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Federal Register

7–5–00 Wednesday
Vol. 65 No. 129 July 5, 2000
Pages 41321–41550

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

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Federal Register

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272, 273 and 274

[Amdt. No. 378]

RIN 0584–AC61

Food Stamp Program; Electronic Benefit Transfer Benefit Adjustments

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action provides final rulemaking for an interim rule published on September 9, 1999. The final rule revises Food Stamp Program regulations pertaining to a State agency's ability to make an adjustment to a household's account in an Electronic Benefit Transfer system. It enables State agencies to make adjustments to correct system errors without sending households *advance* notice of the action but does require that households be notified of any such actions. The rule also defines the timeframes and other requirements for the adjustments. The final rule incorporates several changes in response to a number of comments the Department received on the interim rule.

As a separate action, this regulation also adopts as final the requirements for re-presentation in the interim rule. State agencies may use re-presentation to recover funds when the host computer is inaccessible and there are insufficient funds to cover a manual transaction.

DATES: This final rule is effective August 4, 2000. State agencies may begin implementing the rule August 4, 2000 but no later than January 2, 2001.

FOR FURTHER INFORMATION CONTACT: Jeffrey N. Cohen, Chief, Electronic Benefit Transfer Branch, Benefit Redemption Division, Food and Nutrition Service, USDA, room 718, 3101 Park Center Drive, Alexandria, Virginia 22302, or telephone (703) 305–2517.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be non-significant for purposes of Executive Order 12866 and therefore was not reviewed by the Office of Management and Budget.

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 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, the Food and Nutrition Service generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Food and Nutrition Service to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This final rule contains no Federal mandates (under the regulatory provisions of Title II of UMRA) for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule in 7 CFR part 3015, subpart V and related Notice (48 FR 29115), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Samuel Chambers, Jr., Administrator, Food and Nutrition Service, has certified that this final rule will not have a significant economic impact on a substantial number of small entities. Food stamp authorized retailers will be affected minimally. State and local welfare agencies will be the most affected to the extent that they administer the Program.

Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the ''Dates'' paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the Food Stamp Program, the administrative procedures are as follows: (1) For Program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(1) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 276.7 for rules related to non-quality control (QC) liabilities or 7 CFR Part 283 for rules related to QC liabilities; and (3) for Program retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 278.8.

Background

In a State where food stamp benefits are issued using an Electronic Benefit Transfer System (EBT), Food Stamp Program (FSP) participants purchase food by swiping their EBT card through a point-of-sale (POS) machine at an authorized retailer. In the transaction, benefits move from the participants' accounts to the retailers' bank accounts. During normal EBT transaction processing, settlement of the transaction

is completed when the transaction acquirer, typically a retail food store, has been properly credited for an amount equal to the amount debited from the household's benefit allotment. System malfunctions can cause an interruption to this process, resulting in a settlement condition that does not reflect the original transaction. Proposed regulations were published in the **Federal Register** on May 19, 1998 at 63 FR 27511 to change the way in which certain EBT error conditions are handled. Because of the complex nature of this issue and the substantive comments received to the proposed rule, the Department published an interim rule rather than a final rule in order to obtain further comments. The interim rule, published in the **Federal Register** September 9, 1999 at 64 FR 48933, implemented the proposed rule with some substantive changes as a result of comments received on the proposed rule.

The interim rule requires State agencies to make adjustments to correct out-of-balance settlement conditions that do not reflect original EBT transactions as a result of system malfunctions. In cases where a store is not credited for the full transaction amount, the interim rule requires State agencies to make an adjustment by debiting the client household's account, provided a concurrent notice is sent to the household. The interim rule also requires State agencies to debit a household's future month's benefits to complete an adjustment.

Apart and separate from system error adjustments, changes were also implemented for handling re-presentations when the system host computer cannot be accessed and there are insufficient funds in the household's account to cover a manual transaction. Readers should refer to the proposed and interim regulations for a more complete understanding of this final action.

This final rule reflects further revisions to the regulations, taking into consideration all comments received on the interim rule. Comments on the interim rule were solicited through November 8, 1999. Seventeen comment letters were received in response. Individual comments were received from twelve State agencies. Of the remaining letters, 2 were from EBT processors, 1 was from a retailer association, 1 was from an alliance of States, networks, financial institutions and retailers, and 1 was from a credit card company.

In general, the commenters supported the Department's efforts to streamline the adjustment process for certain types of system errors. However, the commenters still believe that the Department did not go far enough in doing so and that the EBT adjustment policy should be further simplified to more closely mirror procedures used to correct system errors in the commercial environment. The major comments are discussed below.

General

There is a significant difference between adjustments in an EBT environment and adjustments in a commercial environment. Processors treat commercial adjustments as routine corrections which do not require special notification to customers. However, commercial debit card customers do have protections found in Regulation E at 12 CFR part 205 (hereinafter ''Reg. E''), that food stamp clients do not have. One important protection is the requirement that commercial debit card users receive monthly statements summarizing their account activities. The monthly statement provides the account holder notification after the fact that an adjustment was processed to the account. However, food stamp EBT users were explicitly exempted from Reg. E with the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104–193 (PRWORA).

