects, e.g., tables, triggers, indexes, stored procedures, packages, and has database administration privileges to these objects;
- Quality Control Administrator class has read and write access to key fields in the database;
- Quality Indicator (QI) Report Generator class has read-only access to all fields and tables;
- Policy Research class has query access to tables, but are not allowed to access confidential patient identification information; and
- Submitter class has read and write access to database objects, but no database administration privileges.

*B. Physical Safeguards:* All server sites have implemented the following minimum requirements to assist in reducing the exposure of computer equipment and thus achieve an optimum level of protection and security for the each system:

Access to all servers is controlled, with access limited to only those support personnel with a demonstrated need for access. Servers are to be kept in a locked room accessible only by specified management and system support personnel. Each server requires a specific log-on process. All entrance doors are identified and marked. A log is kept of all personnel who were issued a security card, key and/or combination which grants access to the room housing

the server, and all visitors are escorted while in this room. All servers are housed in an area where appropriate environmental security controls are implemented, which include measures implemented to mitigate damage to Automated Information System (AIS) resources caused by fire, electricity, water and inadequate climate controls.

Protection applied to the workstations, servers and databases include:

- User Log-ons—Authentication is performed by the Primary Domain Controller/Backup Domain Controller of the log-on domain.
- Workstation Names—Workstation naming conventions may be defined and implemented at the agency level.
- Hours of Operation—May be restricted by Windows NT. When activated all applicable processes will automatically shut down at a specific time and not be permitted to resume until the predetermined time. The appropriate hours of operation are determined and implemented at the agency level.
- Inactivity Log-out—Access to the NT workstation is automatically logged out after a specified period of inactivity.
- Warnings—Legal notices and security warnings display on all servers and workstations.
- Remote Access Services (RAS)—Windows NT RAS security handles resource access control. Access to NT resources is controlled for remote users in the same manner as local users, by utilizing Windows NT file and sharing permissions. Dial-in access can be granted or restricted on a user-by-user basis through the Windows NT RAS administration tool.

There are several levels of security found in each system. Windows NT provides much of the overall system security. The Windows NT security model is designed to meet the C2-level criteria as defined by the U.S. Department of Defense’s Trusted Computer System Evaluation Criteria document (DoD 5200.28–STD, December 1985). Netscape Enterprise Server is the security mechanism for all transmission connections to the system. As a result, Netscape controls all information access requests. Anti-virus software is applied at both the workstation and NT server levels.

Access to different areas on the Windows NT server are maintained through the use of file, directory and share level permissions. These different levels of access control provide security that is managed at the user and group level within the NT domain. The file and directory level access controls rely on the presence of an NT File System

(NTFS) hard drive partition. This provides the most robust security and is tied directly to the file system. Windows NT security is applied at both the workstation and NT server levels.

*C. Procedural Safeguards:* All automated systems must comply with federal laws, guidance, and policies for information systems security as stated previously in this section. Each automated information system should ensure a level of security commensurate with the level of sensitivity of the data, risk, and magnitude of the harm that may result from the loss, misuse, disclosure, or modification of the information contained in the system.

#### **IV. Effect of the Modified System of Records on Individual Rights**

HCFA proposes to establish each system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in each system will be subject to the authorized releases in accordance with the routine uses identified in each systems of records.

HCFA will monitor the collection and reporting of all data. All information on beneficiaries is completed by the contractor and submitted to HCFA through standard systems located at the contractor sites. HCFA will utilize a variety of onsite and offsite edits and audits to increase the accuracy of all data.

HCFA will take precautionary measures (see item III. above) to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights including not collecting patient identifiable data for non-Medicare and non-Medicaid patients. HCFA will collect only that information necessary to perform the system’s functions. In addition, HCFA will make disclosure of identifiable data from the modified system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act.

HCFA, therefore, does not anticipate an unfavorable effect on individual privacy as a result of the disclosure of information relating to individuals.

Dated: June 12, 2000.

**Nancy-Ann Min DeParle,**

*Administrator, Health Care Financing Administration.*

The corrections to the systems of records listed in Appendix A are as follows:

\* \* \* \* \*

**SECURITY CLASSIFICATION:**

Level Three Privacy Act Sensitive Data.

**SYSTEM LOCATION:**

HCFA Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244-1850.

\* \* \* \* \*

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use." Disclosure may be made:

1. To an individual or organization for research, evaluation, or epidemiological projects related to the prevention of disease or disability, or the restoration or maintenance of health, and for payment related projects.

2. To agency contractors, or consultants who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity.

3. To a member of Congress or to a Congressional staff member in response to an inquiry of the Congressional Office made at the written request of the constituent about whom the record is maintained.

4. To the Department of Justice (DOJ), court or adjudicatory body when:

(a) The agency or any component thereof, or

(b) Any employee of the agency in his or her official capacity, or

(c) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

(d) The United States Government is a party to litigation or has an interest in such litigation, and by careful review, HCFA determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

\* \* \* \* \*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

\* \* \* \* \*

**SAFEGUARDS:**

HCFA has safeguards for authorized users and monitors such users to ensure

against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and systems security requirements. Employees who maintain records in the system are instructed not to release any data until the intended recipient agrees to implement appropriate administrative, technical, procedural, and physical safeguards sufficient to protect the confidentiality of the data and to prevent unauthorized access to the data.

In addition, HCFA has physical safeguards in place to reduce the exposure of computer equipment and thus achieve an optimum level of protection and security for the HCFA system. For computerized records, safeguards have been established in accordance with Department of Health and Human Services (HHS) standards and National Institute of Standards and Technology guidelines, e.g., security codes will be used, limiting access to authorized personnel. System securities are established in accordance with HHS, Information Resource Management (IRM) Circular #10, Automated Information Systems Security Program, HCFA Automated Information Systems (AIS) Guide, Systems Securities Policies, and OMB Circular No. A-130 (revised), Appendix III.

\* \* \* \* \*

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Strategic Planning, HCFA, Room C3-20-11, 7500 Security Boulevard, Baltimore, Maryland, 21244-1850. The telephone number is 410-786-6501.

**NOTIFICATION PROCEDURE:**

For purpose of access, the subject individual should write to the system manager who will require the system name, health insurance claim number, address, age, and sex, and for verification purposes, the subject individual's name (woman's maiden name, if applicable) and social security number (SSN). Furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay.

**RECORD ACCESS PROCEDURE:**

For purpose of access, use the same procedures outlined in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2)).

**CONTESTING RECORD PROCEDURES:**

The subject individual should contact the system manager named above, and

reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7).

\* \* \* \* \*

**Appendix A**

- 09-70-0022 Municipal Health Services Program, HHS/HCFA/OSP
- 09-70-0030 National Long-Term Care Study Follow up, HHS/HCFA/OSP
- 09-70-0033 Person-Level Medicaid Data System, HHS/HCFA/OSP
- 09-70-0036 Evaluation of Competitive Bidding for Durable Medical Equipment Demonstrations, HHS/HCFA/OSP
- 09-70-0039 Evaluation of the Medicare Alzheimer's Disease Demonstration, HHS/HCFA/OSP
- 09-70-0040 Health Care Financing Administration Medicare Heart Transplant Data File, HHS/HCFA/OSP
- 09-70-0042 Medicare Cancer Registry Record System, HHS/HCFA/OSP
- 09-70-0045 Evaluation of the Arizona Health Care Cost Containment and Long Term Care Systems Demonstration, HHS/HCFA/OSP
- 09-70-0046 Home Health Quality Indicator System (HHQUIS), HHS/HCFA/OSP
- 09-70-0048 Monitoring of the Home Health Agency Prospective Payment Demonstration, HHS/HCFA/OSP
- 09-70-0049 Evaluation of the Home Health Agency (HHA) Prospective Payment Demonstration, HHS/HCFA/OSP
- 09-70-0050 The Medicare/Medicaid Multi-State Case Mix and Quality Data Base for Nursing Home Residents, HHS/HCFA/OSP
- 09-70-0051 Quality Assurance for the Home Health Agency (HHA) Prospective Payment Demonstration, HHS/HCFA/OSP
- 09-70-0052 Post-Hospitalization Outcomes Studies, HHS/HCFA/OSP
- 09-70-0053 The Medicare Beneficiary Health Status Registry Pilot, HHS/HCFA/OSP
- 09-70-0057 Evaluation of the Medicaid Extension of Eligibility to Certain Low Income Families Not Otherwise qualified to receive Medicaid Benefits Demonstration, HHS/HCFA/OSP
- 09-70-0058 Evaluation of the Medicare SELECT Program, HHS/HCFA/OSP
- 09-70-0059 The Medicaid Necessity, Appropriateness, and Outcomes of Care Study, HHS/HCFA/OSP
- 09-70-0063 Evaluation of the Medicaid Demonstration for Improving Access to Care for Substance Abusing Pregnant Women, HHS/HCFA/OSP
- 09-70-0066 Evaluation of, and External Quality Assurance for, the Community Nursing Organization (CNO) Demonstration, HHS/HCFA/OSP

[FR Doc. 00-15231 Filed 6-15-00; 8:45 am]

**BILLING CODE 4120-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Indian Health Service

#### Native American Research Centers for Health; Intent to Fund Competitive Grants

**AGENCY:** Indian Health Service, HHS.

**ACTION:** Notice of intent to fund competitive grants for Native American research centers for health.

**SUMMARY:** The Indian Health Service (IHS) in association with the National Institute of General Medical Sciences (NIGMS), National Institutes of Health, announces the intent to fund competitive grants to establish American Indian/Alaska Native research centers in fiscal year (FY) 2001.

This new grant program is titled Native American Research Centers for Health (NARCH). It is authorized under section 301(a) of the Public Health Service Act and described at Catalog of Federal Assistance #93.933.

*Intent of Notice:* The intent of this notice is to alert potential tribal and area/national Indian health applicants of the program and to encourage them to identify and to develop partnerships with academic research centers and universities in preparation for applying for a grant.

The IHS and NIGMS plan to hold technical assistance and information sharing workshops about this grant program in July and August 2000. You should contact Dr. William Freeman at the location below for information on dates and locations of these workshops.

It is anticipated that the program announcement and application guidelines will be available for distribution in mid-July 2000 with an application receipt deadline of December 12, 2000. Application packets will be distributed directly to eligible organizations, *i.e.*, Tribal Chairmen; Directors of tribal health departments, and Executive Directors of Indian health organizations.

*Purposes:* The purposes of the centers are: to encourage competitive research on well-defined diseases and health conditions of importance for American Indians; to develop and evaluate interventions to reduce health disparities and to enhance the strengths and resiliencies of Native communities and individuals; to develop a cadre of American Indian scientists and health professionals engaged in biomedical, clinical, and behavioral research that is competitive for NIH funding; and to increase the capacity of both the research intensive organizations and the

Indian organizations to work in partnership to produce competitive research.

*Eligibility:* Federally recognized tribes, tribal consortia, and area/national non-profit Indian health organizations that are sanctioned by tribal governments are eligible to apply for this grant award, with collaborations with academic research centers and universities required. Each center shall have a governing board predominately composed of tribal representatives that will be responsible for determining the research priorities in consultation with the tribal and Indian communities involved.

*Funding Availability:* It is anticipated the \$1.5 million will be available for award of up to five grants in FY 2001, with this amount available for each succeeding year through FY 2004. Award of grants is subject to the availability of funds. Awards will be issued with one-year budget periods with total project periods of up to four years, renewable annually.

Applicants under this program are encouraged to seek additional funding from other sources (university, tribal, private foundation, etc.) to augment monies available from the IHS.

*Contacts for Information:* If you have questions regarding this program, you may contact the following:

#### Program Information

William L. Freeman, MD, MPH,  
Research Program, Indian Health  
Service, Twinbrook Metro Plaza,  
Room 450, 12300 Twinbrook  
Parkway, Rockville, Maryland 29852,  
Telephone: (301) 443-0578, FAX:  
(301) 443-7538, Email:  
wfreeman@HQE.ihs.gov

#### Grants (Business) Information

Patricia SpottedHorse, Grants  
Management Specialist, Grants  
Management Branch, Twinbrook  
Metro Plaza, Suite 100, 123  
Twinbrook Parkway, Rockville,  
Maryland 20852, Telephone: (301)  
443-5204, FAX: (301) 443-9602

Dated: June 12, 2000.

**Michel E. Lincoln,**

*Acting Director.*

[FR Doc. 00-15277 Filed 6-15-00; 8:45 am]

**BILLING CODE 4160-16-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4557-N-24]

### Federal Property Suitable as Facilities to Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**EFFECTIVE DATE:** June 16, 2000.

**FOR FURTHER INFORMATION CONTACT:** Clifford Taffet, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: June 8, 2000.

**Fred Karnas, Jr.,**

*Deputy Assistant Secretary for Special Needs Assistance Programs.*

[FR Doc. 00-14938 Filed 6-15-00; 8:45 am]

**BILLING CODE 4210-29-M**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability of the Draft Sonora Tiger Salamander Recovery Plan for Review and Comment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of Document Availability.

**SUMMARY:** The U.S. Fish and Wildlife Service announces the availability for public review of a draft Recovery Plan for the Sonora tiger salamander

(*Ambystoma tigrinum stebbinsi*). The species occurs on lands managed by the U.S. Forest Service, Coronado National Forest; U.S. Department of the Army, Fort Huachuca; and private lands in the San Rafael Valley and adjacent portions of the Huachuca and Patagonia mountains in southeastern Santa Cruz and southwestern Cochise counties, Arizona. The Service solicits review and comment from the public on this draft Plan.

**DATES:** Comments on the draft Recovery Plan must be received on or before August 15, 2000 to receive consideration by the Service.

**ADDRESSES:** Persons wishing to review the draft Recovery Plan may obtain a copy by contacting Jim Rorabaugh, Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021-4951 (602/640-2720 x238). Written comments and materials regarding the plan should be addressed to the Field Supervisor at this same address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jim Rorabaugh (see **ADDRESSES**).

**SUPPLEMENTARY INFORMATION:**

**Background**

Restoring an endangered or threatened animal or plant species to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these

comments into account in the course of implementing approved recovery plans.

The Draft Sonora Tiger Salamander Recovery Plan describes the status, current management, recovery objectives and criteria, and specific actions needed to reclassify the Sonora tiger salamander from endangered to threatened, and to ultimately delist it. The draft Plan was developed by Dr. James Collins and Jonathan Snyder, Arizona State University, Tempe, Arizona, in coordination with the Service and a team of stakeholders (the Participation Team), which included ranchers, landowners and managers, agency representatives, and herpetologists. The salamander currently only breeds in livestock watering tanks in the San Rafael Valley of southeastern Arizona. Its natural breeding habitats are no longer present or are now unsuitable. The salamander is threatened by loss of natural habitats; predation by nonnative fish, bullfrogs, and crayfish; genetic swamping by non-native barred tiger salamanders; disease; low genetic diversity; and collection for bait or translocation by anglers. Actions needed to recover the salamander include maintenance and enhancement of habitats, control of non-native organisms, control of collection and transport of tiger salamanders, actions to reduce spread of disease, monitoring, research, public education and information, and adaptive management. The draft Recovery Plan includes a draft Participation Plan, prepared by the Participation Team, which details how the plan should be implemented to minimize social and economic impacts while still providing for the prompt recovery of the salamander. The Service will work with the Participation Team to address comments received during the comment period. The draft Plan will be revised and finalized based on those comments.

**Public Comments Solicited**

The Service solicits written comments on the Draft Sonora Tiger Salamander Recovery Plan. All comments received by the date specified above will be considered prior to approval of the plan.

**Authority:** The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: May 29, 2000.

**Nancy M. Kaufman,**

*Regional Director.*

[FR Doc. 00-15117 Filed 6-15-00; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[NV-030-1010-DC-032F]

**Environmental Statements; Notice of Intent; Walker River Basin, NV; Water and/or Water Rights From Willing Sellers**

**AGENCY:** Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701.

**ACTION:** Second Amendment to the February 1, 2000 notice of intent to prepare an environmental impact statement for obtaining water and/or water rights from willing sellers in the Walker River Basin.

Second Amendment to the February 1, 2000 notice of intent to prepare an environmental impact statement for obtaining Water and/or water rights from willing sellers in the Walker River Basin for the purposes of protecting the Walker Lake ecosystem from degradation resulting from increasing total dissolved solids (TDS) in the lake; possible use in a settlement of the United States' water rights claims in the Walker River Basin should a settlement be negotiated; and to assist in recovery of the threatened Lahontan cutthroat trout in the Walker River Basin.

**SUMMARY:** The Bureau of Land Management (BLM), Carson City Field Office, in cooperation with the Bureau of Indian Affairs (BIA), Phoenix Area Office, The Bureau of Reclamation (BOR), Lahontan Basin Area Office and the U.S. Fish and Wildlife Service (FWS), Nevada Fish and Wildlife Office, will hold four public workshops for the purposes of refining issues identified in the on-going scoping process and developing reasonable alternative for consideration and analysis in the Walker River Basin Environmental Impact Statement (EIS).

These workshops are a follow-up to public scoping meetings held in February, 2000 regarding BLM's proposal to obtain water and/or water rights from willing sellers to protect the Walker Lake ecosystem from degradation resulting from increasing concentrations of total dissolved solids (TDS) in the lake, for possible use in a settlement of the United States' water rights claims in the Walker River Basin should a settlement be negotiated, and to assist in the recovery of the threatened Lahontan cutthroat trout.

**EFFECTIVE DATES:** A series of four public workshops will be held between July 5 and July 13, 2000. The workshops will be held from 5:30 p.m. until 9 p.m. at each of the following locations:

- July 5, 2000 Yerington H.S. Multi-Purpose Room, 114 Pearl St., Yerington, Nevada
- July 6, 2000 Mineral County Library, 110 1st St., Hawthorne, Nevada
- July 12, 2000 Memorial Hall, School Street, Bridgeport, California
- July 13, 2000 Carson City Field Office (BLM), 5665 Morgan Mill Rd, Carson City, Nevada

These workshops will be conducted by Desert Research Institute as the principal contractor for preparing the Walker River Basin EIS, and personnel from the Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs, and the Fish and Wildlife Service will participate.

**FOR FURTHER INFORMATION CONTACT:** For additional information, write to the Field Manager of the Carson City Field Office at the address listed in the agency section of this notice, call or email Walt Devaurs (BLM Team Leader) at (775) 885-6150, wdevaurs@nv.blm.gov; or Mike McQueen (BLM NEPA Coordinator) at (775) 885-6120, mmcqueen@nv.blm.gov.

**SUPPLEMENTARY INFORMATION:** The proposed EIS schedule is as follows:  
 Begin Initial Public Comment Period February 1, 2000  
 Hold Four Public Workshops July 5-13, 2000  
 End of Extended Public Scoping Period July 31, 2000  
 Issue Draft EIS (75-day public review) November 24, 2000  
 End Draft EIS Public Review February 7, 2000  
 Issue Final EIS (30-day public review) June 1, 2001  
 Issue Record of Decision August 5, 2001  
 End 30-Day Appeal Period/Implementation September 5, 2001

Dated: June 12, 2000.

**John O. Singlaub,**

*Field Office Manager.*

[FR Doc. 00-15255 Filed 6-15-00; 8:45 am]

**BILLING CODE 4310-HC-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO-600-00-1010-PG-241A]

### Northwest Colorado Resource Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Meeting.

**SUMMARY:** The next meeting of the Northwest Colorado Resource Advisory

Council (RAC) will be held on Friday, July 21, 2000, from 9:00 a.m. to 4 p.m. at the U.S. Forest Service Office building located at 925 Weiss Drive, Steamboat Springs, Colorado.

**DATES:** The meeting date is Friday, July 21, 2000.

**ADDRESSES:** The RAC meeting will be held at the U. S. Forest Service Office building located at 925 Weiss Drive, Steamboat Springs, Colorado.

**FOR FURTHER INFORMATION CONTACT:** Lynn Barclay, Public Affairs Specialist, Craig BLM Office, 455 Emerson Street, Craig, CO 81625—Phone (970) 826-5096.

**SUPPLEMENTARY INFORMATION:** The meeting will begin at 9 a. m. on July 21, 2000. The purpose of the meeting is to consider several resource management topics. These topics are review of Recreation Guidelines as prepared by BLM staff, update of County Wilderness Forum process, review of BLM plan to develop strategy to manage ORV's, progress report of Wildlife Committee, RAC association with the U.S. Forest Service, and BLM Management Report on wilderness review for Vermillion Cliffs. The meeting will adjourn at 4:00 p.m.

Interested members of the public may make oral statements at the meeting at 10:15 a.m. or submit written statements following the meeting. Per-person time limits for oral statements may be set to allow all interested individuals an opportunity to speak.

Summary minutes of RAC meetings are maintained in the BLM Northwest Center Office located at 2815 H Road, Grand Junction, CO., 81506, phone (970) 244-3000 and the Craig BLM Office located at 455 Emerson Street, Craig, CO., 81625, phone (970) 826-5000. They are available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting.

Dated: June 12, 2000.

**Richard M. Arcand,**

*Assistant Manager, Northwest Center Office.*

[FR Doc. 00-15306 Filed 6-15-00; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UTU-76557]

### Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

June 12, 2000.

In accordance with Title IV of the Federal Oil and Gas Royalty

Management Act (Public Law 97-451), a petition for reinstatement of oil and gas lease UTU-76557 for lands in Grand County, Utah, was timely filed and required rentals accruing from January 1, 2000, the date of termination, have been paid.