Requirements set forth in the Food Stamp Act of 1977, as amended, 7 U.S.C. 2019(e)(10), (FSA), and in the FSP regulations, require client notifications and rights to appeal when negative actions are taken. Because debit adjustments against a food stamp client's EBT account can be viewed as a type of adverse action, the same notice and appeal rights must be applied in these circumstances. The State agencies and other stakeholders continue to raise this as a primary concern due to the potential costs associated with notification and the fair hearing process. However, because of the statutory and regulatory provisions set up to protect food stamp households in situations of adverse action, and the gap left without the customer protections from Reg. E, these requirements remain unchanged in the final regulation.

Several commenters expressed concern that there needs to be sufficient training for retailers and third party processors on how the adjustment rule will be implemented, especially those aspects of the rule dealing with liabilities and timeframes. Although not addressed in the regulation, the Department will work with State agencies to ensure that the appropriate level of information is made available to retailers and third party processors. We will also work with State agencies to determine how best to disseminate that information.

Definitions

The interim rule defined business days as Automated Clearing House (ACH) days. Two commenters requested that instead of ACH days, we define business days as calendar days other than Saturdays, Sundays or Federal holidays. We have made this change at 7 CFR 274.12 (f)(4)(ii)(A) to make the rule language more universal. Another commenter requested that we clarify all references to ''days'' as either ''calendar'' or ''business'' days. Where appropriate, we have done so throughout the final rule.

Future Month's Benefits

The interim rule requires a debit adjustment from a recipient's account to be made from a future month's benefit, *i.e.,* benefits that are not in the account at the time the initial adjustment is attempted, but are issued in subsequent months. This would apply in situations where either: (1) No benefits are available in the client account when the adjustment is attempted, or (2) only a portion of the benefits required for the full adjustment is available at the time the adjustment is attempted.

Two commenters provided general support of collection against future month's benefits. One commenter, however, asked for clarification on what was meant in the interim rule by requiring State agencies to collect from future months in which there has been a break in benefits. In the interim rule, State agencies are required to complete an outstanding adjustment that exists for a household that comes back on to the FSP after being off the Program for a period of time. This would require debiting the household's account in a month other than when the error occurred, *i.e.,* use their future month's benefits.

Two commenters suggested limiting the number of months processors must attempt adjustments against a client's account, *e.g.,* 1 future month, before the adjustment debt is canceled. Limiting the number of months an adjustment must be carried over until it is satisfied reduces the length of time State agencies and processors must track and account for an adjustment. Consequently, State agencies will also be relieved of tracking adjustments that cannot be collected from a household that leaves the FSP, regardless of whether that household returns to the FSP at a future date.

The Department is convinced that limiting the length of time the State agency may attempt an adjustment to

one future month greatly reduces costs and makes this operation much more manageable. The Department is further convinced that this change will not significantly impact the number of adjustments that can be completed for the full amount. This is consistent with data that shows the average EBT transaction amount is $20, and therefore, most adjustments will be fully satisfied after going against no more than one future month's issuance. The final rule reflects this change.

At 7 CFR 274.12(f)(4)(ii), the interim rule states that, by definition, the amount of an adjustment cannot differ from the value of the original transaction. In response to three commenters, we are removing this language from the rule because it does not account for the possibility of partial adjustments in the current month, and again in future months. This language becomes more problematic now that we are limiting the State agencies' access to one future month's benefits to make an adjustment. In some cases, it is possible that the State agency will not be able to collect anything from a household, or only a portion of a total adjustment because the household has left the FSP, or they have a minimal benefit issuance that will not cover the full adjustment in the next month.

However, the Department is clarifying that we are not requiring State agencies to settle partial adjustments to retailer accounts. We have been informed that many acquirers' systems cannot accept partial adjustment amounts that do not match the original error transaction and prefer receiving no credit rather than a partial credit. In cases where the State agency chooses not to settle a partial adjustment to the acquirer, the adjustment amount must be returned to the household account.

Another commenter raised the concern that making a partial adjustment in the current month, then another partial adjustment in the next month is problematic. This is another example where tracking and settling the adjustment becomes complicated by the likelihood of multiple transactions to complete a full adjustment. The suggested solution from the commenter was to place a hold on a partial adjustment available in the current month, then move the funds at one time, as a single adjustment, after the next month's benefits are issued. This reduces the number of transactions required to make an adjustment when going against a future month's benefits. We can see the merit in this approach and will allow State agencies to handle the process in this way, so long as the notification to households: (1) Is sent at the time the initial hold is placed on the current month's remaining available funds, if any; (2) clearly states the full adjustment amount; and (3) advises the household that any amount still owing is subject to collection from the household's next future month's benefits. To reduce the possibility of creating a hardship on the household, the processor must place a hold on whatever portion of the adjustment is available in the current month rather than wait to debit the entire adjustment amount from the household's next month's issuance.

Two commenters suggested dropping the language at 7 CFR 274.12(f)(4)(ii), which provides that ''[a] State agency shall make adjustments to an account after the availability date * * *,'' because it implies that adjustments can never be made before the availability date. We have re-worded this paragraph to clarify that State agencies must make adjustments to correct system errors and that those adjustments may be made after the availability date. This distinguishes system error adjustments from other types of adjustments to client EBT accounts which may not be made after the benefit availability date.

The Department will require State agencies to amend training materials to disclose information to households about adjustments, including the possibility that an adjustment can be made against a future month's benefit. Training materials must also inform households of their right to a fair hearing if they do not feel that the adjustment is warranted and their right to receive a credit for the adjustment amount pending a fair hearing decision. Although one commenter questioned the sense of allowing State agencies a grace period to make changes to training materials, we have not changed the rule. State agencies may grandfather disclosure information on adjustments into their training materials if they have EBT systems that have been operational for one year from the date of this publication. However, as we discuss below, whenever a household's account is debited to make an adjustment, the State agency must provide the household concurrent notification of their rights to appeal and to provisional credits, including the possibility of adjustment from the next month's benefits.

Notice and Fair Hearing Requirement

When an adjustment will adversely affect the household, the interim rule requires State agencies to send a concurrent notice at the time the action is taken rather than an advance notice which must be sent 10 days before an action is taken. The concurrent notice gives households the right to a fair hearing and the right to be credited for the adjustment amount pending the outcome of the fair hearing. The majority of comments received on this subject continue to disagree with the notice requirement. However, as mentioned above, such notification is mandated by the FSA. Thus, the final rule remains unchanged in requiring concurrent notice to households. These notices must contain the level of detail described in current regulations at 7 CFR 273.13, *i.e.,* State agencies are required to include information about the circumstances which resulted in the adverse action. State agencies are encouraged to include as much detail about the transaction—date, time and location—as possible, since such information could reduce calls to the help desk as well as requests for fair hearings and provisional credits.

Several commenters relayed concern that only one notice be required, even when partial adjustments are necessary from future months to recoup the full adjustment amount. It is the intent of this rule that only one notice be sent to a household informing it of the error and disclosing the full adjustment amount. The State agency must send the notice concurrent to taking initial action on the adjustment. Subsequent transactions to move the funds or otherwise complete the adjustment do not require additional household notification. It should be noted that all actions taken to reduce the household's allotment are subject to notice, including the correction of an erroneous adjustment that first went in the household's favor. No notice is necessary if an adjustment is a credit to the household account.

The household has 90 days from the date of the notice to request a fair hearing. However, if the request is received within 10 days from the date of the notice, the household must be granted a provisional credit pending the fair hearing decision. Three commenters believe that merchants and/or processors need to have input into the fair hearing process. There is no prohibition against parties other than the State agency and the FSP households having input into the fair hearing process. We encourage State agencies to ensure that all parties involved in resolving an error have access to the fair hearing process.

Provisional Credits

Several comments were received relating to provisional credits pending fair hearing determination. There continues to be considerable confusion

about how to handle provisional credits, specifically how to handle claims of system errors and how provisional credits should be funded. Commenters also continue to have questions regarding liabilities for provisional credits in various circumstances.

First, the Department is clarifying that provisional credits are not required for denied system error claims initiated by client households. For example, a household claims that they are missing benefits from the EBT account as a result of a retailer's system problem, but the alleged system error cannot be substantiated with settlement data. In this case, the State agency may deny the adjustment. However, in so doing, they must also inform the household of their right to a fair hearing. In such a case, if the household does request a fair hearing, the State agency is not required to make a provisional credit to the household pending the fair hearing decision.

Several commenters were also concerned with the complexity of the provisional credit process when a retailer requests an adjustment. The interim rule states that, when a client responds to a retailer-initiated adjustment by requesting a fair hearing and provisional credit, the State agency must notify the processor to initiate another adjustment to credit the recipient's account—presumably coming out of the retailer's account. This scenario becomes even further complicated in cases where the client's fair hearing is not upheld. At such time, the amount of the provisional credit must be debited from the client account and credited back to the retailer.

Many commenters expressed concerns about the problems associated with State agencies and their processors having to track adjustments back and forth between the retailer and household accounts pending a fair hearing decision. There was also concern expressed about the likelihood that a household may spend the provisional credit and leave the FSP before it could be determined that the adjustment was in error. To simplify the process and reduce the risk involved in instances of retailer-initiated adjustments, the Department will require State agencies to have their processors place a hold on the adjustment amount in the client account pending a timely request for a provisional credit.

If the household does not request a provisional credit within the 10-day timeframe allotted for doing so, the hold on the funds in the client account is released and the adjustment is made into the retailer's account. As discussed above, if there are insufficient funds to cover the full adjustment amount, the State agency may choose to maintain the hold until the next month's benefits are issued and settle the full adjustment amount. If the household does request the provisional credit, the hold is released and the funds remain in the client's account. Should the fair hearing decision go against the client, the adjustment amount will then be credited to the retailer's account.