The lessees have agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16 $\frac{2}{3}$  percent, respectively. The \$500 administrative fee has been paid and the lessees have reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease UTU-76557, effective January 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Irene J. Anderson,**

*Acting Chief, Branch of Minerals Adjudication.*

[FR Doc. 00-15256 Filed 6-15-00; 8:45 am]

**BILLING CODE 4310-SS-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-056-1430-ES; N-66384]

### Notice of Realty Action: Direct Sale

**AGENCY:** Bureau of Land Management.

**ACTION:** Direct sale of reversionary interest—Recreation or Public Purposes Patent, Number 27-72-0082

**SUMMARY:** The following described public land in Las Vegas, Clark County, Nevada, was patented to Clark County on June 7, 1972 under the Recreation or Public Purpose Act for a public park. Clark County requests the purchase of the reversionary interest. The land has been examined and found suitable for sale at fair market value under the provisions of the Federal Land Policy and Management Act (43 CFR 2711.3-3).

### Mount Diablo Meridian, Nevada

T. 21 S., R. 62 E., M.D.M.

Sec. 25, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing 78.75 acres, more or less, located near the Wetlands Park. The land is not required for any federal purpose. The

direct sale is consistent with current Bureau planning for this area and would be in the public interest. The patent will be subject to the provisions of the Federal Land Policy and Management Act and applicable regulations of the Secretary of the Interior, and the land will continue to be subject to the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

2. All the mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law; and will be subject to: Easements in accordance with the Clark County Transportation Plan.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada.

The lands have been segregated from all forms of appropriation under the Southern Nevada Public Lands Management Act (P.L. 105–263).

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed direct sale to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

*Classification Comments:* Interested parties may submit comments involving the suitability of the land for a direct sale. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

*Application Comments:* Interested parties may submit comments regarding the application as to whether the BLM followed proper administrative procedures in reaching the decision or any other factor not directly related to the suitability of the land for a direct sale. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for conveyance until after the classification becomes effective.

Dated: June 8, 2000.

**Rex Wells,**

*Assistant Field Manager, Division of Lands, Las Vegas, NV.*

[FR Doc. 00–15254 Filed 6–15–00; 8:45 am]

**BILLING CODE 4510–HC–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Availability of Draft General Management Plan/Environmental Impact Statement (DGMP/EIS) for the Cane River Creole National Historical Park, Located in Natchitoches Parish, LA**

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (16 U.S.C. 410ccc–4; 42 U.S.C. 4371; 40 CFR 1503), the National Park Service (NPS) announces the availability of the DGMP/EIS. The DGMP/EIS responds to Public Law 103–449 establishing Cane River Creole National Historical Park.

The DGMP/EIS has been prepared in cooperation with the Cane River National Heritage Area Commission. It presents a proposal and four alternative strategies for guiding future management of the national historical park and balancing resource protection and public use. It includes an analysis of the potential consequences of these actions. The major subject areas are cultural resources management, visitor experience, future development, and partnership opportunities.

**DATES:** Written comments concerning the DGMP/EIS should be received no later than August 14, 2000.

**ADDRESSES:** Written comments concerning the DGMP/EIS or requests to be added to the project mailing list should be sent to Ms. Laura Soulliere, Superintendent, Cane River Creole National Historical Park, 4386 Highway 494, Natchez, LA 71456.

The DGMP/EIS can be reviewed on the NPS Planning Website at <http://www.nps.gov/planning>.

See **SUPPLEMENTARY INFORMATION** section for locations of public reading copies of the DGMP/EIS.

**FOR FURTHER INFORMATION CONTACT:** Laura Soulliere, Superintendent, Cane River Creole National Historical Park, at (318) 352–0383, or [cari\\_superintendent@nps.gov](mailto:cari_superintendent@nps.gov).

**SUPPLEMENTARY INFORMATION:** Commenters should be aware that National Park Service practice is to make comments, including names and home addresses of respondents, available for public review during

regular business hours. Individual commenters may request that we withhold their home address from the planning record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the planning 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. 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.

Public meetings will be held in Natchitoches and the Cane River area. The meetings will provide the public additional opportunities to comment on the DGMP/EIS. Information on meeting dates, times, and locations will be provided in advance through announcements in local newspapers and other media. For more information on upcoming public meetings, contact the park superintendent.

Public reading copies of the DGMP/EIS will be available for review at the following locations;

Cane River Creole National Historical Park, 4386 Highway 494, Natchez, LA  
Natchitoches Parish Library, 431 Jefferson Street, Natchitoches, LA  
Book Merchant, 512 Front Street, Natchitoches, LA  
Asbury United Methodist Church, 704 5th Street, Natchitoches, LA  
St. Augustine Historical Society, c/o St. Augustine Catholic Church (office), 2262 Highway 484, Cane River, LA  
Northwestern State University Campus, 715 College Avenue

- Watson Library, Special Collections
- National Center for Preservation Training and Technology

Keyser Hall, Louisiana Creole Heritage Center

Dated: June 7, 2000.

**Val Knight,**

*Acting Regional Director, Southeast Region.*

[FR Doc. 00–15234 Filed 6–15–00; 8:45 am]

**BILLING CODE 4310–70–M**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Environmental Statements; Availability etc.: Voyageurs National Park, MN; General Management/Visitor Use and Facilities Plan**

**AGENCY:** National Park Service, DOI.

**ACTION:** Notice of availability of the Draft General Management Plan/Visitor

Use and Facilities Plan and the Draft Environmental Impact Statement for Voyageurs National Park, Minnesota.

**SUMMARY:** Pursuant to section 102(2) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of the Draft General Management Plan/Visitor Use and Facilities Plan and the Draft Environmental Impact Statement (DGMP/DEIS) for Voyageurs National Park. This notice also announces public open houses for the purposes of explaining the DGMP/DEIS and receiving public comments on the document.

**DATES:** There will be a 60-day public review period for comments on this DGMP/DEIS. Comments must be received no later than August 23, 2000. Public open houses for information about, or to make comment on the DGMP/DEIS will be held at the following dates and locations:

Monday, July 24, 2000 at the Holiday Inn, 1500 Highway 71, International Falls, MN;

Tuesday, July 25, 2000 at the American Legion Hall, Orr, MN (behind Pattenn's Cafe)

Wednesday, July 26, 2000 at the Holiday Inn (Great Lakes Ballroom), 200 West First Street, Duluth, MN; and

Thursday, July 27, 2000 at the Sheraton Inn Midway (Minnesota II Room), 400 North Hamline Avenue, St. Paul, MN.

All open houses will begin at 6:30 p.m. and last until 9:30 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Przybylski, Voyageurs National Park, 3131 Highway 53, International Falls, MN 56649; telephone 218-283-9821. Copies of the plan may also be requested at this address and telephone number, or by e-mail from Kathleen\_Przybylski@nps.gov.

**SUPPLEMENTARY INFORMATION:** Comments on this DGMP/DEIS are solicited at this time. Comments may be submitted by several methods. You may attend one of the public open houses noted above. You may mail comments to: General Management Plan, Voyageurs National Park, 3131 Highway 53, International Falls, MN 56649. You also may comment via e-mail to Kathleen\_Przybylski@nps.gov.

If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. As always, the NPS will make available to public inspection all submissions from organizations or

businesses and from persons identifying themselves as representatives or officials of organizations and businesses. Anonymous comments will not be considered.

The purpose of the General Management Plan/Visitor Use and Facilities Plan is to set forth the basic management philosophy for the Park and to provide the strategies for addressing issues and achieving identified management objectives. The DGMP/DEIS describes and analyzes the environmental impacts of a proposed action and two action alternatives for the future management direction of the Park. A no action alternative is also evaluated.

Alternative 1 is the no-action alternative. It would continue current management practices and actions, and provides a baseline for comparison of the other alternatives. The proposed action combines elements from all of the alternatives and presents a balanced approach for resource management and visitor use.

Alternative 2 emphasizes resource preservation, providing a greater balance in the types of visitor uses and experiences, and focusing partnerships on preservation, visitor services, facilities, and information. This alternative would provide more opportunities for visitors to experience solitude and a natural setting.

Alternative 3 emphasizes the visitor experience. The widest range and largest quantity of activities, facilities, and experiences consistent with the Park's mission, purpose, and significance would be developed. Resource protection to ensure a quality visitor experience would be emphasized.

The responsible official is Mr. William Schenk, Midwest Regional Director, National Park Service.

Dated: June 9, 2000.

**William W. Schenk,**

*Regional Director, Midwest Region.*

[FR Doc. 00-15232 Filed 6-15-00; 8:45 am]

**BILLING CODE 4310-70-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Cape Cod National Seashore; South Wellfleet, Massachusetts; Cape Cod National Seashore Advisory Commission Two Hundred and Twenty-Ninth Meeting; Notice of Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770 U.S.C.

App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Thursday, June 29, 2000.

The Commission was reestablished pursuant to Public Law 87-126 as amended by Public Law 105-280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 10:00 a.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda (single item);
2. Subcommittee Report—Personal Watercraft Subcommittee;
3. Agenda and date for next meeting;
4. Public comment; and
5. Adjournment.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members. Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: June 5, 2000.

**Michael Murray,**

*Deputy Superintendent.*

[FR Doc. 00-15233 Filed 6-15-00; 8:45 am]

**BILLING CODE 4310-70-M**

## DEPARTMENT OF LABOR

### **Employment Standards Administration, Wage and Hour Division**

#### **Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions**

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of

laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or government agency having an interest in

the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

#### **New General Wage Determination Decisions**

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and States:

##### *Volume I*

##### Vermont

VT000042 (Jun. 16, 2000)  
VT000043 (Jun. 16, 2000)

##### *Volume IV*

##### Michigan

MI000098 (Jun. 16, 2000)  
MI000098 (Jun. 16, 2000)  
MI000099 (Jun. 16, 2000)  
MI000100 (Jun. 16, 2000)  
MI000101 (Jun. 16, 2000)

#### **Modifications to General Wage Determination Decisions**

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

##### *Volume I*

##### New Jersey

NJ000001 (Feb. 11, 2000)  
NJ000002 (Feb. 11, 2000)  
NJ000003 (Feb. 11, 2000)  
NJ000004 (Feb. 11, 2000)  
NJ000005 (Feb. 11, 2000)  
NJ000007 (Feb. 11, 2000)  
NJ000009 (Feb. 11, 2000)

##### Vermont

VTJ000001 (Feb. 11, 2000)  
VTJ000007 (Feb. 11, 2000)  
VTJ000008 (Feb. 11, 2000)  
VTJ000009 (Feb. 11, 2000)  
VTJ000010 (Feb. 11, 2000)  
VTJ000011 (Feb. 11, 2000)  
VTJ000012 (Feb. 11, 2000)  
VTJ000013 (Feb. 11, 2000)

##### *Volume II*

##### District of Columbia

DC000001 (Feb. 11, 2000)  
DC000003 (Feb. 11, 2000)

##### Maryland

MD000001 (Feb. 11, 2000)  
MD000002 (Feb. 11, 2000)  
MD000006 (Feb. 11, 2000)

MD000007 (Feb. 11, 2000)  
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MD000042 (Feb. 11, 2000)  
MD000046 (Feb. 11, 2000)  
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MD000056 (Feb. 11, 2000)  
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##### Pennsylvania

PA000007 (Feb. 11, 2000)  
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PA000066 (Feb. 11, 2000)

##### Virginia

VA000003 (Feb. 11, 2000)  
VA000014 (Feb. 11, 2000)  
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VA000085 (Feb. 11, 2000)  
VA000088 (Feb. 11, 2000)  
VA000092 (Feb. 11, 2000)  
VA000099 (Feb. 11, 2000)

##### *Volume III*

##### Kentucky

KY000003 (Feb. 11, 2000)  
KY000027 (Feb. 11, 2000)  
KY000029 (Feb. 11, 2000)

##### *Volume IV*

##### Illinois

IL000001 (Feb. 11, 2000)  
IL000002 (Feb. 11, 2000)  
IL000008 (Feb. 11, 2000)  
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#### Volume V

##### Michigan

MI000001 (Feb. 11, 2000)  
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 OH000032 (Feb. 11, 2000)  
 OH000036 (Feb. 11, 2000)

#### Volume V

##### Iowa

IA000002 (Feb. 11, 2000)  
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##### Kansas

KS000013 (Feb. 11, 2000)  
 KS000022 (Feb. 11, 2000)  
 KS000069 (Feb. 11, 2000)  
 KS000070 (Feb. 11, 2000)

#### Volume VI

##### Idaho

ID000001 (Feb. 11, 2000)

##### North Dakota

ND000031 (Feb. 11, 2000)

##### Oregon

OR000001 (Feb. 11, 2000)  
 OR000017 (Feb. 11, 2000)

##### Washington

WA000003 (Feb. 11, 2000)  
 WA000007 (Feb. 11, 2000)  
 WA000011 (Feb. 11, 2000)

#### Volume VII

##### California

CA000001 (Feb. 11, 2000)  
 CA000002 (Feb. 11, 2000)  
 CA000004 (Feb. 11, 2000)  
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 CA000041 (Feb. 11, 2000)

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be

found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts." This publication is available at each of the 50 regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 8th day of June 2000.

**Carl J. Poleskey,**

*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 00-14970 Filed 6-15-00; 8:45 am]

**BILLING CODE 4510-27-M**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 00-068]

### National Environmental Policy Act; Ames Development Plan for NASA Ames Research Center

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS) and conduct scoping for an Ames Development Plan (ADP) for NASA Ames Research Center (hereinafter referred to as the "Center").

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), and NASA Policy and Procedures (14 CFR part

1216 subpart 1216.3), NASA intends to conduct scoping and prepare an EIS for the proposed ADP. The ADP will include integrated development plans for the following areas within the Center: (1) A portion of the Center comprised of approximately 86 hectares (213 acres) situated between the original Center campus, the airfield, U.S. Highway 101, and U.S. Air Force controlled military housing area (hereinafter referred to as the "NASA Research Park"); (2) a portion of the Center comprised of 385 hectares (952 acres) including the airfield and lands to the east of the airfield (hereinafter referred to as "East Side-Airfield"); (3) a portion of the Center comprising 38 hectares (94.6 acres) located north of the original Center campus (hereinafter referred to as "Bay View"); and (4) that portion of the Center comprising the original 97 hectares (240 acres) Center campus (hereinafter referred to as the "ARC Facilities"). The Center is located in Santa Clara County, California. The EIS will address the environmental issues associated with the ADP and its implementation.

The ADP will focus, in part, on the NASA Research Park, proposed as a world-class, shared-use educational and research and development (R&D) campus focused on astrobiology, life sciences, space sciences, nanotechnology, information technology, and aeronautics. The goal of the NASA Research Park is to create partnerships with Federal, state, and local government agencies, universities, private industry and non-profit organizations in support of NASA's mission to conduct research on and develop new technologies. The ADP will also focus on proposed new development in Bay View and East Side-Airfield, and potential replacement of existing NASA research facilities in the ARC Facilities.

**DATES:** Interested parties are invited to submit written comments or environmental concerns to NASA on or before July 31, 2000 to ensure full consideration during the scoping process. Public scoping meetings will be held in the vicinity of the Center during the middle part of July 2000. The specific meeting times and locations will be published in the *San Jose Mercury News* and the *La Ofera Review*. The meeting schedule can also be obtained from Michael Mewhinney at the phone number listed below.

**ADDRESSES:** Comments should be submitted to Ms. Sandy Olliges, NASA Ames Research Center, Environmental Services Office, Mail Stop 218-1, Moffett Field, CA 94035-1000. While

hard copy comments are preferred, comments by electronic mail may be sent to [researchpark@arc.nasa.gov](mailto:researchpark@arc.nasa.gov)

**FOR FURTHER INFORMATION CONTACT:** Michael Mewhinney, Development and Communication Office, 650-604-3937.

**SUPPLEMENTARY INFORMATION:** In 1991, the Federal Base Closure and Realignment Commission decided to close Moffett Field Naval Air Station. Subsequently, the U.S. Department of Defense transferred stewardship of the property to NASA. NASA took over administration of 752 hectares (1,857 acres) of Moffett Field in 1994. The immediate issues were how to use the newly acquired land in a manner consistent with NASA's mission, and how to pay for the maintenance and operations of such a large site. These matters were originally addressed in the Moffett Field Comprehensive Use Plan (CUP) and its associated Environmental Assessment (EA), which resulted in a Finding of No Significant Impact (FONSI) in 1994. After the transfer of the property, local community leaders formed a Community Action Committee (CAC) and recommended uses for the newly acquired land. The uses proposed in the ADP are consistent with the CAC recommendations.

In addition to the activities described in the CUP, NASA now proposes to develop the NASA Research Park and other areas, which will build on the full range of existing high-technology and aviation resources at Moffett Field and create partnerships with Federal, State, and local governmental agencies, universities, private industry and non-profit organizations in support of NASA's mission to develop new technologies. With the help of these collaborative organizations, NASA proposes to develop on currently underutilized land at Moffett Field a world-class, shared-use educational and R&D campus focused on astrobiology, life sciences, space sciences, nanotechnology, information technology, and aeronautics. This new campus would further NASA's mission by providing the critical mass of scholars and engineers necessary to create a vital research and educational community focused on the advancement of human knowledge about life sciences, space sciences, nanotechnology, information technology, the Earth and space. By integrating public and private R&D efforts, the NASA Research Park would serve as a hub of technology transfer, keeping NASA researchers involved in cutting-edge technology advances, and promoting the commercial applications of NASA's basic scientific research.

Alternatives for the development at the Center to be studied in the EIS include, but are not necessarily limited to the following:

(1) *Alternative 1:* No action; continued current use of buildings and land.

(2) *Alternative 2:* Increase buildings and existing structures to 326,000 square meters from 140,000 square meters (3.5 million square feet from 1.5 million square feet) of floor space within the NASA Research Park. Proposed uses within the NASA Research Park would include: Student/faculty housing, training and residential conference facilities, offices, R&D, laboratory, museum and educational facilities. Also included in this alternative is the renovation of 46,500 square meters (500,000 square feet), including Hangar 1 for the California Air and Space Center. For Bay View, this alternative also includes 121,000 square meters (1.3 million square feet) of offices, R&D, laboratory, educational facilities and student/faculty housing. For East Side-Airfield, this alternative includes approximately 51,000 square meters (550,000 square feet) of new light industrial, R&D, office and educational facilities. For ARC Facilities, this alternative includes the renovation and replacement of approximately 46,500 square meters (500,000 square feet) for offices, R&D and laboratories. No new wind tunnels or increased aircraft operations are proposed. The existing Burrowing Owl habitat would be protected.

(3) *Alternative 3:* Increase buildings and existing structures to 418,000 square meters from 140,000 square meters (4.5 million square feet from 1.5 million square feet) of floor space within the NASA Research Park. Proposed uses within the NASA Research Park would include: Student/faculty housing, training and residential conference facilities, offices, R&D, laboratory, museum and educational facilities. Also included in this alternative is the renovation of 46,500 square meters (500,000 square feet), including Hangar 1 for the California Air and Space Center. For Bay View, this alternative includes no proposed development. For East Side-Airfield, this alternative includes the adaptive reuse of existing historic hangars. For ARC Facilities, this alternative includes the renovation and/or replacement of existing buildings and structures. No new wind tunnels or increased aircraft operations are proposed. The existing Burrowing Owl habitat would be protected.

(4) *Alternative 4:* Increase buildings and existing structures to 279,000 square meters from 140,000 square

meters (3.0 million square feet from 1.5 million square feet) of floor space within the NASA Research Park. Proposed uses within the NASA Research Park would include: Student/faculty housing, training and residential conference facilities, offices, R&D, laboratory, museum and educational facilities. Also included in this alternative is the renovation of 46,500 square meters (500,000 square feet), including Hangar 1 for the California Air and Space Center. For Bay View, this alternative also includes 251,000 square meters (2.7 million square feet) of offices, R&D, laboratory, educational facilities and student/faculty housing, and elimination of the Outdoor Aerodynamic Research Facility in the northern portion of Bay View). For East Side-Airfield, this alternative would include approximately 62,000 square meters (670,000 square feet) of new light industrial, R&D, office and educational facilities. For ARC Facilities, this alternative would include the renovation and replacement of approximately 140,000 square meters (1.5 million square feet) for offices, R&D and laboratories. No new wind tunnels or increased aircraft operations are proposed. The existing Burrowing Owl habitat would be protected.

NASA is currently proceeding with a project that includes the development of a laboratory facility that was covered by a FONSI issued in 1994 for the CUP. Development under the CUP also includes renovation of portions of the Shenandoah National Historic District and other minor development.

The California Air National Guard (CANG) is proceeding with its master plan, which includes construction of a new airfield support facility. The CANG's development is covered by a separate FONSI and EA, which they issued in 1997.

No new wind tunnels or additional aircraft operations are proposed for any of the action alternatives. No development would occur in wetlands. The Bay Trail would be accommodated as part of the action alternatives.

The Center area is served by several modes of public transportation, including the Santa Clara Valley Transit Authority Light Rail, CalTrain, and bicycle paths.

The EIS will consider the full range of potential environmental impacts associated with these alternatives. Environmental issues addressed will include, but not necessarily be limited to, public policy, land use, motor vehicle traffic, air quality, infrastructure and drainage, hazardous materials and site contamination, pollution prevention, geology, biological

resources, noise, aesthetics, cultural resources, socioeconomic impacts (including environmental justice), and other issues identified for emphasis during the scoping process. NASA believes that the greatest potential for environmental impact is to traffic and air quality. If the proposed development would increase relevant air emissions above 100 tons per year, NASA would conduct a detailed general conformity determination, pursuant to the Clean Air Act.

NASA will consult with the State Historic Preservation Office during the planning process because part of the NASA Research Park and East Side-Airfield development would be located in a historic district that is listed on the National Register of Historic Places.

Written public input and comments on environmental issues or concerns related to the development of the Center are hereby solicited.

**Jeffrey E. Sutton,**

*Associate Administrator for Management Systems.*

[FR Doc. 00-15257 Filed 6-15-00; 8:45 am]

**BILLING CODE 7510-01-P**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Chemical and Transport Systems (1190).

*Date and Time:* July 20, 2000; 8 a.m. to 5 p.m.

*Place:* Room 320; National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Geoffrey Prentice, Program Director, Kinetics, Catalysis & Molecular Processes, Division of Chemical and Transport Systems, Room 525, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1371.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate XYZ on a Chip Grants as part of the selection process for awards.

*Reason for Closing:* The proposal being reviewed includes information of a proprietary or confidential nature, including technical information; financial data; such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15229 Filed 6-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92-463, as amended), the National Science Foundation announces the following meeting:

*Name/Code:* Special Emphasis Panel in Chemistry (#1191).

*Date/Time:* July 24-25, 2000; 8:30 A.M.-5:00 P.M.

*Place:* Rooms 1020 and 1060, NSF, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Joseph Akkara, Coordinator, Environmental Molecular Science Institute (EMSI) and Collaborative Research Activities in Environmental Molecular Science (CRAEMS), Chemistry Division, Room 1055, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306-1857.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals for the EMSI and CRAEMS as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15225 Filed 6-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science

Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Civil and Mechanical Systems (1205).

*Date and Time:* July 11, 2000, 8:00 a.m. to 5:00 p.m.

*Place:* NSF, 4201 Wilson Boulevard, Room 320, Arlington, Virginia 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Jorn Larsen-Basse, Program Director Surface Engineering and Material Design, Division of Civil and Mechanical Systems, Room 545, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: (703) 306-1361.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate nominations for the FY'00 Model-Based Simulation Review Panel as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15224 Filed 6-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings of the Special Emphasis Panel in Civil and Mechanical Systems (1205):

*Date and Time:* July 6-7, 2000, 8 a.m. to 5 p.m.

*Place:* NSF, 4201 Wilson Boulevard, Room 530, Arlington, Virginia 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Alison Flatau, Program Director, Dynamic Systems and Control, Sensor Technologies for Civil and Mechanical Systems, Room 545, (703) 306-1361.

*Agenda:* To review and evaluate nominations for the FY'00 Sensor Technologies for Civil and Mechanical Systems Review Panel proposals as part of the selection process for awards.

*Date and Time:* July 10, 2000, 8 a.m. to 5 p.m.

*Place:* NSF 4201 Wilson Boulevard, Room 530, Arlington, Virginia 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Alison Flatau, Program Director, Dynamic Systems and Control, Sensor Technologies for Civil and Mechanical Systems, Room 545, (703) 306-1361.

*Agenda:* To review and evaluate nominations for the FY'00 Dynamic Systems and Control Review Panel as part of the selection process for awards.

*Date and Time:* July 14, 2000, 8 a.m. to 5 p.m.

*Place:* NSF, 4201 Wilson Boulevard, Room 530, Arlington, Virginia 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Jorn Larsen-Basse, Program Director, Surface Engineering and Materials Design, Division of Civil and Mechanical Systems, Room 545, (703) 306-1361.

*Agenda:* To review and evaluate nominations for the FY'00 Mechanics and Structures of Materials and Surface Engineering and Material Design Review Panel as part of the selection process for awards.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Reason For Closings:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15226 Filed 6-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Design, Manufacture, and Industrial Innovation (1194).

*Date/Time:* July 14, 2000; 8:00 a.m.-4:30 p.m.

*Place:* Room 375, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Delcie Durham, Program Director, Materials Processing and

Manufacturing, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1330.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate "Unsolicited" proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 522b(c), (4) and (6) of the Government in the Sunshine Act.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15223 Filed 6-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Electrical and Communications Systems (1196).

*Date/Time:* June 21, 2000; 8:30 a.m. to 5 p.m.

*Place:* Room 380; National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Marija Ilic, Program Director, Control, Networks and Computational Intelligence, Division of Electrical and Communications Systems, Room 675, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1339.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate "Regular Research" proposals as part of the selection process for awards.

*Reason for Closing:* The proposal being reviewed includes information of a proprietary or confidential nature, including technical information; financial data; such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

*Reason for Late Notice:* This notice is late due to difficulty in scheduling.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15230 Filed 6-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Geosciences (#1756).

*Date/Time:* July 11, 2000; 8 a.m. to 5 p.m.

*Place:* Room 855; National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Clifford Jacobs, Section Head, UCAR and Lower Atmosphere Facilities Oversight Section, Room 775, Division of Atmospheric Sciences, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1521.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate the UNIDATA Equipment proposals as part of the selection process for awards.

*Reason for Closing:* The proposal being reviewed includes information of a proprietary or confidential nature, including technical information; financial data; such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15227 Filed 5-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Information and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Information and Intelligent Systems (1200).

*Date and Time:* June 15-16, 2000, 8:30 am-5:00 pm.

*Place:* Wissenschaftliches Bibliothekswesen, Deutsche Forschungsgemeinschaft, Kennedyallee 40, D-53170 Bonn.

*Type of Meeting:* Closed.

*Contact Person:* /Dr. Ephraim Glinert, Deputy Division Director National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306-1926.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate the Special Project's International Digital Libraries Collaborative Research Program proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

*Reason for Late Notice:* This notice is late due to difficulty in scheduling.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15221 Filed 6-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Polar Programs (1209).

*Date and Time:* June 21-23, 2000, 8:00 am-5:30 pm.

*Place:* Business School of the University of Wisconsin, 975 University Avenue, Room 110 of Grainger Hall, Madison, WI 53706.

*Type of Meeting:* Closed.

*Contact Person:* Dr. John Lynch, Program Manager, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. (703) 306-1033.

*Purpose of Meeting:* To provide advice and recommendations concerning "ICECUBE" proposal submitted to NSF for financial support.

*Agenda:* To review and evaluate "ICECUBE" proposal as part of the selection process for awards.

*Reason for Closing:* The proposal being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposal. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

*Reason for Late Notice:* This notice is late due to difficulty in scheduling.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

**Karen J. York,**

*Committee Management Officer.*

[FR Doc. 00-15222 Filed 6-15-00; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Polar Programs (1209).

*Date/Time:* June 29-30, 2000; 8:30 am to 5 pm.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 730, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Mr. Guy Guthridge, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: (703) 306-1033.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Antarctic Artists and Writers Program proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

**Note:** Closed portions are proper under Sunshine Act exemptions cited. The CMO's signature on this Notice is the required determination.

Dated: June 12, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-15228 Filed 6-15-00; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-410]

### Niagara Mohawk Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-69 issued to Niagara Mohawk Power Corporation (the licensee) for operation of the Nine Mile Point Nuclear Station, Unit No. 2 (NMP2) located in Scriba, Oswego County, New York.

The proposed amendment would revise Section 3.10.8, "Shutdown Margin (SDM) Test—Refueling," of the Technical Specifications (TS), correcting an administrative error introduced when Amendment No. 91, converting the TS to the Improved Technical Specifications (ITS) format was processed. The error of omission was introduced by the licensee in that a February 7, 2000, licensee submittal did not propose to revise ITS Specification 3.10.8 consistent with the changes made to ITS Table 3.3.1.1 with regards to the inclusion of the Oscillation Power Range Monitor function (OPRM). The OPRM function was introduced into the TS by Amendment No. 92, which was being processed concurrently with the ITS conversion and which was issued within days after issuance of Amendment No. 91. Specifically, the licensee did not propose to revise ITS Limiting Condition of Operation (LCO) 3.10.8.a, ITS Surveillance Requirement 3.10.8.1 and associated Bases to reflect the re-numbering of Function 2.e to 2.f on ITS Table 3.3.1.1-1 as a consequence of the insertion of a new Reactor Protection System function (*i.e.*, Function 2.e, "OPRM-Upscale"). Thus the amendment proposed by the licensee's June 7, 2000, application would only correct such omission to match technical changes already approved by Amendment No. 92.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended

(the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Changes are proposed to ITS Specification 3.10.8 whereby the following aspects of this Specification are revised: ITS LCO 3.10.8.a, ITS SR [Surveillance Requirement] 3.10.8.1 and the associated ITS Bases. These changes replace references to Function 2.e with references to Function 2.f. These Functions are associated with the ITS RPS [reactor protection system] Instrumentation Table 3.3.1.1-1. "OPRM-Upscale" is Function 2.e and "2-Out-Of-4 Voter" is Function 2.f on the ITS RPS Table. Since neither of these functions are assumed to be initiators of any design basis accident or transient, the changes do not involve a significant increase in the probability of an accident previously evaluated.

The proposed changes to ITS LCO 3.10.8.a, ITS SR 3.10.8.1 and associated Bases ensure that the proper portions of the RPS are required to be operable and that appropriate surveillances are performed to enable shutdown margin testing during certain plant conditions. These operability and surveillance requirements will ensure mitigation of unacceptable reactivity excursions during control rod withdrawal. Therefore, these changes will maintain test operations as well as postulated accidents within the bounds of the safety analysis as described in Section 15.4.9 of the Updated Safety Analysis Report for a Control Rod Drop Accident. Accordingly, these changes do not involve a significant increase in the consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not introduce any new failure modes. The proposed changes ensure that proper portions of the RPS are required to be operable and that appropriate surveillances are performed to enable shutdown margin testing. Therefore,

the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The proposed changes ensure that the proper RPS functions are required to be operable and [surveyed] consistent with the safety analysis as described in Section 15.4.9 of the Updated Safety Analysis Report for a Control Rod Drop Accident. Therefore, operation in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendment involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public

Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 17, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's

Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 7, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 13th day of June 2000.

For the Nuclear Regulatory Commission.

**Peter S. Tam,**

*Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 00-15269 Filed 6-15-00; 8:45 am]

BILLING CODE 7590-01-P

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-42908; File No. SR-NASD-00-22]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Limit Order Protection for OTC Bulletin Board Securities

June 7, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 19, 2000, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, the Nasdaq Stock

<sup>1</sup> 15 U.S.C. 78s(b)(1)

<sup>2</sup> 17 CFR 240.19b-4.

Market, Inc. ("Nasdaq") 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 by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### 1. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing a new Rule 6541 to implement a pilot program specifically prohibiting member firms from trading ahead of customer limit orders in designated OTC Bulletin Board ("OTCBB") securities. Below is the text of the proposed rule change. Proposed new language is in *italics*.

#### 6541. Limit Order Protection

(a) *Members shall be prohibited from "trading ahead" of customer limit orders that a member accepts in securities quoted on the OTCBB. Members handling customer limit orders, whether received from their own customers or from another member, are prohibited from trading at prices equal or superior to that of the customer limit order without executing the limit order. Members are under no obligation to accept limit orders from any customer.*

(b) *Notwithstanding subparagraph (a) of this rule, a member may negotiate specific terms and conditions applicable to the acceptance of limit orders only with respect to such orders that are:*

(1) *for customer accounts that meet the definition of an "institutional account" as that term is defined in Rule 3110(c)(4); or*

(2) *for 10,000 shares or more, and greater than \$20,000 in value.*

#### (c) Contemporaneous trades

*A member that trades through a held limit order must execute such limit order contemporaneously, or as soon as practicable, but in no case later than five minutes after the member has traded at a price more favorable than the customer's price.*

#### (d) Application

(1) *This rule shall apply only to OTCBB securities specifically identified as such through the Nasdaq Workstation service.*

(2) *This rule shall apply, regardless of whether the subject security is additionally quoted in a separate quotation medium.*

(3) *This rule shall apply from 9:30 a.m. to 4:00 p.m. Eastern Time.*

(4) *This rule shall be in effect until [12 months from date of Commission approval].*

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq 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

*Background.* NASD IM-2110-2 (commonly known as the "Manning Rule") was adopted in 1994<sup>3</sup> and further amended in 1995<sup>4</sup> to prohibit NASD member firms from trading ahead of customer limit orders in Nasdaq securities. The impetus for this rule was a case brought several years earlier by a customer of a member firm, William Manning, who alleged that the firm had accepted his limit order, failed to execute it, and violated its fiduciary duties to him by trading ahead of the order. In the *Manning* decision, the NASD found and the SEC affirmed that a member firm, upon acceptance of a customer's limit order, undertakes a fiduciary duty and cannot trade for its own account at prices more favorable than the customer's order.<sup>5</sup> In the wake of this decision, however, members continued to trade ahead of customer limit order provided the practice was fully disclosed to the customer.

Through adoption of IM-2110-2, the NASD effectively eliminated the disclosure "safe-harbor" that developed after the *Manning* decision for all securities listed on Nasdaq. In proposing the interpretation, the Nasdaq recognized the growing importance of Nasdaq as a major equity market and noted that such a rule would enhance the image of the market by creating a more equitable, fair, and accessible market for all investors. Indeed, although the Manning Rule does not

explicitly apply to OTCBB issues, it has always been the position of NASD and Nasdaq that a member owes a duty of best execution to all accepted customer orders.

Nasdaq now believes that it is appropriate to employ this same rationale in applying limit order protection to the OTCBB.<sup>6</sup> Over the past six years, the OTCBB has evolved into a marketplace for numerous securities, with market makers providing real-time quotations available for reviewing by other market participants.<sup>7</sup> In 1994, the average daily volume in all OTCBB securities was approximately 28.5 million shares, a number that grew to more than 300 million shares per day in 1999. OTCBB trading volume in February 2000 averaged more than 1.2 billion shares per day.<sup>8</sup>

As a result of this increase in trading volume, the OTCBB has become a more open and transparent market in which investors can obtain considerable information regarding the quoted issuers. For instance, by July 2000, all issuers quoted on the OTCBB will be required to provide updated financial information to the Commission, or to banking or insurance regulators, on a periodic basis.<sup>9</sup> The accessibility of this disclosure information, along with last-sale information available through the Internet, has provided the retail investor with additional tools to make educated investment decisions regarding many formerly obscure OTCBB issuers.

In short, the OTCBB is far different today than it was at its inception ten years ago. In light of these notable changes, the increased retail participation, and the continuous efforts by Nasdaq and the NASD to provide fair

<sup>6</sup> The OTCBB, unlike Nasdaq, is a quotation medium for subscribing NASD members, not an issuer listing service. OTCBB securities are traded by market makers that enter quotes and trade reports through a sophisticated, closed computer network, which is accessed through the Nasdaq Workstation II. The OTCBB differs from Nasdaq in several ways; for example, the OTCBB does not maintain relationships with quoted issuers or impose quantitative listing standards. Also, the OTCBB also has different quotation obligations and does not currently provide a method for automated trade executions.

<sup>7</sup> All priced market maker quotations entered into the service are required to be firm up to a minimum size. However, market makers may still enter unpriced indications of interest in the OTCBB. See NASD Rules 6540 and 6750.

<sup>8</sup> By comparison, during the same month, Nasdaq averaged over 1.8 billion shares per day, while the New York Stock Exchange averaged 1.06 billion share per day.

<sup>9</sup> This requirement was effective immediately for all issuers initiating quotation on the OTCBB after January 4, 1999. All issuers quoted on the OTCBB as of that date were required to comply with the rule on a phased-in basis, beginning in July 1999 and ending in June 2000. See Exchange Act Release No. 40878 (Jan. 4, 1999), 64 FR 1255 (Jan. 8, 1999).

<sup>3</sup> See Exchange Act Release No. 34279 (June 29, 1994), 59 FR 34883 (July 7, 1994).

<sup>4</sup> See Exchange Act Release No. 35751 (May 22, 1995), 60 FR 27997 (May 26, 1995).

<sup>5</sup> See *In re E.F. Hutton & Co.*, Exchange Act Release No. 25887 (July 6, 1998).

and efficient markets for all investors, Nasdaq now proposes to extend limit order protection to investors of OTCBB securities.

*Proposed Pilot Program.* Nasdaq proposes to institute a 12-month pilot program that will apply limit order protection to a select subset of OTCBB securities.<sup>10</sup> Nasdaq will monitor the progress of this rule and its effect on the market throughout the entire period. Prior to the completion of this pilot, Nasdaq will evaluate the impact of the proposed rule and report its findings to the Commission and, thereafter, determine the appropriate course of action.

Nasdaq intends to examine the effects of the proposed rule by applying it to approximately 325 OTCBB securities.<sup>11</sup> Securities subject to the proposed rule will be positively designated as such through the Nasdaq Workstation II.<sup>12</sup> Nasdaq will select as one sample set the 200 most actively traded OTCBB securities, which will be selected on the basis of specific price and volume parameters. An additional 100 securities will be selected as a representative cross-section of all remaining OTCBB securities, therein providing an opportunity to test the effects of this rule upon the wide variety of securities quoted on the OTCBB. The implementation of the proposed rule upon these 300 securities would be phased in over a period of several weeks, beginning with the top 200 actively traded securities, then proceeding to the 100 representative cross-section securities. This phase-in process is intended to protect against any unanticipated or deleterious effect that could occur through an immediate application to all securities.

The remaining 25 securities would consist of selected securities added to the OTCBB after the initial phase-in period had been completed. This additional allowance is intended to provide Nasdaq with the flexibility to

impose the proposed rule upon securities that necessitate its protections. It is expected that these securities, which would be selected by Nasdaq on a case-by-case basis, would be those that are highly liquid and widely held by retail investors. The securities expected to be included in this category are those that have been delisted from Nasdaq or an exchange and start trading on the OTCBB.

Application of the proposed rule is intended to substantially mirror IM-2110-2, although some minor modifications, discussed below, have been afforded due to the distinction between Nasdaq and the OTCBB. While members will be under no obligation to accept limit orders, those willing to do so would be prohibited from trading at prices equal or superior to any held customer limit orders, regardless of whether those orders are from their own customers or from customers of firms who have routed those orders to the member for execution.<sup>13</sup> This rule would apply even to those members who, in the past, have fully disclosed to their customers that they may trade ahead of customer limit orders.

As with IM-2110-2, Nasdaq recognizes that filling institutional-sized orders involves differing trading strategies and risks, and that an application of limit order protection to all orders could prove unduly burdensome to those members willing to accept institutional orders. For that reason, Nasdaq has determined that the member may apply terms and conditions concerning limit order protection when accepting an institutional-sized order<sup>14</sup> or an order from an institutional account.<sup>15</sup>

An additional distinction in the application of limit order protection to OTCBB securities will be the time interval allocated for "contemporaneous" executions. In Nasdaq securities, a member is not deemed to have traded ahead of a customer limit order if the member provides a contemporaneous execution of the customer's order.

"Contemporaneous" has been interpreted by Nasdaq to require an execution as quickly as possible, but absent reasonable and documentary justification, within one minute.<sup>16</sup> This interpretation recognizes that additional time beyond the one minute provision may be necessary during unusual market conditions (e.g., at the opening or upon the commencement of trading following a trading halt or an initial public offering), provided that the member has taken all reasonable steps to execute the trade as soon as possible.<sup>17</sup>

Unlike Nasdaq, in which trades may be executed or delivered through automated means, the OTCBB service provides no means of automated communication. Participants in OTCBB securities are generally required to contact each other via telephone, a time consuming process that can prove especially burdensome during periods of high trade volume. Recognizing this distinction, Nasdaq proposes to require a "contemporaneous" trade to be executed as quickly as possible, but no later than five minutes after becoming marketable. If market conditions or other circumstances cause the member to exceed this five-minute requirement, the member should continue to attempt to execute the order as quickly as possible, while sufficiently documenting the particular conditions or circumstances causing this delay. Nasdaq will study this provision and modify it as appropriate at the conclusion of this pilot.

This rule will apply only during normal market hours of 9:30 a.m. to 4:00 p.m. Although the OTCBB service is available from 7:30 a.m. to 6:30 p.m., prices on the OTCBB are required to be firm only during the normal market hours. The hours of application of this rule would adjust accordingly on days in which normal market hours are shortened due to holidays or other events.

## 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act<sup>18</sup> which requires, among other things, that the Association's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The new rule would ensure the protection of investor's limit orders, enhance the

<sup>10</sup> Although the proposed rule will specifically apply only to selected securities during the pilot program, general duties of best execution will continue to apply to all customer orders in all securities.

<sup>11</sup> This number represents roughly 10 percent of the total number of securities expected to remain on the OTCBB upon the completed implementation of Rule 6530. See *supra* note 10. For OTCBB securities that are not included in the pilot, members may trade ahead of customer limit orders if full and clear disclosure regarding this practice is provided to the customer.

<sup>12</sup> Nasdaq currently intends to display the identifier "##" following the security name denoting it as among the securities to which the proposed rule would be applicable. This same method of identification was utilized successfully by Nasdaq in designating securities subject to the SEC Order Handling Rules during their initial phase-in period.