Four commenters felt that it was unfair to make retailers liable for provisional credits. Three commenters asked that we specify where provisional credits are to come from. Three other commenters suggested that government sources rather than private sources fund provisional credits. We are not changing the source of provisional credits in the final rule. However, we believe that, by not requiring provisional credits in instances of denied client-initiated adjustments, and by requiring State agencies to put a hold on an adjustment until after the time when a household can request a provisional credit, we have simplified the adjustment process and reduced the retailers' liability for unwarranted provisional credits.

Four commenters supported the Department taking on the liability of funding credit adjustments to clients when the responsible retailers have left the FSP or otherwise refuse to fund a legitimate adjustment. The Department has determined that because these adjustments result from the State agency's system errors, the State is ultimately responsible for making the client whole in these instances. The number of these situations that are likely to occur are quite small given that adjustments occur infrequently and the majority of food stamp transactions take place in stores with historically low turnover in the FSP. Moreover, adjustment amounts as reported by retailers and processors are small. If a client household leaves the FSP before a credit adjustment has been completed for a retailer, the adjustment is discontinued. As was stated in the interim rule, collections made from clients that are not credited to retailers because they have left the FSP must be returned to the Department.

Timeframes

The interim rule distinguishes between adjustments generated by retailers and recipients. It allows the State agency 10 days from the date of the error transaction to complete an adjustment requested by a retailer and 5 days from the date a client household notifies the State agency or help desk to complete a client-initiated adjustment. Three commenters felt the timeframes to complete adjustments were too short; three others specified that the 5-day timeframe to complete a client-initiated adjustment was too short, given the actions that must take place and the number of participants inherent in the adjustment process. The processes described by the commenters include compilation of documentation, research, exchange of information, and making the adjustment. The suggestion was to extend the timeframe for client initiated adjustments from 5 days to 10 or 15 days.

We believe that most client-initiated adjustments will result in funds owed to the household. In these scenarios, recipients have suffered a loss through no fault of their own, ostensibly through a verifiable system error. However, we have been convinced that 5 days is not enough time to complete an investigation of a client-initiated adjustment request. Therefore, the Department is extending the timeframe for client-initiated adjustments from 5 days to 10 days, in order to provide sufficient time for the State agencies and the processors to complete error verification research and handle the adjustment properly. This timeframe also applies to circumstances where the State agency or other entity besides the household discovers an error which must be corrected by crediting the household's account. Such a correction must occur within 10 days from the time the error is discovered.

The Department does not believe that a case has been made to justify allowing additional time after the 10-day deadline to complete retailer-initiated adjustments. In response to three comments, we are clarifying the use of the word ''completed'' in the context of retailer-initiated adjustments to mean that the initial adjustment transaction, which will be a hold placed on the funds available in the client account, must be attempted as soon as possible within 10 days of the error transaction, and a concurrent notification must be sent to the household. The funds will not move until after the time has passed for a household to request a provisional credit. We understand that, in some cases, all or some portion of the full adjustment will have to be made from the next month's allotment. However, the household must be notified concurrent with the initial adjustment action. The State agency may not take action on any adjustment to debit a household's account if more than 10 days have passed since the error transaction occurred, except in cases when the action is initiated within the 10-day timeframe but the funds are not

available in the current month and must be taken from the next month's benefit issuance.

Another comment was raised regarding the 180 days a client household has to notify the State agency of a system error and request an adjustment. Indications are that client households do not request adjustments this far from the date an alleged error occurred, primarily because EBT households do not receive account statements, and therefore, keep track of their account balances with their POS receipts. As such, it is more likely that they will discover the error soon after the transaction takes place.

Furthermore, many State agencies only keep transaction data on-line at the host computer for 90 days. To research an alleged error once the data has been moved off-line greatly increases the potential cost and administrative burden of the adjustment process. The Department is convinced that the 180-day timeframe is longer than necessary for households to request an adjustment and has reduced the timeframe to 90 days.

One commenter requested that the Department put specific deadlines on each participant in the adjustment, e.g., the retailer has a certain number of days to request the adjustment, then the processors have another specified timeframe to complete the process, and so on. The Department believes that such an approach would be difficult to track and administratively burdensome. We realize, however, that each of these participants has a responsibility to the others to handle their portion expeditiously if timeframes are to be met. We would recommend and expect that this level of detail be addressed in retailer and third party agreements.

One commenter wanted clarification on the ramifications of not meeting timeframes or otherwise complying with this rule. This rule will not impose specific penalties for non-compliance. As with other regulatory requirements, however, State agencies are required to ensure the processor's compliance and failure to do so may result in administrative sanctions by the Department against the State agency.

Re-presentations

The Department received three comments relaying confusion about how re-presentation fits into the adjustment process. In fact, re-presentation regulations are separate and apart from adjustment rules, because State agencies now have access to a household's future month's benefit issuance to make an adjustment. The only time a State agency would need to consider re-presentation is in the event of insufficient funds to cover a manual transaction when the system host computer is down. Any references to re-presentation are used in the context of 7 CFR 274.12(e). There are no changes regarding re-presentations in the final rule from what was published in the interim rule.