<sup>13</sup> Order entry firms that forward customer orders to dealers for execution would continue to be subject to their duties of best execution and would owe a fiduciary duty to those orders. Accordingly, firms should routinely monitor the handling of their customer limit orders to ensure that the executing broker is complying with the provisions of this rule.

<sup>14</sup> Member firms may impose terms and conditions in the case of limit orders involving at least 10,000 shares and having a value greater than \$20,000. The corresponding thresholds for IM-2110-2 are 10,000 shares and \$100,000. The distinction in price is due to the relatively lower share prices of OTCBB securities. Nasdaq will study this limit as part of the pilot period analysis and adjust it as appropriate if deemed necessary.

<sup>15</sup> This term is defined in NASD Rule 3110(c)(4).

<sup>16</sup> See NASD Notice to Members 95-67.

<sup>17</sup> See NASD Notice to Members 98-78.

<sup>18</sup> 15 U.S.C. 78o-3(b)(6).

quality of trading on the OTCBB, and significantly reduce the potential for unfair discrimination, real or perceived, of customer orders.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq does not believe that the proposed rule change would result in 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*

Written comments were neither solicited nor received.

**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 NASD 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 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-00-22 and should be submitted by July 7, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>19</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 00-15242 Filed 6-15-00; 8:45 am]

**BILLING CODE 8010-01-M**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3260]**

**Commonwealth of Kentucky**

Grayson County and the contiguous counties of Breckinridge, Butler, Edmonson, Hardin, Hart, and Ohio in the Commonwealth of Kentucky constitute a disaster area due to damages caused by severe storms and tornadoes that occurred on May 23, 2000. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 3, 2000 and for economic injury until the close of business on March 5, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

|   | Percent |
|---|---------|
| <i>For Physical Damage:</i>   |         |
| HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE .....  | 7.375   |
| HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE .....                                     | 3.687   |
| BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE .....  | 8.000   |
| BUSINESSES AND NON-PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE .....        | 4.000   |
| OTHERS (INCLUDING NON-PROFIT ORGANIZATIONS) WITH CREDIT AVAILABLE ELSEWHERE .....       | 6.750   |
| <i>For Economic Injury:</i>   |         |
| BUSINESSES AND SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE ..... | 4.000   |

The numbers assigned to this disaster are 326012 for physical damage and 9H4700 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 7, 2000.

**Kris Swedin,**  
*Acting Administrator.*

[FR Doc. 00-15284 Filed 6-15-00; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3262]**

**State of North Carolina**

Alamance County and the contiguous counties of Caswell, Chatham, Guilford, Orange, Randolph, and Rockingham in the State of North Carolina constitute a

<sup>19</sup> 17 CFR 200.30-3(a)(12).

disaster area due to damages caused by severe storms, winds, and a tornado that occurred on May 25, 2000. Applications for loans for physical damage as a result of this disaster may be filed until the

close of business on August 4, 2000 and for economic injury until the close of business on March 5, 2001 at the address listed below or other locally announced locations: U.S. Small

Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

|   |       |
|---|-------|
| <i>For Physical Damage:</i>   |       |
| HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE .....  | 7.375 |
| HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE .....                                     | 3.687 |
| BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE .....  | 8.000 |
| BUSINESSES AND NON-PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE .....        | 4.000 |
| OTHERS (INCLUDING NON-PROFIT ORGANIZATIONS) WITH CREDIT AVAILABLE ELSEWHERE .....       | 6.750 |
| <i>For Economic Injury:</i>   |       |
| BUSINESSES AND SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE ..... | 4.000 |

The numbers assigned to this disaster are 326211 for physical damage and 9H4900 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 5, 2000.

**Kris Swedin,**

*Acting Administrator.*

[FR Doc. 00-15283 Filed 6-15-00; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**  
**[Declaration of Disaster #3261]**

**State of Wisconsin**

Manitowoc County and the contiguous counties of Brown, Calumet, Kewaunee, and Sheboygan in the State of Wisconsin constitute a disaster area due to damages caused by severe storms, tornadoes, and flooding that occurred on May 12, 2000. Applications

for loans for physical damage as a result of this disaster may be filed until the close of business on August 4, 2000 and for economic injury until the close of business on March 5, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

|   | Percent |
|---|---------|
| <i>For Physical Damage:</i>   |         |
| HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE .....  | 7.375   |
| HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE .....                                     | 3.687   |
| BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE .....  | 8.000   |
| BUSINESSES AND NON-PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE .....        | 4.000   |
| OTHERS (INCLUDING NON-PROFIT ORGANIZATIONS) WITH CREDIT AVAILABLE ELSEWHERE .....       | 6.750   |
| <i>For Economic Injury:</i>   |         |
| BUSINESSES AND SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE ..... | 4.000   |

The numbers assigned to this disaster are 326111 for physical damage and 9H4800 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 5, 2000.

**Kris Swedin,**

*Acting Administrator.*

[FR Doc. 00-15285 Filed 6-15-00; 8:45 am]

**BILLING CODE 8025-01-P**

**SOCIAL SECURITY ADMINISTRATION**

**Agency Information Collection Activities: Proposed Request and Comment Request**

In compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility;

ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965-4145, or by writing to him at the address listed at the end of this publication.

1. *Subpart T—State Supplementation Provisions; Agreement; Payments, 20 CFR 416.2099—0960-0240.* Section 1618 of the Social Security Act contains pass-along provisions of the Social

Security amendments. These provisions require States that supplement the Federal SSI benefits pass along Federal cost-of-living increases to individuals who are eligible for State supplementary payments. If a State fails to keep payments at the required level, it becomes ineligible for Medicaid reimbursement under title XIX of the Social Security Act. Regulation at 20 CFR 416.2099 requires the States to report mandatory minimum and optional supplementary payment data to SSA. The information is used to determine compliance with the law and regulations. The respondents are States that supplement Federal SSI payments.

*Number of respondents:* 26.

*Number of Response:* 15 states report quarterly, 11 states report annually.

*Average burden per response:* 1 hour.

*Estimated Annual Burden:* 71 hours.

2. *Application for Search of Census Records for Proof of Age-0960-0097.* The information collected on Form SSA-1535-U3 is required to provide the Census Bureau with sufficient

identifying information, which will allow an accurate search of census records to establish proof of age for an individual applying for Social Security Benefits. It is used for individuals who must establish age as a factor of entitlement. The respondents are individuals applying for Social Security Benefits.

*Number of respondents:* 18,000.

*Number of Response:* 1.

*Average burden per response:* 12 minutes.

*Estimated Annual Burden:* 3,600.

3. *Psychiatric Review Technique—0960–0413.* The information collected on Form SSA–2506 is needed by SSA to facilitate the adjudication of claims involving mental impairments. The information is used to identify the need for additional evidence in the determination of impairment severity; to consider aspects of mental impairment relevant to the individual's ability to work; and to organize and present the findings in a clear, concise manner. The respondents are State DDS's administering titles II and XVI disability programs.

*Number of Respondents:* 1,005,804.

*Frequency of Response:* 1.

*Average Burden Per Response:* 15 minutes.

*Estimated Annual Burden:* 251,451 hours.

4. *Integrated Registration for Employers and Submitters (IRES)—0960–NEW.* The IRES authentication system is a free service designed to allow employers to access SSA's electronic wage reporting services, and to replace the use of a handwritten signature with an electronic signature. Employer representatives will use an IRES generated PIN and password as their electronic signature. IRES was designed to be more efficient, reducing the costs to both employers and SSA, and will facilitate the filing of wage data electronically.

SSA's paramount interest in the development of IRES was to ensure that the new electronic method of identifying wage report submitters provides the same security features as the current paper-based method. Security features will include message integrity, originator authentication, non-repudiation and confidentiality. The PIN and password will be issued to an individual designated by the employer after SSA authenticates the company and contact information provided by the individual.

SSA plans to use the IRES in conjunction with SSA's wage reporting processes. It will be used as the gateway for electronic wage reporting and the Online Employee Verification Service. It

will also be used when SSA implements additional electronic services such as electronic notices and error information. The PIN will also be used in the AWR diskette process to replace the signature on IRS paper form 6559. SSA has received approval from IRS to use an alternative signature.

Respondents to IRES will be Employers and Submitters who utilize SSA's electronic wage reporting and Online Employee Verification Services.

*Number of respondents:* 250,000.

*Number of Response:* 1.

*Average burden per response:* 2 minutes.

*Estimated Annual Burden:* 8333 hours.

II. The information collections listed below have been submitted to OMB for clearance. Written comments and recommendations on the information collections would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed at the end of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

1. *Request for Reconsideration—0960–NEW.* The information collected on Form SSA–561 is used by SSA to initiate the reconsideration process for determining entitlement of individuals to Social Security benefits under (title II), Supplemental Security Income payments (title XVI), Special Veterans Benefits (title VIII) and Medicare benefits (title XVIII). The respondents are individuals filing for such reconsideration.

*Number of respondents:* 1,455,000.

*Number of Response:* 1.

*Average burden per response:* 8 minutes.

*Estimated Annual Burden:* 194,000.

(SSA Address)

Social Security Administration,  
DCFAM, Attn: Frederick W.  
Brickenkamp, 1–A–21 Operations  
Bldg., 6401 Security Blvd., Baltimore,  
MD 21235.

(OMB Address)

Office of Management and Budget,  
OIRA, Attn: Desk Officer for SSA,  
New Executive Office Building, Room  
10230, 725 17th St., NW, Washington,  
D.C. 20503.

Dated: June 9, 2000.

**Frederick W. Brickenkamp,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 00–15120 Filed 6–15–00; 8:45 am]

**BILLING CODE 4190–29–P**

## SOCIAL SECURITY ADMINISTRATION

### Statement of Organization, Functions and Delegations of Authority

This statement amends part S of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Chapter S2 covers—the Deputy Commissioner, Operations. Notice is given that Subchapter S2R, the Office of Central Operations, is being amended. Further, a new Subchapter, S2RC5, the Center for Human Resources, is being established. The new material and changes are as follows:

Section S2.20 *The Office of the Deputy Commissioner, Operations—(Functions):*

Add the following to Function D:

The office provides overall management direction for the provision of personnel services and administrative support to all OCO components. It maintains a broad overview of administrative operations to ensure effective coordination of all component activities.

Section S2R.00 *The Office of Central Operations—(Mission):*

Add the following to the opening paragraph:

It provides executive leadership and direction for the provision of personnel management and administrative support for all components within OCO.

Section S2R.10 *The Office of Central Operations—(Organization):*

C. The Immediate Office of the Associate Commissioner, Office of Central Operations (S2R).

4. The Assistant Associate Commissioner for Management Operations and Support (S2RC).

Establish:

e. The Center for Human Resources (S2RC5).

Section S2R.20 *The Office of Central Operations—(Functions):*

C. The Immediate Office of the Associate Commissioner, OCO (S2R) provides internal operations and management support and assistance to the Associate Commissioner and all OCO components.

Amend as follows:

4. The Assistant Associate Commissioner for Management and Operations Support (S2RC) is responsible for the direction of five centers which perform systems, management, program, material resources and personnel management services functions for OCO.

b. The Center for Management Support (S2RC2):

1. Provides administrative support to the Associate Commissioner, OCO; and the OCO Assistant Associate Commissioners in such areas as:

Amend as follows:

—Labor-Management and Employee Relations.

- Maintain responsibility for all aspects of the mid-term and impact and implementation bargaining process that pertain only to OCO.

- Process grievances through all steps of the grievance procedure.

- Represent OCO managers at all stages of the arbitration process, including the preparation of position papers and briefs.

- Process all aspects of systems violations in accordance with guidance issued by the Office of Human Resources and the Deputy Commissioner for Operations.

—Performance Management and Recognition.

—Resource Planning and Management.

—Budget Development and Management.

—Management Information and Analysis.

Establish:

e. The Center for Human Resources (S2RC5):

1. Exercises appointing authorities in accordance with law and Office of Personnel Management (OPM) regulations, policies and procedures.

2. Administers the merit promotion process for bargaining and non-bargaining unit employees.

3. Recruits and examines new hires.

4. Effects personnel actions in the Department of the Interior Federal Personnel and Payroll System.

5. Maintains applicant supply files.

6. Establishes and maintains Official Personnel Folders.

7. Conducts entry-on-duty processing for new employees.

8. Administers Federal Group Life Insurance and Thrift Savings Plan programs.

9. Reviews for accuracy and compliance, approvals of recruitment and relocation bonuses.

10. Investigates and prepares responses to administrative backpay claims and waivers of overpayments.

11. Processes workers' compensation claims.

12. Organization planning.

Dated: June 5, 2000.

**Paul D. Barnes,**

*Deputy Commissioner for Human Resources.*

[FR Doc. 00-15205 Filed 6-15-00; 8:45 am]

**BILLING CODE 4191-02-P**

## DEPARTMENT OF STATE

[Public Notice #3327]

### Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Working Group on Safety of Navigation; Notice of Meeting

The Working Group on Safety of Navigation of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 9:30 AM on Thursday, June 22, 2000, in room 6103, U. S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC.

The purpose of the meeting is to prepare for the 46th session of the Subcommittee on Safety of Navigation (NAV) of the International Maritime Organization (IMO) which is scheduled for July 10-14, 2000, at the IMO Headquarters in London.

Items of principal interest on the agenda are:

—Routing of ships, ship reporting and related matters

—Amendments to the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS)

—Integrated bridge systems (IBS) operational aspects

—Guidelines on ergonomic criteria for bridge equipment and layout

—Navigational aids and related matters

—International Telecommunication Union (ITU) matters, including Radiocommunication ITU-R Study Group 8

—IMO Standard Marine Communication Phrases

—Guidelines relating to SOLAS chapter V

—Comprehensive review of chapter 13 of the High Speed Craft (HSC) Code

—Development of guidelines for ships operating in ice-covered waters

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Edward J. LaRue, Jr., U.S. Coast Guard (G-MWV-3), Room 1407, 2100 Second Street SW, Washington, DC 20593-0001 or by calling: (202) 267-0416.

Dated: June 9, 2000.

**Stephen M. Miller,**

*Executive Secretary, Shipping Coordinating Committee.*

[FR Doc. 00-15313 Filed 6-15-00; 8:45 am]

**BILLING CODE 4710-07-U**

## DEPARTMENT OF STATE

[Public Notice #3328]

### Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea and Associated Bodies, Working Group on Stability and Load Lines and on Fishing Vessels Safety; Notice of Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9 a.m. on Monday, June 26, 2000, in Room 6303, at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593-0001. This meeting will discuss the upcoming 43RD Session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) and associated bodies of the International Maritime Organization (IMO) which will be held on September 11-15, 2000, at the IMO Headquarters in London, England.

Items of discussion will include the following:

- a. Review of results from SLF 42,
- b. Harmonization of damage stability provisions in the IMO instruments,
- c. Revision of technical regulations of the 1966 International Load Line Convention,

- d. Development of the damage consequence diagrams for inclusion in damage control plan guidelines, and
- e. Revisions to the Fishing Vessel Safety Code and Voluntary Guidelines

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Paul Cojeen, U.S. Coast Guard Headquarters, Commandant (G-MSE-2), Room 1308, 2100 Second Street, SW, Washington, DC 20593-0001 or by calling (202) 267-2988.

Dated: June 9, 2000.

**Stephen M. Miller,**

*Executive Secretary, Shipping Coordinating Committee.*

[FR Doc. 00-15314 Filed 6-15-00; 8:45 am]

**BILLING CODE 4710-07-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Coast Guard

[USCG-2000-6981]

#### Deepwater Port License Amendments

**AGENCY:** The Office of the Secretary (OST) and the United States Coast Guard (USCG), DOT.

**ACTION:** Notice of change.

**SUMMARY:** The Secretary announces the issuance, effective June 7, 2000, of an amended and updated license to own, construct and operate the deepwater port known as LOOP (the Louisiana Offshore Oil Port, LLC) and of LOOP's operations manual addendum. The amended license and operating manual addendum respond to LOOP's April 29, 1998 petition to the Commandant for review and amendment of its license issued on January 17, 1977. The amendments and changes conform to legislative changes enacted over the past 20 years and more accurately reflect current operating conditions at the deepwater port.

The amended license and operations manual addendum and remarks by the Commandant and Office of the Secretary explaining the amendments may be viewed electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>. and will be available for inspection or copying at room PL-401 on the Plaza Level of the Nassif Building at 400 Seventh Street SW, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Russ Proctor, Ports & Facilities Compliance Division (G-MOC-3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone 202-267-0499, fax 202-267-0506, or Nancy R. Kessler, Senior Attorney-Advisor, Office of the Secretary, Office of Environmental, Civil Rights, and General Law (OST-C-10), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone 202-366-9301, fax 202-366-9170. For questions on viewing the license and operations manual addendum, call Dorothy Y. Beard, Chief, Dockets, Department of Transportation, telephone 202-366-5149.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

The Deepwater Port Act (33 U.S.C. 1501 *et seq.*) (Act), as amended by the Deepwater Port Act Amendments of 1984 (Pub. Law 98-419) and the Deepwater Port Modernization Act of 1996 (Pub. Law 104-324), authorizes the Secretary of Transportation to amend a deepwater port license on petition of a licensee. The Act directs the Secretary to review any condition of a deepwater port license to determine if the condition is uniform with conditions of other deepwater port licenses and

whether it is reasonable and necessary to meet the objectives of the Act. The Act further directs the Secretary to amend or rescind any condition no longer necessary or otherwise required by any federal agency under the Act.

The Deepwater Port Act of 1974 established a comprehensive regulatory structure for the location, construction, and operation of deepwater ports to respond to environmental and safety concerns over the growing use of supertankers navigating coastal ports. On January 17, 1977, then Secretary of Transportation William T. Coleman, Jr. issued to LOOP a 20-year term license to own, construct and operate the deepwater port off the shores of southern Louisiana, pursuant to the Deepwater Port Act of 1974 ("the Act") (Pub. L. 93-627, 33 U.S.C. 1501 *et seq.*). On August 1, 1977, then Secretary of Transportation Brock Adams received LOOP's acceptance of the license. LOOP has since constructed and operated the nation's only deepwater port.

Since the passage of the 1974 Act, other methods of delivering oil to the United States, such as offshore lightering activities have provided significant market competition for LOOP. The Deepwater Port Act Amendments of 1984 (1984 Amendments) and the Deepwater Port Modernization Act of 1996 (1996 Modernization Act) responded to the competitive environment and removed unnecessary and burdensome requirements that hindered LOOP's economic viability.

The 1984 Amendments, for example, (1) simplified procedures for amendment, transfer, and reinstatement of a deepwater port license; (2) extended the term of a deepwater port license from 20 years to an indefinite period covering the life of the facility; and (3) relieved deepwater ports of economic regulation by the Federal Energy Regulatory Commission (while reserving future regulatory authority if appropriate competitive conditions no longer exist). The 1996 Modernization Act encouraged greater use of deepwater ports, particularly for Outer Continental Shelf oil; streamlined the deepwater port regulatory structure; and eliminated requirements for advance antitrust review (by the Department of Justice and Federal Trade Commission).

We have processed the license amendment through an informal, simplified administrative process, consistent with the changes made by the 1984 Amendments. The 1984 Amendments require only a "petition" for a license amendment, as distinguished from a formal, comprehensive "application" for license

issuance. 33 U.S.C. 1502(4); 1503(b). We examined LOOP's license in light of the statutory direction that we review deepwater port license conditions to determine whether they are reasonable and necessary to meet the Act's objectives. 33 U.S.C. 1503(e)(1). Our changes, in response to LOOP's petition to amend its license, conform to the statutory requirement that we "amend or rescind any condition that is no longer necessary or otherwise required by any Federal department or agency" under the Act. 33 U.S.C. 1503(e)(1).

The Commandant, pursuant to delegated authority, processed LOOP's April 29, 1998, application for amendment of its license to construct and operate a deepwater port. 49 CFR part 1.46(s). I have the reserved authority to issue the amended license. 49 CFR part 1.44(o).

The license amendments eliminate: (1) The license term; (2) references to the original, outdated application; and (3) economic requirements (nondiscrimination, access for shipments, tariffs, required expansion) arising from the outdated common carrier obligation and from antitrust review that has been repealed. The amendments also: update the license to recognize completion of certain port construction; permit more flexible Coast Guard review of off-shore facilities; and transfer some operating procedures to the Operations Manual without eliminating any environmental protection provisions.

We have determined that the license amendments do not eliminate any environmental protection provisions. Certain conditions of the original license have been transferred verbatim to the addendum to LOOP's Operations Manual and the license conditions also require LOOP to operate the port in accordance with an approved Operations Manual. Both documents are binding sources of legal authority, and the environmental protections and enforcement procedures therefore have not changed. These changes conform to the 1996 Modernization Act requirement that, to the extent practicable, the deepwater port's operating procedures should be stated in an operations manual, approved by the Coast Guard, rather than in detailed and specific license conditions. 33 U.S.C. 1503(e)(1).

Accordingly, I have directed the **Federal Register** publication of the amended License to Own, Construct and Operate a Deepwater Port issued to LOOP LLC.

Dated: June 1, 2000.

**Rodney E. Slater,**

*Secretary of Transportation.*

[FR Doc. 00-15282 Filed 6-15-00; 8:45 am]

BILLING CODE 4910-15-P; 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Receipt of Noise Compatibility Program and Request for Review for Burbank-Glendale-Pasadena Airport, Burbank, California

**AGENCY:** Federal Aviation Administration.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for the Burbank-Glendale-Pasadena Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150 by the city of Burbank, California. This program was submitted subsequent to a determination by the FAA that the associated noise exposure maps submitted under 14 CFR part 150 for Burbank-Glendale-Pasadena Airport were in compliance with applicable requirements effective January 31, 2000. The proposed noise compatibility program will be approved or disapproved on or before November 27, 2000.

**EFFECTIVE DATE:** The effective date of the start of FAA's review of the noise compatibility program is May 31, 2000. The public comment period ends on July 31, 2000.

**FOR FURTHER INFORMATION CONTACT:** David B. Kessler, AICP, Environmental Protection Specialist, AWP-611.2, Planning Section, Western-Pacific Region, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007, Telephone 310/725-3615 Street Address: 15000 Aviation Boulevard, Hawthorne, California 90261. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is reviewing a proposed noise compatibility program for Burbank-Glendale-Pasadena Airport, which will be approved or disapproved on or before November 27, 2000. This notice also announces the availability of this

program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for Burbank-Glendale-Pasadena Airport, effective on May 31, 2000. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before November 27, 2000.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations: Federal Aviation Administration,

National Headquarters, Community and Environmental Needs Division, 800 Independence Avenue, SW., Room 621, Washington, D.C. 20591. Federal Aviation Administration, Western-Pacific Region Office 15000 Aviation Boulevard, Room 3012, Hawthorne, California 90261.

Mr. Dios Marrero, Executive Director, Burbank-Glendale-Pasadena Airport Authority, 2627 Hollywood Way, Burbank, California 90505

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California, on May 31, 2000.

**Herman C. Bliss,**

*Manager, Airports Division, Western-Pacific Region, AWP-600.*

[FR Doc. 00-15214 Filed 6-15-00; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Receipt of Noise Compatibility Program and Request for Review for Lanai Airport, Lanai City, Lanai, Hawaii

**AGENCY:** Federal Aviation Administration.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Lanai Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150, by the state of Hawaii, Department of Transportation. This program was submitted subsequent to a determination by the FAA that the associated noise exposure maps submitted under 14 CFR part 150 for Lanai Airport were in compliance with applicable requirements effective December 23, 1999. The proposed noise compatibility program will be approved or disapproved on or before November 27, 2000.

**EFFECTIVE DATE:** The effective date of the start of FAA's review of the noise compatibility program is May 31, 2000. The public comment period ends on July 31, 2000.

**FOR FURTHER INFORMATION CONTACT:** David J. Welhouse, Airport Planner, Federal Aviation Administration, Honolulu Airports District Office, P.O. Box 50244, Honolulu, Hawaii 96850-0001, Telephone 808/541-1243, Street Address: Federal Building, 300 Ala Moana Boulevard, Room 7-128, Honolulu, Hawaii, 96813. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is

reviewing a proposed noise compatibility program for Lanai Airport, which will be approved or disapproved on or before November 27, 2000. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for Lanai Airport, effective on May 31, 2000. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before November 27, 2000.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise and compatibility program are available for examination at the following locations:

Federal Aviation Administration  
National Headquarters, Community and Environmental Needs Division,  
800 Independence Avenue, SW.,

Room 621, Washington, D.C. 20591  
Federal Aviation Administration,  
Western-Pacific Region Office,  
15000 Aviation Boulevard, Room  
3012, Hawthorne, California 90261

Federal Aviation Administration,  
Honolulu Airports District Office,  
Federal Building, 300 Ala Monana  
Boulevard, Room 7-128, Honolulu,  
Hawaii 96813

State of Hawaii  
Department of Transportation,  
Airports Division, District Office  
Manager, Kahului Airport, Kahului,  
Maui, Hawaii 96732

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California on May 31, 2000.

**Herman C. Bliss,**

*Manager, Airports Division, Western-Pacific Region, AWP-600.*

[FR Doc. 00-15215 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Noise Exposure Map Notice; Receipt of Noise Compatibility Program Update and Request for Review; Cincinnati/Northern Kentucky International Airport, Hebron, Kentucky**

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Kenton County Airport Board for Cincinnati/Northern Kentucky International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program update that was submitted for Cincinnati/Northern Kentucky International Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before December 5, 2000.

**EFFECTIVE DATES:** The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is June 8, 2000. The public comment period ends August 7, 2000.

**FOR FURTHER INFORMATION CONTACT:** Peggy S. Kelley, Airports District Office, 3385 Airways Blvd., Suite 302, Memphis, TN 38116-3841, 901-544-3495, ext. 19. Comments on the proposed noise compatibility program update should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for Cincinnati/Northern Kentucky International Airport are in compliance with applicable requirements of Part 150, effective June 8, 2000. Further, FAA is reviewing a proposed noise compatibility program update for that airport which will be approved or disapproved on or before December 5, 2000. This notice also announces the availability of this program for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Kenton County Airport Board submitted to the FAA on May 2, 2000, noise exposure maps, descriptions and other documentation which were produced during the Cincinnati/Northern Kentucky International Noise Compatibility Study Update, initiated August 1998. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related

descriptions submitted by the Kenton County Airport Board. The specific maps under consideration are Cincinnati/Northern Kentucky International Airport 1999 Noise Exposure Map and Future (2005) Noise Exposure Map/Noise Compatibility Program in the submission. The FAA has determined that these maps for Cincinnati/Northern Kentucky International Airport are in compliance with applicable requirements. This determination is effective on June 8, 2000. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under, section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Cincinnati/Northern Kentucky International Airport, also effective on June 8, 2000. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal

review period, limited by law to a maximum of 180 days, will be completed on or before December 5, 2000.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 621, Washington, DC 20591  
Federal Aviation Administration, Airports District Office, 3385 Airways Blvd., Suite 302, Memphis, TN 38116-3841

Mr. Robert F. Holscher, Director of Aviation, Kenton County Airport Board, Cincinnati/Northern Kentucky Airport, Second Floor, Terminal One, Hebron, Kentucky

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis Airports District Office, Memphis, Tennessee, June 8, 2000.

**LaVerne F. Reid,**

*Manager, Memphis Airports District Office.*

[FR Doc. 00-15212 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Draft Environmental Assessment for the Proposed Actions Relating to a Change in Department Procedure at Sarasota-Bradenton International Airport and Public Comment**

**AGENCY:** Federal Aviation Administration.

**ACTION:** Extension of the comment period.

**SUMMARY:** On April 26, 2000, the Federal Aviation Administration (FAA)

announced the availability of the Draft Environmental Assessment (DEA) for a proposed departure procedure at Sarasota Manatee International Airport and a request for comments. The Sarasota-Bradenton Airport Authority requested the change in departure procedures to achieve noise level reductions over the neighboring community in manatee county north of the airport. The proposed actions include the following: (1) Turning aircraft departure Runway 32 to the northwest, over land-use areas that are more compatible with the noise emissions of aircraft and (2) reducing significant residential noise levels caused by aircraft executing the new turn.

**DATES:** The opportunity to provide written comments on the DEA will be extended until July 14, 2000. Late filed comments will be considered to the extent practicable.

**ADDRESSES:** Written comments on the DEA may be mailed, in triplicate, to: Federal Aviation Administration, Attention: Nancy Shelton, Airspace Branch, ASO-520, 1702 Columbia Avenue, College Park, GA 30337-2745.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning this DEA or the process being applied by the FAA, should be directed to Nancy Shelton via telephone at (404) 305-5585, or in writing to the above address.

**SUPPLEMENTARY INFORMATION:** The FAA will consider all comments directly within the scope of the DEA. The most useful comments are those which provide facts and analyses to support the reviewer's recommendations or conclusions. The FAA will consider comments received after the close of the comment period to the extent practicable. The FAA will issue a final Environmental Assessment that includes corrections, clarifications and responses to comments on the DEA, as appropriate. The DEA is not being published in today's **Federal Register** due to its size and detailed graphics on the charts contained in it. However, to maximize the opportunities for public participation in the environmental process, copies of the DEA are available for review at the following libraries:

Longboat Key Library, 555 Bay Isles Rd., Longboat Key, FL

Manatee County Public Library, 1301 Barcarrota Blvd. West, Bradenton, FL

Selby Public Library, 1331 First Street, Sarasota, FL

Issued in College Park, Georgia on June 8, 2000.

Suzanne Hynes,

*Acting Manager, Air Traffic Division.*

[FR Doc. 00-15211 Filed 6-15-00; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice Before Waiver With Respect to Land at New Kent County Airport, Quinton, Virginia

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The FAA is publishing notice of proposed release of 0.027 acres of land at the New Kent County Airport, New Kent County, Virginia to the Virginia Department of Transportation for the Improvement of Virginia Route 676. There are no impacts to the Airport and the land is not needed for airport development as shown on the Airport Layout Plan. Fair Market Value of the land will be paid to the Airport Sponsor, and used for Airport purposes.

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

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Terry J. Page, Manager, FAA Washington Airports District Office, P.O. Box 16780, Washington, DC 20041-6780.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Michael St. Jean, Manager, New Kent County Airport, at the following address: Michael St. Jean, Airport Manager, New Kent County, P.O. Box 50, New Kent, Virginia 23124.

**FOR FURTHER INFORMATION CONTACT:** Mr. Terry Page, Manager, Washington Airports District Office, P.O. Box 16780, Washington, DC 20041-6780; telephone (703) 661-1354, fax (703) 661-1370, email Terry.Page@faa.gov.

**SUPPLEMENTARY INFORMATION:** On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation investment and Reform Act for the 21st Century, Public Law 10-181 (Apr. 5, 2000; 114 Stat. 61) (AIR 21) requires that a 30 day public notice must be provided before the Secretary may waive any condition imposed on an interest in surplus property.

Issued in Chantilly, Virginia, on May 30, 2000.

Terry J. Page,

*Manager, Washington Airports District Office, Eastern Region.*

[FR Doc. 00-15213 Filed 6-15-00; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### RTCA; Future Flight Data Collection Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for the Future Flight Data Collection Committee meeting to be held July 6, 2000, starting at 9:00 a.m. This new activity is to investigate future flight recorder concepts and requirements, thereby facilitating future regulatory requirements, opportunities for voluntary initiatives and the necessary protection of collected data. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will include: (1) Welcome, Introductory and Administrative Remarks; (2) Review of Meeting Agenda; (3) RTCA Functional Overview; (4) Review of FAA flight Data Recorder Specifications and Regulations; (5) Industry Speakers; (6) Terms of Reference Overview; (7) Identify Goals, Develop Work Program and Examine Milestones; (8) Assign Tasks and Workgroups; (9) Other Business; (10) Establish Agenda for Next Meeting; (11) Date and Location of Next Meeting; (12) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements, obtain information or pre-register for the committee should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone); (202) 833-9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 12, 2000.

Jane P. Caldwell,

*Designated Official.*

[FR Doc. 00-15281 Filed 6-15-00; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2000-7392]

#### Transportation Equity Act for the 21st Century; Implementation Guidance for the National Corridor Planning and Development Program and the Coordinated Border Infrastructure Program

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice; request for comments; solicitation of applications for fiscal year (FY) 2001 grants.

**SUMMARY:** This document provides implementation guidance on sections 1118 and 1119 of the Transportation Equity Act for the 21st Century (TEA-21). These sections established the National Corridor Planning and Development Program (NCPD program) and the Coordinated Border Infrastructure Program (CBI program). The NCPD and the CBI programs are funded by a single funding source. These programs provide funding for planning, project development, construction and operation of projects that serve border regions near Mexico and Canada and high priority corridors throughout the United States. States and metropolitan planning organizations (MPOs) are, under the NCPD program, eligible for discretionary grants for: Corridor feasibility; corridor planning; multistate coordination; environmental review; and construction. Border States and MPOs are, under the CBI program, eligible for discretionary grants for: Transportation and safety infrastructure improvements, operation and regulatory improvements, and coordination and safety inspection improvements in a border region.

**DATES:** Grant applications should be received by FHWA Division Offices on August 15, 2000. Specific information required in grant applications is provided in Section IV of this notice. Comments on program implementation should be sent as soon as reasonably possible. However, in recognition of the fact that legislative language may materially change the program implementation at any time, the FHWA will leave the docket open indefinitely. The FHWA will consider comments received in developing the FY 2002 solicitation of grant applications. More information on the type of comments sought by the FHWA is provided in Section III of this notice.

**ADDRESSES:** Your signed, written comments on program implementation

for FY 2002 and beyond should refer to the docket number appearing at the top of this document and you must submit the comments to the Docket Clerk, U.S. Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments should include a self-addressed, stamped envelope or postcard.

Applications for FY 2001 grants under the NCPD and CBI programs should be submitted to the FHWA Division Office in the State where the applicant is located.

**FOR FURTHER INFORMATION CONTACT:** For program issues: Mr. Martin Weiss, Office of Intermodal and Statewide Programs, HEPS, (202) 366-5010; or for legal issues: Mrs. Diane Mobley (for the NCPD program), Office of the Chief Counsel, HCC-31, (202) 366-1366; or Ms. Grace Reidy (for the CBI program), Office of the Chief Counsel, HCC-31, (202) 366-6226; Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dns.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's web page at: <http://www.access.gpo.gov/nara>.

In addition, a number of documents and links concerning the NCPD and the CBI programs are available through the home page of the Corridor/Border Programs: <http://www.fhwa.dot.gov/hep10/corbor/corbor.html>.

**Background**

Sections 1118 and 1119 of the TEA-21, Public Law 105-178, 112 Stat. 107, at 161, established the NCPD and CBI programs, respectively. These programs respond to substantial interest dating from, as early as, 1991. In that year, the Intermodal Surface Transportation

Efficiency Act (ISTEA), Public Law 102-240, 105 Stat. 1914, designated a number of high priority corridors. Subsequent legislation modified the corridor descriptions and designated additional corridors. Citizen and civic groups promoted many of these corridors as, for example, a means to accommodate international trade. Similarly, since 1991, a number of studies identified infrastructure and operation deficiencies near the U.S. borders with Mexico and Canada. Also various groups, some international and/or intergovernmental, studied opportunities to improve infrastructure and operations.

In 1997, the DOT's Strategic Plan for 1997-2002 was established. The strategic goals in this plan are: Safety, mobility, economic growth and trade, human and natural environment and national security. In 1998, the FHWA's National Strategic Plan was established. The strategic goals in this plan are mobility, safety, productivity, human and natural environment and national security. Both sets of goals are consistent with the language of TEA-21, including sections 1118 and 1119, and the FHWA emphasized these goals in selection of applications for allocations.

The NCPD and CBI programs are funded by a single funding source. The combined authorized funding for these two programs is \$140 million in each year from FY 1999 to FY 2003 (a total of \$700 million). The President's FY 2001 budget includes a proposal to increase funding for the NCPD and CBI programs to \$280 million and to eliminate application of the obligation limitation from the programs. Until the congressional action on this proposal is completed, we will assume \$140 million is available for obligation in FY 2001 and that these will be limited by the requirements of section 1102 (Obligation Ceiling) of the TEA-21. Furthermore, projects selected for funding may be affected by earmark language placed in Federal law. This was the case in FY 2000, as explained more completely in the subsection below entitled, "Summary of Selection Process."

Under the NCPD program, funds are available to States and MPOs for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. Under the CBI program, funds are available to border States and MPOs for projects to improve the safe movement of people and goods at, or across, the border between the United States and Canada, and the border between the United States and Mexico. In addition,

the Secretary may transfer up to a total of \$10 million of combined program funds, through FY 2001, to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States. Such transfer(s) will be made, based on funding requested and supporting information furnished by the Administrator of General Services. Finally, the Secretary of Transportation (the Secretary) will implement any provisions in legislation that directs that FY 2001 NCPD/CBI funds be used for specific projects. Based on the factors noted above (i.e., obligation limitations, transfer of funds to GSA and legislation), the FHWA anticipates that between \$30 million and \$130 million will be available for allocation for projects submitted in response to this notice. Should the current request in the President's FY 2001 budget be approved by the Congress, the amount available will approximately double.

The Federal share for these funds is set by 23 U.S.C. 120 (generally 80 percent plus the sliding scale adjustment in States with substantial public lands). The period of availability for obligation is the fiscal year for which the funds are authorized and the three years following. States which receive an allocation of funds under these programs will, at the same time, receive an increase in obligation authority equal to the allocation. Under section 1102 of TEA-21, obligation authority for discretionary programs that is provided during a fiscal year is extinguished at the end of the fiscal year. Funds allocated to projects which, under the NCPD/CBI programs, receive an obligation authority for FY 2001, must therefore be obligated during FY 2001 or be withdrawn for redistribution.

This notice includes four sections:

Section I—Program Background and Implementation of the NCPD/CBI discretionary program in FY 2000

Section II—Eligibility and Selection Criteria for FY 2001 grants

Section III—Request for comments on program implementation in FY 2002 and beyond

Section IV—Solicitation of applicants for FY 2001 grants

**Section I—Program Background and Implementation of the NCPD/CBI Discretionary Program in FY 2000**

The FHWA has been implementing the NCPD/CBI programs with specific goals. In developing the FY 1999 solicitation, the FHWA considered the following: Comments received at outreach sessions; information received during program discussions within the

DOT; and information received during discussions between officials. The FY 1999 implementation goals were:

1. Respect both the letter and the intent of existing statutes.
2. Minimize administrative additions to statutory requirements.
3. Minimize grant application paperwork.
4. Maximize administrative control of grants by FHWA field personnel rather than FHWA Headquarters personnel.
5. Encourage substantive coordination of grant applications and grant administration by State and local officials.
6. Encourage appropriate private/public, State/local, intermodal, interregional, multistate and multinational coordination.
7. Encourage grant applications that have realistic objectives and time horizons.

In FY 2001, no additional goals are being added; however, as stated in the subsection below entitled, "Selection Criteria Common to Both Programs," the Administrator is encouraging submission of certain types of proposals.

#### Summary of Selection Process—FY 2000

In July 1999, a two-year action plan to target the DOT's efforts for 1999 and 2000 was developed. This action plan includes a list of key activities for each Strategic Goal and Corporate Management Strategy for the DOT, which is drawn from the Department's Strategic Plan, Performance Plans, and other existing planning documents. These key activities are called "Flagship Initiatives." The corridor and border programs were designated as a flagship initiative in the spring of 1999. The members of the flagship team are listed at the URL: <http://www.fhwa.dot.gov/hep10/corbor/flagteam.html>. The strategic plan of the flagship is stated at the URL: <http://www.fhwa.dot.gov/hep10/corbor/flagplan.html>. This team has been put together to coordinate and focus the U.S. DOT's efforts, identify current issues, and to develop a work plan. One of the Flagship's efforts was to sponsor a series of workshops to publicize the Corridors and Borders program and highlight this year's application process. The FHWA held a series of workshops in the autumn of 1999 in Baltimore, Maryland; Chicago, Illinois; Atlanta, Georgia; Seattle, Washington; and Phoenix, Arizona. The workshops were announced in the **Federal Register** on September 29, 1999. Invitees included Federal, State, and local government employees; MPO staff; and representatives from a number of

trade and citizen groups. In announcing the workshops, Secretary Slater said, "The corridors and borders program is a key part in President Clinton's goal to support the North American Free Trade Agreement by providing safe highways for moving people and goods between Canada, Mexico, and the United States. These workshops were designed to benefit States and communities that want to take advantage of the program."

There were two subjects on which comment was pervasive during these workshops. The first subject was opposition to earmarks (most attendees were working on applications that did not have earmarks). The second was a desire to have the awards announced earlier in the fiscal year to allow more time for obligation within that fiscal year. Both of these comments were made to the docket and FHWA's response will be given there.

There were no other comments that were pervasive. The following is a sampling of comments from each of the workshops:

*Baltimore:* Unless there is some closure from these meetings, participants are right back where they started. Protecting the environment should also be made a key strategic goal for the program. Delays at borders cause a lot of air pollution.

*Chicago:* In the list of important project criteria, connectivity of system was not listed. Not many projects are being funded that are intermodal in nature. The FHWA should put together a session with some of the workshop attendees and congressional staff. More sites close to borders should be selected for project funding.

*Atlanta:* Several participants noted the STIP/TIP conundrum: They need to get projects listed on the STIP or TIP to receive the Corridors and Borders grants, but it is difficult to get projects listed ahead of time.

*Seattle:* The Corridors and Borders program is like manna from heaven in that attention is being paid to freight mobility. These programs allow us to walk before we run.

*Phoenix:* States should be able to sign on to multistate projects without displacing their own prioritized projects.

The workshops were also designed to solicit input from participants on evaluation measures for the program, as well as the program's future direction. Again, many suggestions were made, but no pervasive theme emerged. Additionally, at each workshop representatives of projects receiving FY 1999 funding made presentations. Finally, at each workshop, a number of opportunities were provided to ask

specific questions about the application process. Answers were provided consistent with those on the website at URL: <http://www.fhwa.dot.gov/hep10/corbor/qa2k.html>.