Implementation

This final rule is effective August 4, 2000. State agencies may begin implementing the rule August 4, 2000 but no later than January 2, 2001. State agencies that have already implemented EBT shall have one year in which to grandfather adjustment disclosure into their training materials according to 7 CFR 274.12(f)(10)(viii).

List of Subjects

7 CFR Part 272

Alaska, Civil Rights, Food Stamps, Grant Programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedures, Aliens, Claims, Food stamps, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

7 CFR Part 274

Administrative procedures and practices, Food Stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 7 CFR Parts 272, 273 and 274, which was published at 64 FR 48933 on September 9, 1999, is adopted as a final rule with the following changes:

1. The authority citation for 7 CFR Parts 272, 273 and 274 continues to read as follows:

Authority: 7 U.S.C. 2011–3036.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, paragraph (g)(154) is revised to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(154) *Amendment No. 386.* The provisions of Amendment No.386 are effective August 4, 2000. State agencies may begin implementing the rule August 4, 2000 but not later than January 2, 2001. State agencies that have already implemented EBT shall have one year in which to grandfather adjustment disclosure into their training materials according to 7 CFR 274.12(f)(10)(viii).

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.13, paragraph (a)(3)(vii) is redesignated as (a)(4) and is revised to read as follows:

§ 273.13 Notice of adverse action.

(a) * * * (4) The State agency shall notify a household that its benefits will be reduced if an EBT system-error has occurred during the redemption process resulting in an out-of-balance settlement condition. This notification shall be made no later than the date the action is initiated against the household account. The State agency shall adjust the benefit in accordance with § 274.12 of this chapter.

* * * * *

4. In § 273.15, the fifth and sixth sentences of paragraph (k)(1) are revised to read as follows:

§ 273.15 Fair hearings.

* * * * *

(k) *Continuation of benefits.*

(1) * * * In the case of an EBT adjustment, as defined in § 274.12(f)(4)(ii) of this chapter, once an adverse action is upheld, the State agency shall immediately debit the household's account for the total amount stated in its original notice. If there are no benefits or insufficient benefits remaining in the household's account at the time the State agency action is upheld, the State agency may only make the adjustment from the next month's benefits, regardless of whether this satisfies the full adjustment amount. * * *

* * * * *

PART 274—ISSUANCE AND USE OF COUPONS

5. In § 274.12, paragraphs (f)(4) and (f)(10)(viii) are revised to read as follows:

§ 274.12 Electronic Benefit Transfer issuance system approval standards.

* * * * *

(f) *Household Participation* * * *

(4) *Issuance of Benefits.* State agencies shall establish an availability date for household access to their benefits and inform households of this date.

(i) The State agency may make adjustments to benefits posted to household accounts after the posting process is complete but prior to the availability date for household access in the event benefits are erroneously posted.

(ii) A State agency shall make adjustments to an account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error. A system error is defined as an error resulting from a malfunction at any point in the redemption process: from the system host computer, to the switch, to the third party processors, to a store's host computer or point of sale (POS) device. These adjustments may occur after the availability date and may result in either a debit or credit to the household.

(A) *Client-initiated adjustments*. The State agency must act on all requests for adjustments made by client households within 90 calendar days of the error transaction. The State agency has 10 business days from the date the household notifies it of the error to investigate and reach a decision on an adjustment and move funds into the client account. This timeframe also applies if the State agency or entity other than the household discovers a system error that requires a credit adjustment to the household. Business days are defined as calendar days other than Saturdays, Sundays, and Federal holidays.

(B) *Retailer-initiated adjustments*. The State agency must act upon all adjustments to debit a household's account no later than 10 business days from the date the error occurred, by placing a hold on the adjustment balance in the household's account. If there are insufficient benefits to cover the entire adjustment, a hold shall be placed on any remaining balance that exists, with the difference being subject to availability only in the next future month. The household shall be given, at a minimum, adequate notice in accordance with § 273.13 of this chapter. The notice must be sent at the time the initial hold is attempted on the household's current month's remaining balance, clearly state the full adjustment amount, and advise the household that any amount still owing is subject to collection from the household's next future month's benefits.

(*1*) The household shall have 90 days from the date of the notice to request a fair hearing.

(*2*) Should the household dispute the adjustment and request a hearing within 10 days of the notice, a provisional credit must be made to the household's account by releasing the hold on the adjustment balance within 48 hours of the request by the household, pending resolution of the fair hearing. If no request for a hearing is made within 10 days of the notice, the hold is released on the adjustment balance, and this amount is credited to the retailer's account. If there are insufficient funds available in the current month to cover the full adjustment amount, the hold may be maintained and settled at one time after the next month's benefits become available.

(iii) The appropriate management controls and procedures for accessing benefit accounts after the posting shall be instituted to ensure that no unauthorized adjustments are made in accordance with paragraph (f)(7)(iii) of this section.

* * * * *

(10) * * *

(viii) Disclosure information regarding adjustments and a household's rights to notice, fair hearings, and provisional credits. The disclosure must also state where to call to dispute an adjustment and request a fair hearing. State agencies that have already implemented EBT shall have one year in which to grandfather adjustment disclosure into their training materials.