Of the \$122 million available for the program in FY 2000, approximately \$60 million had been designated by the Congress to specific projects by the time of the workshops. The legislative language containing the projects earmarked for FY 2000 is available at URL: <http://www.fhwa.dot.gov/hep10/corbor/earmark.html> and URL: <http://www.fhwa.dot.gov/hep10/corbor/cb99y.html>. Both pieces of legislative language were developed during the FY 2000 appropriations process. As has been discussed, there was much opposition to this decision, along with a concern that the process of earmarking projects under a program like the NCPD/CBI ultimately defeats the purpose of the TEA-21. In spite of the earmarks, the FHWA received over 150 applications for NCPD/CBI funding, all of which were at least partially eligible (e.g., some applications included work components that were not eligible and also included work components that were eligible) for consideration. The requests for funding totaled approximately \$2 billion.

The FHWA established an evaluation panel comprised of officials from various agencies within the DOT (e.g., the Federal Railroad Administration, the Maritime Administration, the Federal Motor Carrier Safety Administration, the Office of the Secretary of Transportation, as well as the FHWA) which reviewed the applications and tabulated summaries of applications. The evaluation panel identified applications that were "well qualified" and those which were "qualified" based on summary information prepared by the FHWA program office (e.g., coordination status, positive aspects and other aspects of each application). We expect to follow a similar process with the FY 2001 grant applications.

On June 9, 2000, U.S. Transportation Secretary Rodney E. Slater announced that \$121.8 million in grants will be provided to 29 states for 65 projects as part of the NCPD/CBI programs for FY 2000. The FY 2000 NCPD/CBI program grant recipients, by state, project and total allocation, are listed at the URL: <http://www.fhwa.dot.gov/hep10/corbor/recipient00.html>. In addition, a report, for the fiscal quarter covering the FY 2000 selections, containing the reasons for selection of projects, is required by section 1311 of the TEA-21, as amended. At the time of this notice, the report is not available. When completed, it will also be available on FHWA's

website: <http://www.fhwa.dot.gov/discretionary/quarterly.html>.

### Summary of Comments to Docket No. FHWA-98-4622

The August 30, 1999, **Federal Register** notice (64 FR 47222) requested comments on how the NCPD/CBI programs implementation could be improved in FY 2001, as well as other aspects of the program. Commenters were asked specifically for improvements that could be made at the discretion of the FHWA that would more effectively meet the seven goals established for the program.

The following organizations submitted letters to the docket (FHWA-98-4622):

North America's Superhighway Coalition, Inc. (NASCO)  
CAN/AM Border Trade Alliance  
Eastern Border Transportation Coalition  
Puget Sound Regional Council  
Border Trade Alliance  
The Honorable Henry Bonilla, 23rd District, Texas  
Pennsylvania Turnpike Commission  
Freeport Business Centre  
Members of Congress: The Honorable Henry Bonilla, Charles A. Gonzalez, and  
Ciro D. Rodriguez and Lamar S. Smith  
Wisconsin Department of Transportation  
New York Department of Transportation

Although no specific comment was raised by more than one or two of the letters, there were a number of comments that addressed similar issues or discussed similar problems. There was general concern and disappointment in the earmarking of corridors and borders funds. The Pennsylvania Turnpike Commission (the Commission) stated that the efforts of the FHWA to provide information at the corridors and borders workshops and through widespread notice of the solicitation was misleading due to the earmarks. It is the Commission's opinion that based on the number and size of fiscal year 1999 requests and fiscal year 2000 earmarks, the corridors and borders programs should be separated and given increased funding. The New York State DOT suggested that if, for FY 2001, the Congress earmarks corridor and border projects, consideration should be given to balancing the distribution of program funding to ensure that both corridor and border needs are addressed.

With respect to earmarks, the FHWA acknowledges the fact that those applicants who feel their application has a reduced funding potential because of the earmarks will be unhappy about

this situation. The FHWA's longstanding agency position is to oppose earmarks. However, notwithstanding the above, the FHWA has, in the past, faithfully administered earmark legislation and congressional direction, and will do so in the future.

With respect to separation of the funding into "corridor only" and "border only" components, the FHWA notes that the report "*Listening to America*," which summarized the outreach sessions preceding the FY 1999 solicitation, stated that "there was widespread agreement that funding for the two programs should be kept together, rather than identifying separate amounts for each." Although some commenters felt otherwise then, and feel otherwise now, the FHWA does not believe that the prior noted consensus has changed substantially.

The use of electronic submittals in FY 2001 for the narrative portion of the application received mixed responses. Many commenters noted the difficulty that the FHWA may encounter when transferring information such as graphics and visual aids. The Wisconsin DOT stated that, although the preparation of a grant proposal is a significant part of any grant process, the graphics and visual aids that generally accompany a proposal are also an important component. Furthermore, it was suggested that if the FHWA intends to include this requirement in future processes, the processes to ensure that the grant proposals will be reviewed in their entirety must first be put in place.

To provide substantial flexibility to applicants, the FHWA will allow electronic submittals for FY 2001 as an option as well as allowing hard copy submittals. Based on the reviewed result of this process, the FHWA will make a decision on electronic submittals on future solicitations.

With regard to the timetable for the NCPD/CBI grant process, most of the commenters requested that the timetable be advanced. To allow States adequate time to obligate funds, the FHWA should adhere to the time frames in the announcements and award projects no later than the month of March. This will allow the States adequate time to obligate funds before the end of the fiscal year.

The FHWA is making every effort to adhere to advanced timeframes.

North America's Superhighway Coalition (NASCO) requested that Federal transportation officials allow incorporated, certified trade corridor coalitions to apply for funding through the corridors and borders programs. Currently, only States and metropolitan planning organizations can submit

applications. The NASCO believes that the current application rule works well if project applications are contained geographically. However, it does not work well for project applications that are multistate or even multinational in nature. Funding should not be appropriated based on an individual project's meeting of requirements in both the borders and corridor criteria.

The FHWA appreciates the comments provided by the NASCO. However, the changes requested by NASCO cannot be made except by the Congress through a change in the statutory language.

The CAN/AM Border Trade Alliance (the Alliance) stated that the competition between the two programs for the same funds and between individual project proposals brings about excessive funding of corridor projects at the expense of border projects. The policy of providing additional funds in successive years for completing projects selected in previous years should be determined and clearly articulated. It is strongly suggested that a procedure be formalized by the U.S. DOT to assist all projects that were deemed viable and needed, although not selected for funding, so that alternative approaches for making them a reality can be formally determined.

Technical assistance is available through the FHWA Division offices. Due to the fact that conditions (physical, financial, environmental, etc.) change each year, a new application must be submitted each year. The FHWA will not re-review an old application and does not guarantee that a recipient in any year will continue to receive funding in future years.

The Eastern Border Transportation Coalition (EBTC) stated that while section 1119 is TEA-21's only border program, corridor projects have access to four programs and 120 times as much money each year from other TEA-21 programs. For this reason, the EBTC urged the allocation of the largest proportion of its corridor and border grants be awarded to the border program.

Legislation provides no means for the FHWA to administratively determine a "more border, fewer corridor projects" rulemaking provision. In addition, the statement that "section 1119 is TEA-21's only border program" is somewhat misleading. The FHWA's review of project applications showed substantial use of State, Federal formula and other Federal discretionary funds on border projects, where State DOT's have determined to focus their own efforts.

The Border Trade Alliance (BTA) suggested that the \$140 million each year be spent in a way that is

compatible and complimentary with the regular annual allocations to the States. Also, a scoring system should be developed that would assign higher priority for border transportation projects that provide connectivity to the identified national trade corridors. The BTA believes that the best and most productive way to allocate corridor and border funds is to place the primary emphasis on design and development of border connectivity and national corridor projects. Bricks and mortar funding should be focused on very high impact border connectivity projects, including those that serve multiple ports, and to resolving select physical bottlenecks at the border. In the development and application of a scoring or formula system, State projects that connect various parts of existing identified national trade corridors should be rated higher than those that serve only regional interests. Emphasis must be attached to all border ports-of-entry (and egress) and their complimentary trade corridors that demonstrate significant increases in traffic.

The FHWA believes that the intent of this comment is already addressed by the sixth evaluation consideration: "To adequately evaluate the extent to which selection criteria noted above are met by individual projects, the FHWA will consider the following in each application: The extent to which the project may be eligible under both the NCPD and the CBI program."

Congressman Henry Bonilla of Texas expressed his support for the proposal for a revision of ramps providing safe and efficient access to the Freeport Business Center off Loop 410 South near I-35. This proposal will help alleviate overcrowding of existing highway infrastructure.

The FHWA appreciates the comments made by Congressman Bonilla and will give his comments and the proposal proper consideration.

The Pennsylvania Turnpike Commission endorses the introduction of the FHWA/DOT strategic goals into the project evaluation process. The Commission urged the continued acceptance of hard copy applications citing the difficulty the FHWA may encounter if information is transferred electronically.

The Freeport Business Centre (the Centre) provided comments regarding its application to the NCPD program for new access ramps off Loop 410 South, located in Bexar County, Texas. The Centre stated that this project ties in with future development of vehicular infrastructure planned by the Texas DOT to safely and efficiently provide for

the more than three fold increase in traffic to and from the Mexico border.

The FHWA appreciates the comments and proposal submitted by the Centre and will give appropriate consideration to this project and its application.

The Honorable Henry Bonilla, Charles A. Gonzalez, Giro D. Rodriguez and Lamar S. Smith, members of the U.S. Congress representing San Antonio, Texas, expressed their support for a proposal to move existing entrance and exit ramps to the previously mentioned Freeport Business Centre. The congressmen stated that this project will reduce congestion in a heavily traveled international trade corridor and will remove the dependence on border infrastructure to facilitate the growth and expansion currently experienced by increased trade with Mexico.

The FHWA appreciates the comments by the congressmen and will give appropriate consideration to this project and its application.

The Wisconsin DOT strongly encourages the FHWA to consider expanding the field office's role to include a review of the applications, with an opportunity to identify and propose recommendations for the U.S. DOT evaluation panel's review and possible approval. It is also suggested that grant recipients be allowed to carry over funds into the next fiscal year. If electronic processing will be a future requirement for submitting grant proposals, it was suggested that a process be put in place to ensure grant proposals are reviewed in their entirety.

The FHWA field offices are already involved in the process of reviewing applications. The FHWA will consider an expansion of this involvement.

The New York State DOT stated that the benefits of the corridors and borders programs should be maximized; FHWA guidance and criteria should be clear that projects awarded funds must use the funding to complete a funding package rather than a substitute for other funds currently in place.

The FHWA believes the intent of the comment is effectively covered by the "leveraging" criterion (#5 for NCPD, #4 for CBI) combined with the "likelihood of completion of a useable project or project" evaluation consideration.

## Section II—Eligibility and Selection Criteria for FY 2001 Grants

In general, the eligibility and selection criteria for FY 2001 grants are the same as those used for FY 2000 grants.

### Eligibility—NCPD Program

Projects eligible for funding include the following:

1. Feasibility studies.

2. Comprehensive corridor planning and design activities.

3. Location and routing studies.

4. Multistate and intrastate coordination for corridors.

5. Environmental review or construction after review by the Secretary of a development and management plan for the corridor or useable section of the corridor (hence called "corridor plan").

The FHWA considers work in the pre-feasibility stage of a project, *e.g.*, development of metropolitan and State plans and programs, as not eligible for support with Federal aid under section 1118 funds (although funds authorized by other portions of the TEA-21 are eligible for such support), but project development planning is eligible for support and multistate freight planning is specifically encouraged herein.

The FHWA construes the phrase "environmental review," as used above, as being the portion of the environmental documentation, *e.g.*, environmental assessment/finding of non-significant impact (EA/FONSI), environmental impact statement (EIS) process requiring formal interagency review and comment. Thus, even without review of the corridor plan, work needed to produce the pre-draft EIS and to revise the draft would be eligible for support with Federal aid under section 1118. However, work subsequent to FHWA signature of the draft EIS (or equivalent) would not be eligible for such support until review of the corridor plan. Subsequent to such a review, work on a final EIS and any other necessary environmental work would be eligible for funding under this section.

Eligibility for funds from the NCPD program is limited to high priority corridors identified in section 1105(c) of the ISTEA, as amended, and any other significant regional or multistate highway corridors selected by the Secretary after consideration of the criteria listed for selecting projects for NCPD funding. Fund allocation to a corridor does not constitute designation of the corridor as a high priority corridor. The FHWA has no statutory authority to make such a designation.

### Eligibility—CBI Program

Projects eligible for funding include the following:

1. Improvements to existing transportation and supporting infrastructure that facilitate cross border vehicle and cargo movements.

2. Construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and

cargo movements related to international trade.

3. Operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement.

4. Modifications to regulatory procedures to expedite cross border vehicle and cargo movements.

5. International coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross border vehicle and cargo movements.

6. Activities of Federal inspection agencies.

The statute requires projects to be in a border region. The FHWA considers projects within 100 km (62 miles) of the U.S./Canada or U.S./Mexico border to be in a border region.

#### *Selection Criteria for the NCPD Program Funding*

The statute provides criteria to be used in identifying corridors, in addition to those statutorily designated for eligibility. These following criteria will be used for selecting projects for funding:

1. The extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State has increased since the date of enactment of the North American Free Trade Agreement (NAFTA), and is projected to increase in the future.

2. The extent to which commercial vehicle traffic in each State has increased since the date of enactment of the NAFTA, and is projected to increase in the future.

3. The extent to which international truck-borne commodities move through each State.

4. The reduction in commercial and other travel time through a major international gateway or affected port of entry expected as a result of the proposed project, including the level of traffic delays at major highway/rail grade crossings in trade corridors.

5. The extent of leveraging of Federal funds, including use of innovative financing; combination with funding provided under other sections of the TEA-21 and title 23, U.S.C.; and combination with other sources of Federal, State, local, or private funding including State, local and private matching funds.

6. The value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the Nation's economy.

7. Encourage or facilitate major multistate or regional mobility and

economic growth and development in areas undeserved by existing highway infrastructure.

Specific aspects of the NCPD program require the FHWA to interpret these criteria. Based on the goals noted above in Section I, the FHWA intends to use a flexible interpretation. For example, while the date of the enactment of NAFTA was December 8, 1993, traffic data which provides an average for the calendar year 1993 could be used for the pre-NAFTA information. For another example, since businesses use both imported and domestically produced materials in a constantly changing component mix to produce higher valued products and, because interregional trade is noted as part of the purpose of the section, either interstate traffic or interregional traffic could be used as a surrogate for "international truck-borne commodities." Similarly, where determining the value of cargo carried by commercial vehicle traffic would be impossible without using proprietary information, a reasonable surrogate could be based on the vehicle traffic multiplied by an imputed value for various classes of cargo.

#### *Selection Criteria for the CBI Program Funding*

The selection criteria in the statute are as follows:

1. Expected reduction in commercial and other motor vehicle travel time through an international border crossing as a result of the project.

2. Improvements in vehicle and highway safety and cargo security related to motor vehicles crossing a border with Canada or Mexico.

3. Strategies to increase the use of existing, underutilized border crossing facilities and approaches.

4. Leveraging of Federal funds, including use of innovative financing, combination of such funds with funding provided under other sections of the TEA-21 and combination with other sources of Federal, State, local or private funding.

5. Degree of multinational involvement in the project and demonstrated coordination with other Federal agencies responsible for the inspection of vehicles, cargo, and persons crossing international borders and their counterpart agencies in Canada and Mexico.

6. Improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned.

7. The extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry.

8. Demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvements programs.

As in the NCPD program criteria, the FHWA intends to use a flexible interpretation of the CBI program selection criteria. For example, because local (e.g., business association, civic, county, municipal, utility) agencies and organizations sometimes have very small capital improvement budgets, that local commitment for continuing planning and improvement will be considered in the context of local program cooperation with State projects in the border regions, as well as in the context of local financial support for such projects.

#### *Selection Criteria Common to Both Programs*

Although all Federal-aid programs relate to the achievement of the FHWA's strategic goals—safety, mobility, productivity, environment, and national security—these discretionary programs apply most directly to fulfillment of the safety, mobility, and productivity goals. In addition, Departmental policy, related Federal directives and the Government Performance and Results Act of 1993, Public Law 103-62, 107 Stat. 285, emphasize the use of coordinated agency strategies and advanced technology applications to achieve goals in a cost-effective and environmentally sound manner. As noted in the Administrator's message accompanying the 1998 FHWA National Strategic Plan, the strategic goals and policies, "guide FHWA decisions on a day-to-day basis, and will help our partners to frame their own agendas within a context that contributes to achieving these broad national goals." In accordance with this guidance, in making selections, the Administrator will emphasize proposals related to motor carrier safety enforcement facilities, integrated trade transportation processing systems to improve border crossings, multistate freight planning efforts, and applications of operational strategies, including ITS applications.

In addition, the Administrator encourages comprehensive proposals to develop, implement, and evaluate model border crossings. Such proposals may, for example, combine operational, institutional, and infrastructure elements to improve efficiency and safety and integrate with operations strategies along major trade corridors, and may include shared facilities or other mechanisms to harmonize international border clearance.

Finally, the concept of equity was important in the development of the TEA-21. National geographic distribution among all discretionary programs and congressional direction or guidance will be considered by the Administrator in the selection of projects for discretionary funds.

*Evaluation Considerations for Both the NCPD and the CBI Program*

To adequately evaluate the extent to which selection criteria noted above are met by individual projects, the FHWA will consider the following in each grant application:

1. The extent to which the project will help meet the FHWA and the DOT strategic goals as noted above, including where possible a description of the anticipated benefits of the project, and where appropriate estimated levels of such benefits.

2. Likelihood of expeditious completion of a useable project or product.

3. Size, in dollars, of the program grant request in comparison to likely accomplishments (e.g., grant requests that exceed about 10 percent of the available NCPD and CBI program funding in a given year would be expected to be subject to extra scrutiny to determine whether the likely consequences would be commensurate with that level of funding).

4. Clarity and conciseness of the grant application in submission of the required information.

5. State priorities and endorsement of, or opposition to, projects by other States, MPOs and other public and private agencies or organizations, as well as the status of the project on the State transportation improvement program (STIP) and the metropolitan transportation improvement program (TIP).

6. The extent to which the project may be eligible under both the NCPD and the CBI program.

**Section III—Request for Comments on Program Implementation in FY 2002 and Beyond**

As noted, the FHWA is allowing, as an option, the use of electronic submittals for FY 2002 for the narrative portion of the application (not maps). Consequently, the FHWA is specifically requesting comments on this aspect of program implementation. In addition, agencies that wish to reconsider their previous comment(s) or make additional comments on other aspects of program implementation are invited to do so. The docket number noted in the beginning of this notice should be referenced.

**Section IV—Solicitation of Applications for FY 2001 Grants**

As in previous years, applications for FY 2001 grants are to be sent to the division office in the State where the applicant is located or to the division office in the lead State, where a project is in more than one State.

**Note:** Please provide 3 copies of grant applications.

When sending in applications, the States and MPOs must understand that a qualified project may or may not be selected. It may be necessary to supplement NCPD and CBI program funds with other Federal-aid and/or other funds to complete a useable project or product. Allocations of FY 2001 funds will be made considering the degree to which proposed projects are viable and implementation schedules are realistic.

While there is no prescribed format for project submission, the FHWA has provided a sample application format. If used, this format provides all the information needed to fairly evaluate candidate projects. The summary section is a particularly important piece of the submittal package, since the information in the summary is to be used for congressional notification in case the project is selected for allocation. The FHWA expects that, except for especially complex or geographically extensive projects, applications (excluding the corridor plan which is to be a separate document) would not exceed 12 pages in length and the summary would be one page in length. Applications that do not include all the described information may be considered incomplete. The sample application format and summary format are:

*Format for Application for NCPD or CBI Discretionary Funds*

1. State (if a multistate or multi MPO project, list the lead State/MPO and participating States/MPO);

2. Congressional high priority corridor number(s), if applicable;

3. County(ies) or Parish(es);

4. U.S. Congressional District(s) and name of U.S. Representative(s) in the District(s);

5. Project Location, including a map or maps (no more than two, except for extraordinarily complex projects) with U.S., State, local numbered routes and other important facilities clearly identified;

6. Project objectives and benefits;

7. Proposed work, identifying which specific element(s) of work corresponds to each of the list of eligible NCPD and/or CBI work types and disaggregating the work into phases, if applicable;

8. Planning, programming, coordinating and scheduling status: Identifying whether the project is included, or expected to be included, in State and MPO plans and programs (e.g., STIPs and TIPs); noting consistency with plans and programs as developed by empowerment zone and enterprise community organizations; noting consistency with air quality plans; noting coordination with inspection agencies and with Canada and Mexico; and, stating the expected project initiation, milestone and/or project component completion and overall project completion dates;

9. Current and projected traffic (auto, heavy truck, and, if applicable, light truck, pedestrian, bicycle, transit vehicle, railcar, etc.) and motor carrier and highway safety information for significant facilities integral to the project;

10. Financial information and projections, including: Total estimated cost of improvement to the overall corridor or border facility; a listing by year and source of previous funding (if part of a larger project, this should include previous funding for the overall project) from all sources; and a listing, by year, amount and source, of other funds committed to the project or useable portions of the project;

11. Infrastructure condition information, applicable to infrastructure improvement projects where, at the time of the application, the facilities to be improved are reasonably known;

12. Information regarding ownership, applicable to infrastructure improvement projects where, at the time of the application, the facilities to be improved are reasonably known;

13. Maintenance responsibility applicable to infrastructure improvement projects where, at the time of application, the facilities to be improved are reasonably known;

14a. Other information needed to specifically address the seven selection criteria for NCPD program funding (e.g., increase in commercial traffic); and/or

14b. Other information needed to specifically address the eight selection criteria for CBI program funding (e.g., reduction in travel time);

15. Amount of NCPD program and/or CBI program funds requested, as well as written confirmation of the source and amount of non-Federal funds that make up the non-Federal share of the project;

16. Willingness to accept partial funding including, if applicable, the minimum amount of discretionary funding that will result in a useable product or project (If not unambiguously indicated, the FHWA

will construe that partial funding is acceptable);

17a. The priority within the State (or lead State) assigned to the application, relative to other applications submitted by that State, that is a clearly defined *e.g.*, priority one or priority two, (not a qualified priority such as priority one for CBI or priority one for planning); or

17b. If applicable, the reason(s) why a priority was not assigned or why an ambiguous priority was assigned;

18. Public endorsements of, expectations for or opposition to the project by public and private organizations who expect to use the work to be funded by the grant as well as those who expect to benefit or be adversely affected, directly or indirectly, from such work (a summary of such endorsements, delineating the oral from the written, and if appropriate, the extent of the support, is needed; however, copies of endorsements are not needed and should not be included in the application;

19a. A summary of the corridor plan, for those applications for the NCPD program where the work to be funded includes environmental review or construction and where the project is not on a corridor identified by section 1105(c) of the ISTEA, as amended (for other NCPD applications this item is optional);

19b. Corridor plan, separate from the rest of the application, for those applications for the NCPD program where the work to be funded includes environmental review or construction;

20. Performance measures in support of the FHWA Strategic Plan; and

21. Summary sheet covering basic project information to be used for congressional notification if the project is selected for funding (see below).