* * * * *

Dated: June 28, 2000.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 00–16944 Filed 7–3–00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–74–AD; Amendment 39–11807; AD 2000–13–08]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland GmbH Model EC 135 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) that applies to Eurocopter Deutschland GmbH (ECD) Model EC 135 helicopters. That AD requires conducting a tail rotor drive shaft vibration survey (survey), installing a Fenestron Shaft Retrofit Kit, inspecting each tail rotor drive shaft bearing (bearing) attaching lock plate for bent-open tabs and broken or missing slippage marks, and visually inspecting each bearing support for cracks. This AD requires conducting the survey and installing the Fenestron Shaft Retrofit Kit. This AD also requires installing double bearing supports and struts, revising the required compliance time for the repetitive inspections of the bearing attach hardware and supports, and removing the requirement to contact the FAA if a lock plate tab is bent open or if slippage marks are broken or missing. This amendment is prompted by continued reports of misaligned or cracked bearing supports and loose bearing attachment bolts. The actions specified by this AD are intended to prevent loss of drive to the tail rotor and subsequent loss of control of the helicopter.

DATES: Effective August 9, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 9, 2000.

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

FOR FURTHER INFORMATION CONTACT: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–15–25, Amendment 39–10866 (63 FR 59206, November 3, 1998), that applies to ECD Model EC 135 helicopters, was published in the **Federal Register** on April 6, 2000 (65 FR 18010). That action proposed to require the following:

- Conducting a vibration survey and installing the Fenestron Shaft Retrofit Kit L535M3002 882;
- Installing double bearing supports and struts;
- Inspecting and, if necessary, replacing bearing attach hardware; and
- Increasing the repetitive inspection interval for the bearing supports and attach hardware to 50 hours time-in-service (TIS).

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

public interest require the adoption of the rule as proposed.

The FAA estimates that 16 helicopters of U.S. registry will be affected by this AD. The 50-hour inspection will take approximately 2 work hours to complete. The average labor rate is $60 per work hour. ECD has stated in its ASB's that the baseline vibration measurements and initial installation of all new parts will be provided at no charge to the owner/operator. Assuming the helicopters are operated 900 hours TIS per year, the total cost impact of this AD on U.S. operators is estimated to be $34,560.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–10866, and by adding a new airworthiness directive (AD), Amendment 39–11807, to read as follows:

2000–13–08 Eurocopter Deutschland GmbH: Amendment 39–11807. Docket No. 98–SW–74–AD. Supersedes AD 98–15–25, Amendment 39–10866, Docket No. 98–SW–35–AD.

Applicability: Model EC 135 helicopters, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of drive to the tail rotor and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, conduct a tail rotor drive shaft vibration survey and install a Fenestron Shaft Retrofit Kit L535M3002 882 in accordance with Eurocopter Deutschland GmbH Alert Service Bulletin (ASB) EC 135–53A–005, Revision 3, dated September 2, 1998.

(b) Before further flight, install double bearing supports for the tail rotor driveshaft and tail boom struts in accordance with ASB EC 135–53A–004, dated August 14, 1998.

Note 2: ASB EC 135–53A–002, Revision 2, dated September 2, 1998, pertains to the subject of this AD.

(c) Before further flight and thereafter at intervals not to exceed 50 hours time-in-service, perform the following:

(1) Clean each tail rotor drive shaft bearing support. Using a 6-power or higher magnifying glass and a bright light, visually inspect the attach lugs of the bearing supports B and C (shown in Figure 1) for cracks, particularly in the area extending from the bend radius to the attaching screws and rivets connecting the bearing supports to the tail boom. Before further flight, replace each cracked bearing support with an airworthy bearing support.