Format for SUMMARY SHEET.

Application for NCPD or CBI Discretionary Funds.

Grantee: List full name of agency.

U.S. Representative/Senator(s): List full names.

Governor/Mayor(s): List full names.

Project: Short name and brief description of project (*e.g.*, This project provides for widening by one lane in each direction of \* \* \* extending from \* \* \* in the vicinity of \* \* \* to \* \* \* in the vicinity of \* \* \* a distance of \* \* \*. This improvement will serve \* \* \* and \* \* \* will result in major safety/time savings \* \* \* to \* \* \*).

FHWA Funds Requested: Exclude non-Federal share.

Other Funds Committed: Specify source and amounts.

Other Support: List agencies providing substantive assistance.

Other Important Information: (*e.g.*, improved access to Indian Reservation, expected improvement to local economy, specify phase of project or corridor

development, specify on going projects that will be coordinated with this one, identify environmental features, construction scheduling—all if appropriate).

(Authority: 23 U.S.C. 315; secs. 1118 and 1119, Pub. L. 105-178, 112 Stat. 107, at 161 (1998); and 49 CFR 1.48)

Issued on: June 13, 2000.

**Cynthia J. Burbank,**

*Program Manager, Environment and Planning.*

[FR Doc. 00-15320 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2000-7509]

#### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel STRIKER.

**SUMMARY:** As authorized by Public Law 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. Law 105-383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before July 17, 2000.

**ADDRESSES:** Comments should refer to docket number MARAD-2000-7509. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., S.W., Washington, D.C. 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An

electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202-366-0760.

**SUPPLEMENTARY INFORMATION:** Title V of P.L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (less than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

#### Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested:

Name of vessel: STRIKER. Owner: Leonard D. Pridgen.

(2) Size, capacity and tonnage of vessel: According to the Applicant "the size and capacity has been determined to be 33 gross tons, 26 net tons, length 43.8' breadth 15.1'."

(3) Intended use for vessel, including geographic region of intended operation and trade: According to the applicant: "I request this waiver in order to take passengers for hire, fishing and site seeing, in the Northern Gulf of Mexico. The geographic region would be the area off the coast of Alabama into the Gulf up to 100 miles."

(4) Date and place of construction and (if applicable) rebuilding: Date of construction: 1971, place of construction: Omastrand, Hardanger, Norway.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators: According to the applicant: "There would be no negative impact on current commercial passenger vessel operators. The seven vessels currently engaged in charter

fishing at my home port of Dauphin Island AL have more available clients than they can service.”

(6) A statement on the impact this waiver will have on U.S. shipyards: According to the applicant: “There would be no negative impact on U.S. shipyards. Approval of the waiver would result in a favorable impact through additional repair and maintenance requirements.”

Dated: June 12, 2000.

By Order of the Maritime Administrator.

**Joel C. Richard,**

Secretary, Maritime Administration.

[FR Doc. 00-15243 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF THE TREASURY**

**Submission for OMB Review; Comment Request**

June 7, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before July 17, 2000 to be assured of consideration.

**Internal Revenue Service (IRS)**

OMB Number: 1545-1438.

Regulation Project Number: CO-8-91 Final.

Type of Review: Extension.

Title: Distribution of Stock and Stock Rights.

Description: The requested information is required to notify the Service that a holder of preferred stock callable at a premium by the issuer has made a determination regarding the likelihood of exercise of the right to call that is different from the issuer's determination.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 10 minutes.

Frequency of Response: Annually.  
Estimated Total Reporting Burden: 333 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

Departmental Reports Management Officer.

[FR Doc. 00-15240 Filed 6-15-00; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Submission for OMB Review; Comment Request**

June 9, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before July 17, 2000 to be assured of consideration.

**Internal Revenue Service (IRS)**

OMB Number: 1545-1277.

Form Number: IRS Form 1040-TeleFile.

Type of Review: Extension.

Title: TeleFile.

Description: Form 1040-EZ filers whose IRS mail label has not changed, will be given the option to file their return by telephone, with no return to send in to the IRS. The IRS will use the information to compute the taxpayer's refund or balance due.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 5,100,000.

**ESTIMATED BURDEN HOURS PER RESPONDENT/RECORDKEEPER**

Recordkeeping ..... | 7 min.

**ESTIMATED BURDEN HOURS PER RESPONDENT/RECORDKEEPER—Continued**

|   |         |
|---|---------|
| Learning about the law or the Tax Record.   | 40 min. |
| Preparing the Tax Record .....  | 25 min. |
| TeleFile phone call .....   | 10 min. |
| Preparing Form 8855-V (TeleFile Pay Voucher) if you owe money and are paying by check or money order. | 20 min. |

Frequency of Response: Annually.  
Estimated Total Reporting/Recordkeeping Burden: 7,887,000 hours.

OMB Number: 1545-1432.

Form Number: None.

Type of Review: Revision.

Title: Voluntary Customer Surveys to Implement E.O. 12862 Coordinated by the Office of Program Evaluation and Risk Analysis on Behalf of All IRS Operations Functions.

Description: This is a generic clearance for an undefined number of customer satisfaction and opinion surveys and focus group interviews to be conducted over the next three years. Surveys and focus groups conducted under the generic clearance are used by the Internal Revenue Service to determine levels of customer satisfaction, as well as determining issues that contribute to customer burden. This information will be used to make quality improvements to products and services.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 1,116,667.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: Other (varies).

Estimated Total Reporting Burden: 291,667 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

Departmental Reports Management Officer.

[FR Doc. 00-15241 Filed 6-15-00; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Customs Service****Modification of General Program Test for Transfer of International In-Transit Baggage**

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** General notice.

**SUMMARY:** This document announces a modification of the program test for the transfer of international in-transit baggage that was initially announced in a notice published in the **Federal Register** on February 23, 2000. This document replaces the test conditions of operation, the application procedure, and the revocation process that were set forth in the initial announcement of the test. This document also sets forth a new application period and a new test commencement date.

**DATES:** The testing period will commence no earlier than August 15, 2000, and will run for approximately one year. To participate in the test, a written application must be filed with Customs on or before July 31, 2000.

**ADDRESSES:** Air carriers that have entered into an agreement with the Government by signing an Advance Passenger Information System (APIS) Memorandum of Understanding may apply to participate in the program test by submitting a letter of application to the port director with jurisdiction over the airport where the transfer of international in-transit baggage will occur. Air carriers that wish to participate in the test can apply to participate in the APIS program by contacting Mike Cronin, Acting Associate Commissioner for Programs, U.S. Immigration & Naturalization Service, 425 I Street, N.W., Washington, DC 20536.

**FOR FURTHER INFORMATION CONTACT:** For operational or policy matters: Steve A. Gilbert, Office of Field Operations (202) 927-1391. For regulatory matters: Larry L. Burton, Office of Regulations and Rulings (202) 927-1287.

**SUPPLEMENTARY INFORMATION:****Background**

On February 23, 2000, Customs published a general notice in the **Federal Register** (65 FR 9054; referred to herein as the notice of February 23, 2000) announcing a program test that allows participating air carriers to more efficiently transfer accompanied air passenger baggage from one aircraft entering the United States to another aircraft departing from the United States enroute to a foreign destination. Under

the test, participating air carriers will not be required to file an air cargo manifest (Customs Form (CF) 7509) but will instead electronically transmit certain required information to Customs while a flight is enroute to the United States.

The notice specified that the test covers accompanied, international, in-transit, checked baggage that arrives in the United States aboard one aircraft and departs from the United States aboard another aircraft. This baggage is referred to as "international-to-international" baggage by Customs and those who deal with the ordinary transport and processing of such baggage.

Thus, hereafter in this document, the baggage will be referred to as ITI baggage.

The notice explained the air cargo manifest requirement and the ordinary ITI baggage processing procedure as provided for under the Customs Regulations; described the Advance Passenger Information System (APIS) program; set forth the eligibility requirements for participation in the test, the information transmission and baggage processing procedures required under the test, and the test application process; and requested comments on all aspects of the test. The notice should be consulted for a fuller understanding of the various aspects of the program test, excluding those aspects of the notice that are replaced or changed in this document: the conditions of operation, the application and revocation processes, and the new time elements relative to the application process and commencement of the test.

On April 3, 2000, Customs published a general notice in the **Federal Register** (65 FR 17550) to announce an extension of the time period for applying to participate in the test. The application (statement filing) deadline was extended to May 26, 2000.

After review of the comments received and a reevaluation of the test, Customs has determined that the test should be modified. Thus, this document modifies the test by replacing the "Conditions of Operation" section, "The Application Process" section, and the "Revocation and Reinstatement" section that were set forth in the notice of February 23, 2000. It also extends the deadline for applying to participate in the test and sets a new date for commencement of the test.

**Modification of the Program Test**

The following sections of this document replace the corresponding sections of the notice of February 23, 2000. The "Revocation and

Reinstatement" section of that notice is renamed herein below the "Misconduct" section.

**Conditions of Operation**

The test conditions of operation describe the procedures that govern air carriers participating in the test. Any carrier that has already submitted a statement of acceptance of the test conditions previously published must reapply in accordance with the application process set forth in this document. The conditions of operation set forth in the February 23, 2000, test announcement are hereby replaced by the conditions of operation set forth below.

The ITI baggage program test provides an alternative to the ordinary ITI baggage processing procedure of § 122.101(a) of the Customs Regulations (19 CFR 122.101(a)) and replaces the regulatory requirement of § 122.48(e) (19 CFR 122.48(e)) to manually or electronically file with Customs (at the port of arrival) an air cargo manifest (CF 7509) for ITI baggage. Test participants are required to follow the following test conditions of operation:

(1) The APIS component: Prior to arrival of the aircraft in the United States, the test participant must transmit to Customs, via APIS, the information required under the terms of the APIS Memorandum of Understanding (MOU).

(2) The test participant also must submit to Customs (at the port of arrival), at least two hours prior to arrival of the aircraft, an "onward connector listing," a document that identifies the arriving flight number, in-transit passenger names, their checked ITI baggage tag numbers, and their ultimate foreign destination. For any flight of less than two hours duration, the "onward connector listing" must be submitted to Customs (at the port of arrival) at the time of the aircraft's departure (from the port of departure enroute the United States). The participant may provide this information in the form of a computer generated report, screen print, or other hard copy document manually submitted to Customs in a timely manner, or by allowing Customs to electronically access its reservations database in order that Customs may extract an "onward connector listing" containing the required information in a timely manner.

(3) The test participant must perform the staging and transferring of ITI baggage in the Customs approved security area. For purposes of this test, the Customs approved security area is as defined in 19 CFR 122.181 and includes the Federal Inspection Services (FIS)

area, the aircraft deplaning and ramp area, and other restricted areas designated by the port director. The Assistant Commissioner, Office of Field Operations, may authorize stricter limits to the security area, for purposes of the test, where a security or enforcement threat exists. Access to the Customs security area must be limited to personnel engaging in Customs related business and possessing Customs approved identification cards (holograms). (Participants should contact the port director with jurisdiction over the airport involved for specific information regarding the Customs airport security area (19 CFR Subpart S (§ 122.181 *et seq.*)).

(4) For plane-to-plane transfers, test participants will be allowed a one hour maximum connection time at each airport for directly transferring ITI baggage from one plane to another without having to be placed or stored in the Customs approved security area.

(5) The test participant must ensure that all carrier employees or contract ramp service employees with access to the ITI baggage will have and display (or produce upon demand) approved identification issued under the Customs Regulations (19 CFR Part 122 Subpart S).

(6) The test participant must timely deliver ITI baggage to the Customs approved security area or to the FIS area for inspection, if and when requested.

(7) The test participant must maintain direct control of the ITI baggage until the departing carrier responsible for exporting the baggage has signed a receipt that will transfer bond liability for the baggage from the participant to the departing carrier. No transfer of bond liability, and thus no receipt, is required when the participant is importing and exporting the baggage. The participant may waive the receipt requirement, relieving the departing carrier from signing a receipt and accepting liability, only when the participant assumes liability for the baggage movement through the United States. The participant's application must reflect this assumption of liability and the identity of any departing carriers it has waived from the receipt signing process. The application may be amended at any time to add or delete the identity of such carriers, as changed circumstances warrant.

Air carrier applicants that are accepted into the program test will be required to follow the above conditions of operation. If for any reason, however, a participant's APIS or electronic reservations database system becomes temporarily inoperative, Customs is unable to receive APIS information

transmitted by a participant, or access to the participant's reservations database is otherwise not available, the participant will be required to submit a paper document listing the required APIS passenger information and the ITI baggage information prior to the arrival of the flight.

#### The Application Process

Participation in the test program is open only to APIS participating air carriers in good standing (performing under the APIS MOU at acceptable levels). To apply to participate in the test, APIS participating air carriers must submit a written application to the appropriate port director (with jurisdiction over the airport where the transfer of ITI baggage will occur) within 45 days following publication of this notice in the **Federal Register**. The application must be signed by an authorized official of the carrier and must indicate that the carrier wishes to voluntarily participate in the test. The application must reflect any assumption of liability for the baggage in accordance with test condition of operation 7. The application must also designate a local point of contact and telephone number for use by Customs personnel at the port. Customs will issue a written notification informing applicants whether their applications have been accepted or rejected, in the latter instance, with reasons therefore. A carrier may appeal a rejected application to the Assistant Commissioner, Office of Field Operations, within 15 days of the date of the rejection notice.

To apply to participate in the APIS program, a prerequisite to participating in the test program, air carriers should contact the Customs port director with jurisdiction over the airport where they intend to operate under the test or contact Mike Cronin, Acting Associate Commissioner for Programs, U.S. Immigration & Naturalization Service, 425 I Street, N.W., Washington, DC 20536.

#### Misconduct

If a test participant fails to follow the procedures or meet the requirements set forth in the "Conditions of Operation," or otherwise fails to follow applicable laws or regulations, the participant may be suspended from the test and or, where warranted, subjected to penalties, and or liquidated damages, and or other administrative sanctions. Customs has the discretion to fully or partially suspend a participant based on the determination that an unacceptable compliance risk exists. This suspension

may be invoked at any time after a carrier's acceptance in the test.

A notice of proposed suspension from the test will be issued by the port director to the participant, apprising the participant of the facts and or conduct warranting suspension and whether the suspension is full or partial. The notice will state that the participant's written response must be received by Customs within 15 calendar days from the date of its issuance (the 15 day response period). The notice also will inform the participant that a failure to timely respond will result in the suspension taking effect on the day after the 15 day response period expires and that the notice of proposed suspension becomes a notice of suspension, and is effective, on that date.

Where the participant elects to respond, the participant should address the facts and or conduct charges contained in the notice of proposed suspension, provide an explanation of the problems that resulted in the proposed suspension, and state how it has corrected these problems and will maintain compliance. The port director will decide whether to suspend the participant from the test or allow continued participation. The port director will so notify the participant in writing. Where suspension is warranted, the port director will issue a notice of suspension providing reasons for the suspension and setting forth an effective date. In the case of willfulness or where public health and safety are concerned, the suspension need not be proposed but may be effective immediately, in which case the port director will issue a notice of suspension providing reasons therefore and setting forth an effective date.

At the time a notice of suspension becomes effective, the participant will no longer be permitted to participate in the test. This is not changed by the filing of an appeal.

A notice of suspension may be appealed in writing to the Assistant Commissioner, Office of Field Operations, within 15 days of the date the notice of suspension became effective. In the appeal, the participant should address the reasons provided by the port director in the notice of suspension and may include additional arguments. Where the suspension resulted from a participant's failure to timely respond to a notice of proposed suspension, the appeal should address the facts or conduct charges contained in the notice of proposed suspension, provide an explanation of the problems that resulted in the proposed suspension, and state how it has corrected these problems and will

maintain compliance. The Assistant Commissioner will respond to the appeal in writing within 15 days of its receipt. Where the appeal is granted, the participant will be permitted to resume participation in the test. Where the appeal is denied, the carrier may reapply to participate in the test only upon showing that all deficiencies resulting in suspension have been corrected.

A full suspension from the test may be proposed where a test participant has been suspended from operating under the APIS program. A partial suspension may be proposed where the loss of Blue Lane eligibility for a given flight (or flights) does not result in a participant's suspension from the APIS program, in which case a partial suspension decision will affect only that flight (or those flights). Where a full suspension decision was based on the participant's suspension from APIS, the granting of an appeal is conditioned on the participant's reinstatement in APIS. Where a partial suspension decision was based on loss of Blue Lane eligibility, the grant of an appeal is conditioned on restoration of that status. (See the notice of February 23, 2000, for a discussion of APIS and Blue Lane eligibility.)

A test participant also may face a proposed full or partial suspension for less than satisfactory performance of any of the conditions of operation. Also, where the port director determines that a participant's test performance is unsatisfactory in any way that may compromise the Customs enforcement mission, the participant may face a full or partial suspension.

A participant who has been suspended from the test for any reason (as of the date the notice of suspension became effective) will be required to file an air cargo manifest that lists ITI baggage under ordinary procedures (manually or electronically), in accordance with the requirements of the Customs Regulations (19 CFR 122.48(e) and 122.101), or to have its in-transit passengers take their baggage through Customs processing as provided under § 122.101(a). If there has been a full suspension from the test, all covered flights will be affected. If the partial suspension was limited to a certain flight (or flights) or to a certain airport, only those flights or that airport will be affected.

#### New Time Elements

Both the time period for applying to participate in the test program and the targeted test commencement date have been affected by this modification of the program test. The deadline for applying

to participate in the test is extended to the date that is 45 days from the date of publication of this document, as specified in the "Dates" section of this document. The commencement date of the test is 60 days from the date of publication, also specified in the "Dates" section.

The test may be extended beyond one year if extension is warranted. The test will be evaluated six months after its implementation, using the test criteria set forth in the notice of February 23, 2000.

Dated: June 8, 2000.

**Robert J. McNamara,**

*Acting Assistant Commissioner, Office of Field Operations.*

[FR Doc. 00-14840 Filed 6-15-00; 8:45 am]

**BILLING CODE 4820-02-U**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 990-W

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to 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)). Currently, the IRS is soliciting comments concerning Form 990-W, Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations.

**DATES:** Written comments should be received on or before August 15, 2000 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

**Title:** Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations.

**OMB Number:** 1545-0976.

**Form Number:** 990-W.

**Abstract:** Form 990-W is used by tax-exempt trusts and tax-exempt corporations to figure estimated tax liability on unrelated business income and on investment income for private foundations and the amount of each installment payment. Form 990-W is a worksheet only. It is not required to be filed.

**Current Actions:** Because of section 501 of the Tax Relief Extension Act of 1999 (Public Law 106-170), beginning in tax year 2000 the aggregate amounts of credits allowed under Subtitle A, Chapter 1, Subchapter A, Part IV, Subpart A of the Internal Revenue Code, will offset both a corporation's regular tax liability and its minimum tax. Because of this law change, Line 6 (alternative minimum tax) is being relocated to Line 3 and a new total line (Line 4) is being added so taxpayers can determine their total tax before applying their estimated tax credits. The other lines will be renumbered to reflect these changes.

**Type of Review:** Revision of a currently approved collection.

**Affected Public:** Not-for-profit institutions and business or other for-profit organizations.

**Estimated Number of Respondents:** 27,265.

**Estimated Time per Respondent:** 14 hours, 13 minutes.

**Estimated Total Annual Burden Hours:** 387,749.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### 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. 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 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 start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 8, 2000.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 00-15238 Filed 6-15-00; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 990-T

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to 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)). Currently, the IRS is soliciting comments concerning Form 990-T, Exempt Organization Business Income Tax Return.

**DATES:** Written comments should be received on or before August 15, 2000 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Exempt Organization Business Income Tax Return.