BILLING CODE 4910–13–P

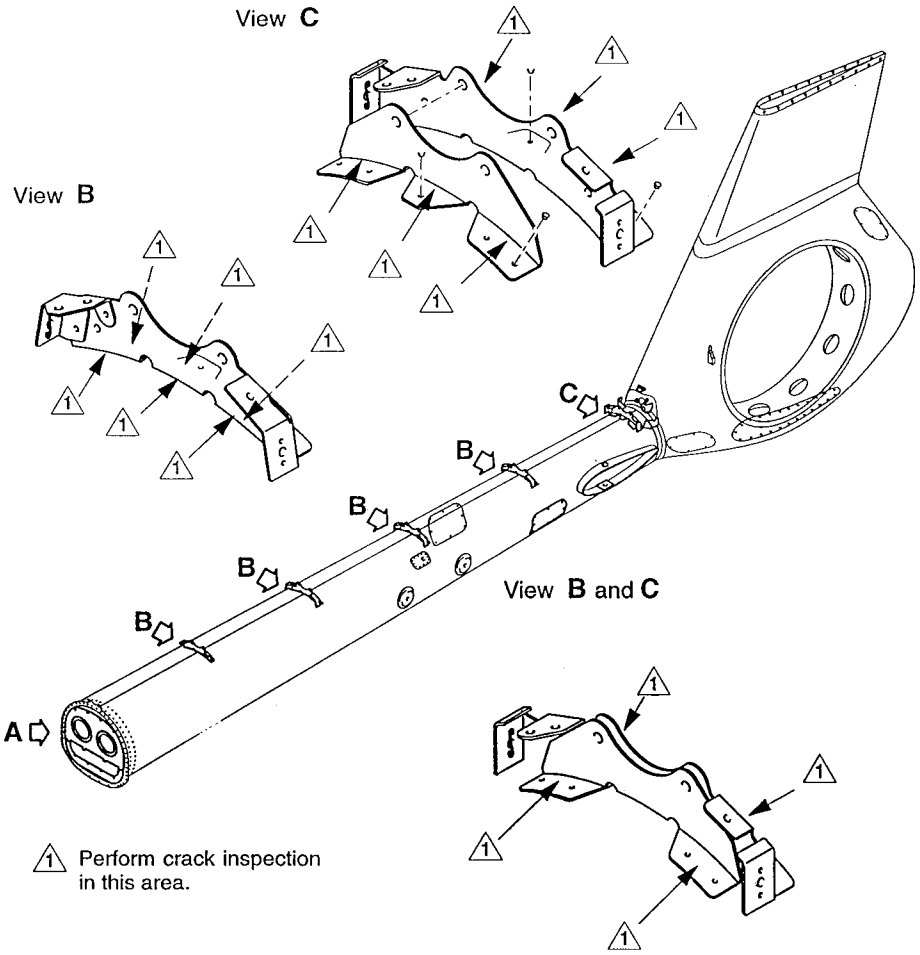

Figure 1

BILLING CODE 4910–13–C

(2) Inspect each bearing attach hardware lock plate for bent-open tabs and slippage marks for attach hardware looseness or rotation. Before further flight, replace any loose bearing attach hardware (including lock plates found bent or open due to bolt rotation) with airworthy hardware.

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

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

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

(f) The modifications shall be done in accordance with Eurocopter Deutschland GmbH Alert Service Bulletin EC 135–53A–005, Revision 3, dated September 2, 1998, and Eurocopter Deutschland GmbH Alert Service Bulletin EC 135–53A–004, dated August 14, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on August 9, 2000.

Note 4: The subject of this AD is addressed in Luftfahrt-Bundesamt (Federal Republic of Germany) AD's 1998–033/7 and 1998–389, both dated September 14, 1998.

Issued in Fort Worth, Texas, on June 26, 2000.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–16781 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AAL–1]

Revision of Class E Airspace; Barrow, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Barrow, AK. The revision of instrument approach procedures to runway (RWY) 6 and RWY 24 at Wiley Post—Will Rogers Memorial Airport, Barrow, AK, made this action necessary. This rule provides adequate controlled airspace for aircraft flying IFR procedures at Barrow, AK.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

FOR FURTHER INFORMATION CONTACT: Bob Durand, Operations Branch, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–

7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: Bob.Durand@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

On April 24, 2000, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Barrow, AK, was published in the **Federal Register** (65 FR 21681). The proposal was necessary due to revisions to the instrument approaches to runway (RWY) 06 and RWY 24 at Wiley Post—Will Rogers Memorial Airport, Barrow, AK.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, thus, the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9G, *Airspace Designations and Reporting Points*, 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 revised and published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 revises the Class E airspace at Barrow, AK, through the revisions of instrument approaches to the Wiley Post—Will Rogers Memorial Airport, Barrow, AK. The area will be depicted on aeronautical charts for pilot reference. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations at Wiley Post—Will Rogers Memorial Airport, Barrow, AK.

The FAA has determined that these proposed regulations only involve 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, when promulgated, 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; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9G, *Airspace Designations and Reporting Points*, dated September 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.

* * * * *

AAL AK E5 Barrow, AK [Revised]

Barrow/Wiley Post—Will Rogers Memorial Airport, AK
(Lat. 71°17′08″ N, long. 156°45′58″ W)
Barrow VORTAC
(Lat. 71°16′24″ N, long. 156°47′18″ W)
Barrow Localizer
(Lat. 71°17′08″ N, long. 156°44′07″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Barrow/Wiley Post—Will Rogers Memorial Airport and within 4 miles north and 6 miles south of the Barrow Localizer back course extending from the 6.6-mile radius to 14.6 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within a 77-mile radius of the airport extending clockwise from the Barrow VORTAC 101° radial to the 240° radial and within the area bounded by a line beginning at the Barrow VORTAC 240° radial 20 miles west to lat. 71°13′ N long. 158° W, to lat. 71°23′ N long. 157°48′ W to lat. 71°25′ N long. 156°55′ W to lat. 71°20′ N long. 155°40′ W to lat. 71°14′ N 155°40′ W.