*OMB Number:* 1545-0687.

*Form Number:* 990-T.

*Abstract:* Form 990-T is used to report and compute the unrelated business income tax imposed on exempt organizations by Internal Revenue Code section 511 and the proxy tax imposed by Code section 6033(e). The form provides the IRS with the information

necessary to determine that the tax has been properly computed.

*Current Actions:* The following changes are being considered:

A. Because of section 501 of the Tax Relief Extension Act of 1999 (Public Law 106-170), beginning in tax year 2000 the aggregate amounts of credits allowed under Subtitle A, Chapter 1, Subchapter A, Part IV, Subpart A of the Internal Revenue Code, will offset both a corporation's regular tax liability and its minimum tax. Because of this law change, Line 42 (alternative minimum tax) is relocated to Line 38. The other lines are being renumbered to reflect this change.

B. Schedule F of Form 990-T was used to compute the amount of specific payments (interest, annuity, royalty, or rent) that met the binding contract exception of Public Law 105-34, section 1041(b)(2) and are included on line 8. The binding contract exception, in effect on June 8, 1997, expires as of August 4, 2000. Therefore, Schedule F is being deleted as it is no longer needed.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Not-for-profit institutions.

*Estimated Number of Respondents:* 37,103.

*Estimated Time Per Respondent:* 133 hours, 57 minutes.

*Estimated Total Annual Burden Hours:* 4,969,947.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### 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. 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 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 start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 8, 2000.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 00-15239 Filed 6-15-00; 8:45 am]

BILLING CODE 4830-01-P

## UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

### Notice of Availability of the Finding of No Significant Impact on the Proposed Action Modifications for the Diamond Fork System, Central Utah Project

**AGENCY:** The Utah Reclamation Mitigation and Conservation Commission.

**ACTION:** Notice of Availability of the Finding of No Significant Impact (FONSI).

**SUMMARY:** On June 15, 2000, Michael C. Weland, Executive Director of the Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission) signed the Finding of No Significant Impact (FONSI), which documents selection of proposed action modifications presented in the Diamond Fork System Proposed Action Modifications Final Environmental Assessment (Final EA). The Final EA is tied to the 1999 Final Supplement to the Final Environmental Impact Statement for the Diamond Fork System (1999 FS-FEIS; FEIS 99-25) filed with the U.S. Environmental Protection Agency on July 1, 1999. The Mitigation Commission, Central Utah Water Conservancy District and Department of the Interior were joint lead agencies in preparing the Final EA. The proposed action modifications are described and evaluated in the Final EA upon which the FONSI is based. The proposed action modifications are based on a value-engineering process initiated and completed on the 1999 FS-FEIS Proposed Action. Proposed action modifications will reduce environmental impacts and project costs and will improve overall environmental benefits. The proposed action modifications meet the Mitigation Commission's and Department of the Interior's needs to mitigate for the Bonneville Unit of the Central Utah Project and other federal reclamation projects, and to transport, on average,

147,600 acre-feet of water annually from the Colorado River drainage to the Utah Lake drainage.

The Department of the Interior, Central Utah Project Completion Act Program Director issued a separate FONSI for the Diamond Fork System Proposed Action Modifications. The Program Director's separate decision is necessitated by the Department of the Interior's responsibility and authority over project aspects beyond the Mitigation Commission's scope to mitigate for reclamation projects.

The proposed action modifications will accomplish these measures by constructing and operating a tunnel and pipeline (existing) system, and other existing facilities that convey Central Utah Project (CUP) and Strawberry Valley Project (SVP) transmountain diversions. These facilities will remove from natural stream courses environmentally damaging high flows released since the early part of the 20th century. Additionally, minimum instream flows will be provided. Removal of high flows and provision of minimum flows allows for the

restoration of a more natural ecosystem, improvement of fish and wildlife habitat and populations, and increases in recreational uses.

**FOR FURTHER INFORMATION CONTACT:**  
Mark Holden, Projects Manager, (801) 524-3146, 102 West 500 South, Suite 315, Salt Lake City, UT 84101.

Dated: June 6, 2000.

**Michael C. Weland,**  
*Executive Director.*

[FR Doc. 00-15237 Filed 6-15-00; 8:45 am]

**BILLING CODE 4310-05-P**

# Corrections

Federal Register

Vol. 65, No. 117

Friday, June 16, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CT-054-7213A; A-1-FRL-6545-9]

#### Approval and Promulgation of Air Quality Implementation Plan; Connecticut, New Hampshire, and Rhode Island; Approval of National Low Emission Vehicle Program

##### Correction

In rule document 00-5630 beginning on page 12476 in the issue of Thursday, March 9, 2000, make the following correction:

#### §52.1525 [Corrected]

On page 12480, in §52.1525, in the table, under "Date approved by EPA", add "March 9, 2000".

[FR Doc. C0-5630 Filed 6-15-00; 8:45 am]

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Region II Docket No. NY40-2-209, FRL-6573-1]

#### Approval and Promulgation of Implementaion Plans; New York; Nitrogen Oxides Budget and Allowance Trading Program

##### Correction

In rule document 00-9544 beginning on page 20905 in the issue of Wednesday, April 19, 2000, make the following correction:

#### §52.1679 [Corrected]

On page 20908, in the third column, in §52.1679, in amendatory instruction 3C., in the first line, "removing" should read "revising".

[FR Doc. C0-9544 Filed 6-15-00; 8:45 am]

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Region VII Tracking No. MO-074-1047a; FRL-6512-2]

#### Approval and Promulgation of Implementation Plans; State of Missouri

##### Correction

In rule document 99-32860 beginning on page 71663 in the issue of Wednesday, December 22, 1999, make the following correction:

#### §52.1320 [Corrected]

On page 71666, in the third column, in §52.1320(c), amendatory instruction 2. is corrected to read as follows:

"2. In §52.1320 in paragraph (c), the table for "Kansas City Article III-Air Pollution" is removed and the table for "Kansas City Chapter 8-Air Quality" is revised to read as follows:"

[FR Doc. C9-32860 Filed 6-15-00; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No.FR-4561-N-35]

#### Notice of Submission of Proposed Information Collection to OMB; Section 8 Management Assessment Program (SEMAP)

##### Correction

In notice document 00-14867 beginning on page 37162 in the issue of Tuesday, June 13, 2000, make the following correction:

On page 37162, in the third column, "Form Numbers: HUD-42648" should read "Form Numbers: HUD-52648".

[FR Doc. C0-14867 Filed 6-15-00; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-ACE-7]

#### Amendment to Class E Airspace; Hampton, IA

##### Correction

In rule document 00-12821 beginning on page 33250 in the issue of Tuesday, May 23, 2000, make the following correction:

#### §71.1 [Corrected]

On page 33251, in the second column, in §71.1, under the first set of astericks, add "ACE AI E5 Hampton, IA [Revised]".

[FR Doc. C0-12821 Filed 6-15-00; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-ACE-11]

#### Amendment of Class E Airspace; Kearney, NE

##### Correction

In proposed rule document 00-12820 beginning on page 32046 in the issue of Monday, May 22, 2000, make the following correction:

On page 32047, in the second column, ten lines from the bottom, "(Lat. 40°43'37"N,," should read, "(Lat. 40°43'32"N,,".

[FR Doc. C0-12820 Filed 6-15-00; 8:45 am]

BILLING CODE 1505-01-D



# Federal Register

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**Friday,  
June 16, 2000**

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**Part II**

## **Department of Transportation**

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**Federal Aviation Administration**

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**14 CFR Parts 61, et al.  
Advanced Qualification Program;  
Proposed Rule**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Parts 61, 63, 65, 108, 121, and 135**

[Docket No. FAA-2000-7497; Notice No. 00-06]

RIN 2120-AH01

**Advanced Qualification Program****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to establish a new termination date for Special Federal Aviation Regulation (SFAR) No. 58 (55 FR 40275; October 2, 1990), which provides for the approval of an alternate method (known as "Advanced Qualification Program" or "AQP") for qualifying, training and certifying, and otherwise ensuring the competency of crewmembers, aircraft dispatchers, other operations personnel, instructors, and evaluators who are required to be trained or qualified under parts 121 and 135 of the FAR. This proposed extension is necessary to establish a new termination date for SFAR 58 to allow time for the FAA to complete the rulemaking process that will incorporate SFAR 58 into 14 CFR part 121. The current termination date for SFAR 58 is October 2, 2000.

**DATES:** Send your comments on or before July 17, 2000.

**ADDRESSES:** Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2000-7497 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the Nassif Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Thomas M. Longridge, Advanced Qualification Program Branch, AFS-

230, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, P.O. Box 20027, Dulles International Airport, Washington, DC 20041-2027; telephone (703) 661-0260.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed action by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this document also are invited. Substantive comments should be accompanied by cost estimates. Comments must identify the regulatory docket or notice number and be submitted in duplicate to the DOT Rules Docket address specified above.

All comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

All comments received on or before the closing date will be considered by the Administrator before taking action on this proposed rulemaking. Comments filed late will be considered as far as possible without incurring expense or delay. The proposals in this document may be changed in light of the comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this document must include a pre-addressed, stamped postcard with those comments on which the following statement is made: "Comments to Docket No. FAA-2000-7497." The postcard will be date stamped and mailed to the commenter.

**Availability of NPRMs**

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321-3339) or the Government Printing Office (GPO)'s electronic bulletin board service (telephone: (202) 512-1661).

Internet users may reach the FAA's web page at <http://www.faa.gov/avr/arm/nprm/nprm.htm> or the GPO's web page at <http://www.access.gpo.gov/nara> access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800

Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Communications must identify the notice number or docket number of this NPRM.

Persons interested in being placed on the mailing list for future rulemaking documents should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**Background**

In 1975, the FAA began to address two issues in part 121 pilot training and checking. One issue was the hardware requirements needed for total simulation. The other issue was the redesign of training programs to deal with increasingly complex human factors problems and to increase the safety benefits derived from the simulation. At the urging of the air transportation industry, the FAA addressed the hardware issue first. This effort culminated in 1980 in the development of the Advanced Simulation Program, set forth in 14 CFR part 121, Appendix H.

Since then, the FAA has continued to pursue approaches for the redesign of training programs to increase the benefits of Advanced Simulation and to deal with the increasing complexity of cockpit human factors.

On August 27, 1987, FAA Administrator McArtor addressed the chief pilots and certain executives of many air carriers at a meeting held in Kansas City. One of the issues discussed at the meeting focused on flight crewmember performance issues. This meeting led to the creation of a Joint Government-Industry Task Force on flightcrew performance (Joint Task Force). It was comprised of representatives from major air carriers and air carrier associations, flightcrew member associations, commuter air carrier and regional airline associations, and government organizations. On September 10, 1987, the Joint Task Force met at the Air Transport Association's headquarters to identify and discuss flightcrew member performance issues. Working groups in three major areas were formed: (1) Man/machine interface; (2) flightcrew member training; and (3) operating environment. Each working group submitted a report and recommendations to the Joint Task Force. On June 8, 1988, the recommendations of the Joint Task Force were presented to Administrator McArtor.

The major recommendations to the Administrator from the flightcrew

member training working group were the following: (1) Require 14 CFR part 135 commuters whose airplane operations require two pilots to comply with part 121 training, checking, qualification, and record keeping requirements; (2) Provide for a Special Federal Aviation Regulation (SFAR) and Advisory Circular to permit development of innovative training programs; (3) Establish a National Air Carrier Training Program Office that provides training program oversight at the national level; (4) Require seconds-in-command to satisfactorily perform their duties under the supervision of check airmen during operating experience; (5) Require all training to be accomplished through a certificate holder's training program; (6) Provide for approval of training programs based on course content and training aids rather than using specific programmed hours; (7) Require Cockpit Resource Management (CRM) (now called Crew Resource Management) Training. Specific recommendations were listed regarding regulatory changes. The recommendations were separated into those changes that should be incorporated into an SFAR and those that should be incorporated into an accompanying Advisory Circular.

In June 1988, the National Transportation Safety Board (NTSB) issued a Safety Recommendation (A-88-71) on the subject of CRM. The recommendation stemmed from an NTSB accident investigation of a Northwest Airline crash on August 16, 1987, in which 148 passengers, 6 crewmembers, and 2 people on the ground were killed.

The NTSB noted that both crewmembers had received single-crewmember training during their last simulator training and proficiency checks. In addition, the last CRM training they had received was 3.5 hours of ground school (general) CRM training in 1983. As a result of its investigation, the NTSB recommended that all part 121 carriers:

Review initial and recurrent flightcrew training programs to ensure that they include simulator or aircraft training exercises which involve cockpit resource management and active coordination of all crewmember trainees and which will permit evaluation of crew performance and adherence to those crew coordination procedures.

In response to the recommendations from the Joint Task Force and from the NTSB, in October 1990, the FAA published SFAR 58, Advanced Qualification Program (AQP), which addresses all of the above recommendations. The FAA also

published an Advisory Circular on AQP that describes an acceptable methodology by which the provisions of the SFAR may be achieved. Under SFAR 58, certificated air carriers, as well as training centers they employ, are provided with a regulatory alternative for training, checking, qualifying, and certifying aircrew personnel subject to the provisions of 14 CFR parts 121 and 135.

Air carrier participation in AQP is entirely voluntary. Carriers electing not to participate may continue to operate under the traditional FAA provisions for training and checking. The long range advantages to participation, however, are numerous. The regulatory provisions of AQP offer the flexibility to tailor training and certification activities to a carrier's particular needs and operational circumstances. They encourage innovation in the development of training strategies. They include wide latitude in choice of training methods and media. They permit the use of flight training devices for training and checking on many tasks that historically have been accomplished in airplane simulators. They provide an approved means for the applicant to replace FAA-mandated uniform qualification standards with carrier-proposed alternatives tailored to specific aircraft. They permit the applicant to establish an annual training and checking schedule for all personnel, including pilots-in-command, and provide a basis for extending that interval under certain circumstances.

From an FAA perspective, the overriding advantage of AQP is quality of training. AQP provides a systematic basis for matching technology to training requirements and for approving training program content based on relevance to operational performance. The FAA's goal for this program is to improve safety through improved training.

The initial goal of the SFAR was to improve flightcrew performance by providing alternative means of complying with certain current provisions in the federal aviation regulations that may inhibit innovative use of some modern technology that could facilitate the training of flightcrew members. The SFAR has encouraged carriers to become innovative in their approach to training. Based on the aviation industry participation and enthusiasm in AQP, the extension of SFAR 58 is necessary until the rulemaking project that will codify AQP as a permanent regulation is completed.

### **Executive Order 12866 and DOT Regulatory Policies and Procedures**

Executive Order 12866, Regulatory Planning and Review, directs the FAA to assess both the costs and benefits of a regulatory change. We are not allowed to propose or adopt a regulation unless we make a reasoned determination that the benefits of the intended regulation justify the costs. Our assessment of this proposal indicates that its economic impact is minimal. Since its costs and benefits do not make it a "significant regulatory action" as defined in the Order, we have not prepared a "regulatory evaluation," which is the written cost/benefit analysis ordinarily required for all rulemaking proposals under the DOT Regulatory Policies and Procedures. We do not need to do the latter analysis where the economic impact of a proposal is minimal.

AQP is not mandatory, consequently, those operators who choose to participate in the program would do so only if it was in their best interest. Enough operators have found it in their best interest that AQP has become an important means for meeting the requirements for air carrier training programs. AQP gives air carriers flexibility in meeting the safety goals of the training programs in 14 CFR parts 121 and 135 without sacrificing any of the safety benefits derived from those programs. Thus, extending AQP for another 5 years would not impose any additional costs nor decrease the present level of safety. Because this proposal is extending an existing, voluntary program that has become an important means for some operators to comply with training requirements, the FAA finds that a detailed regulatory evaluation is not necessary.

### **Initial Regulatory Flexibility Determination**

The Regulatory Flexibility Act of 1980 (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation." To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic

impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This rulemaking allows certain air carriers to continue participating in a voluntary, alternative method for qualifying, training and certifying, and otherwise ensuring competency of crewmembers, aircraft dispatchers, and other operational personnel, instructors, and evaluators who are required to be trained or qualified under 14 CFR parts 121 and 135. As such, this rulemaking would not impose any additional cost on those air carriers. Consequently, the FAA certifies that the rule will not have a significant economic impact on a substantial number of small air carriers.

#### International Trade Impact Analysis

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the United States.

In accordance with the above statute and policy, the FAA has assessed the potential effect of this proposed rule and has determined that it would have only a domestic impact and therefore no affect on any trade-sensitive activity.

#### Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action

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, the FAA has determined that this notice of proposed rulemaking would not have federalism implications.

#### Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that will impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of \$100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1553, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

The FAA determines that this proposal does not contain a significant intergovernmental or private sector mandate as defined by the Act.

#### Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this proposed rulemaking action qualifies for a categorical exclusion.

#### Energy Impact

The energy impact of the notice has been assessed in accordance with the

Energy Policy and Conservation Act (EPCA) Pub. L. 94-163, as amended (43 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the notice is not a major regulatory action under the provisions of the EPCA.

#### List of Subjects

##### 14 CFR Part 61

Air safety, Air transportation, Aviation safety, Safety.

##### 14 CFR Part 63

Air safety, Air transportation, Airmen, Aviation safety, Safety, Transportation.

##### 14 CFR Part 65

Airman, Aviation safety, Air transportation, Aircraft.

##### 14 CFR Part 108

Airplane operator security, Aviation security, Aviation safety, Air transportation, Air carriers, Airlines, Security measures, Transportation, Weapons.

##### 14 CFR Part 121

Aircraft pilots, Airmen, Aviation safety, Pilots, Safety.

##### 14 CFR Part 135

Air carriers, Air transportation, Airmen, Aviation safety, Safety, Pilots.

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend SFAR 58 (14 CFR parts 61, 63, 65, 108, 121, and 135) of title 14, Code of Federal Regulations, as follows:

1. The authority citation for part 61 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45303.

2. The authority citation for part 63 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40108, 40113, 44701-44703, 44710, 44712, 44714, 44716, 44717, 44722, 45303.

3. The authority citation for part 65 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45302.

4. The authority citation for part 108 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 5103, 40113, 40119, 44701-44702, 44705, 44901-44905, 44907, 44913-44914, 44932, 44935-44936, 46105.

5. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 40119, 44101, 44701-44702, 44705, 44709-44711,

44713, 44716-44717, 44722, 44901, 44903-44904, 449112, 46105.

6. The authority citation for part 135 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44715-44717, 44722.

7. SFAR 58 is amended by revising the expiration date in paragraph 13.

\* \* \* \* \*

13. Expiration. This Special Federal Aviation Regulation terminates on October 2, 2005, unless sooner terminated.

Issued in Washington, DC on June 8, 2000.

**L. Nicholas Lacey,**

*Director, Flight Standards Service.*

[FR Doc. 00-15206 Filed 6-15-00; 8:45 am]

**BILLING CODE 4910-13-P**

# Reader Aids

## Federal Register

Vol. 65, No. 117

Friday, June 16, 2000

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**REMINDERS**

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

**RULES GOING INTO EFFECT JUNE 16, 2000****FEDERAL COMMUNICATIONS COMMISSION**

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- Correction; published 5-31-00

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- Indian Reservation Roads funds; 2000 FY funds distribution; published 6-16-00

**INTERIOR DEPARTMENT****National Park Service**

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**TRANSPORTATION DEPARTMENT****Federal Aviation Administration**

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- Boeing; published 5-12-00
- Dassault; published 6-1-00
- Empresa Brasileira de Aeronautica S.A. (EMBRAER); published 5-12-00
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**TREASURY DEPARTMENT****Customs Service**

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- Puget Sound, WA; port limits extension; published 5-17-00

**TREASURY DEPARTMENT****Internal Revenue Service**

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- Real estate mortgage investment conduits; reporting requirements and other administrative matters; published 6-16-00

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**AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

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- Small grains crop insurance provisions and wheat crop insurance winter coverage endorsement; comments due by 6-19-00; published 4-20-00

**AGRICULTURE DEPARTMENT****Rural Utilities Service**

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- Building plans and specifications; agency

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- Caribbean, Gulf, and South Atlantic fisheries—  
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- Fishing capacity reduction programs; comments due by 6-19-00; published 5-18-00

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Ocean and coastal resource management:

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- Cost accounting standards administration; comments due by 6-19-00; published 4-18-00

**DEFENSE DEPARTMENT****Engineers Corps**

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- Large municipal waste combustors constructed on or before September 20, 1994; Federal plan requirements; comments due by 6-23-00; published 5-24-00

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Uniform Traffic Control Devices Manual—  
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- TRANSPORTATION DEPARTMENT Research and Special Programs Administration**  
Pipeline safety:

Hazardous liquid transportation—  
Pipeline integrity management in high consequence areas; comments due by 6-20-00; published 4-24-00

#### **TREASURY DEPARTMENT Internal Revenue Service**

Income taxes:  
Cafeteria plans; tax treatment; comments due by 6-21-00; published 3-23-00  
Lifetime charitable lead trusts; comments due by 6-23-00; published 4-5-00

#### **VETERANS AFFAIRS DEPARTMENT**

Outer burial receptacles; monetary allowances; comments due by 6-19-00; published 4-18-00

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#### **LIST OF PUBLIC LAWS**

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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 "PLUS" (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)

**Last List May 25, 2000**

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