* * * * *

Issued in Anchorage, AK, on June 27, 2000.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 00–16918 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–33]

RIN 2120–AA66

Realignment of Jet Route; TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on June 14, 2000 (Airspace Docket No. 99–ASW–33). The legal description of Jet Route 25 (J–25) contained an inadvertent error between the Corpus Christi, TX, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and the San Antonio, TX, VORTAC. This action corrects that error.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Bil Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: On June 14, 2000, Airspace Docket No. 99–ASW–33, FR Doc. 00–14909, was published amending the legal description of J–25 between the Corpus Christi, TX, VORTAC and the San Antonio, TX, VORTAC (65 FR 37277). This rule inadvertently listed the true bearing between Corpus Christi, TX, and San Antonio, TX, as ''166°.'' The correct true bearing is ''174°.'' The correct true bearing was listed in the Notice of Proposed Rulemaking for this matter.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the legal description for J–25 as published in the **Federal Register** on June 24, 2000 (65 FR 37277), FR Doc. 00–14909, and incorporated by reference in 14 CFR 71.1, is corrected as follows:

§ 71.1 [Corrected]

Paragraph 2004 Jet Routes

* * * * *

J–25 [Revised]

From the INT of the United States/Mexican Border and the Brownsville, TX, INT 221° radial via Brownsville; INT of the Brownsville 358° and the Corpus Christi, TX, 178° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, TX, 174° radials; San Antonio; Centex, TX; Waco, TX; Ranger, TX; Tulsa, OK; Kansas City, MO; Des Moines, IA; Mason City, IA; Gopher, MN; Brainerd, MN; to Winnipeg, MB, Canada. The airspace within Canada is excluded. The airspace within Mexico is excluded.

* * * * *

Issued in Washington, DC, on June 27, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division

[FR Doc. 00–16915 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASO–18]

RIN 2120–AA66

Realignment and Establishment of VOR Federal Airways; KY and TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on June 2, 2000. The legal description of Federal Airway V–384 inadvertently listed incorrect radials. This action corrects that error.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Terry Brown, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: On June 2, 2000, Airspace Docket No. 97–ASO–18, FR Doc. 00–13750, was published establishing V–384 between Livingston, TN, and Volunteer, TN. This rule included a legal description for V–384, which inadvertently listed incorrect radials. This action corrects this situation by omitting the radials in the legal description for V–384, thereby eliminating the error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the legal description for V–384 as published in the **Federal Register** on June 2, 2000 (65 FR 35272); FR Doc. 00–13750, and incorporated by reference in 14 CFR 71.1, is corrected as follows:

§ 71.1 [Corrected]

On page 35273, the legal description for V–384 is corrected as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–384—[Revised]

From Livingston, TN; to Volunteer, TN.

* * * * *

Issued in Washington, DC, on June 27, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–16914 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. 95N–0084]

Medical Devices; Effective Date of Requirement for Premarket Approval for a Class III Preamendments Obstetrical and Gynecological Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule to require the filing of a premarket approval application (PMA) or a notice of completion of product development protocol (PDP) for a Group 1 preamendments class III device, the obstetric data analyzer intended to analyze data from fetal and maternal monitors during labor and to warn of possible fetal distress. The agency has summarized its findings regarding the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the statute's approval requirements and the benefits to the public from the use of the devices.

DATES: This rule is effective July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Colin M. Pollard, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of May 6, 1994 (59 FR 23731), FDA issued a notice of availability of a preamendments class III devices strategy document. The strategy document set forth FDA's plans for implementing the provisions of section 515(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(i)) for preamendments class III devices for which FDA had not yet required premarket approval. FDA divided this universe of devices into three groups as referenced in the May 6, 1994, notice.

In the **Federal Register** of September 7, 1995 (60 FR 46718), FDA published a proposed rule to require the filing under section 515(b) of the act of a PMA or a notice of completion of a PDP for 43 preamendment class III devices, including the obstetric data analyzer. In accordance with section 515(b)(A)(2) of the act, FDA included in the preamble to the proposal the agency's tentative findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the premarket approval requirements of the act, and the benefits to the public from use of the device. The September 7, 1995, proposed rule also provided an opportunity for interested persons to submit comments on the proposed rule and the agency's findings. Under section 515(b)(2)(B) of the act, FDA provided an opportunity for interested persons to request a change in the classification of the device based on new information relevant to its classification. Any petition requesting a change in the classification of the devices was required to be submitted by September 22, 1995. The comment period closed January 5, 1996.

FDA received one citizen petition requesting a change in the classification of the obstetrical data analyzer. FDA reviewed the petition, identified a deficiency in the petition, and issued a deficiency letter on March 7, 1996, to the petitioner. From the petitioner's response to the deficiency letter, it was apparent that the petitioner had misinterpreted the September 7, 1995, proposed rule because he believed that it was about another device and not the obstetrical data analyzer. In light of this petition, FDA has amended the identification of the device in § 884.2050(a) by changing the first two sentences to read as follows: ''An obstetric data analyzer (fetal status data analyzer) is a device used during labor to analyze electronic signal data obtained from fetal and maternal monitors. The obstetric data analyzer provides clinical diagnosis of fetal

status and recommendations for labor management and clinical interventions.'' With this clarifying change, FDA is proceeding to issue a final rule to require the filing of a PMA or a PDP for the obstetric data analyzer.

II. Findings With Respect to Risks and Benefits

Under section 515(b)(3) of the act, FDA is adopting the findings as published in the proposed rule of September 7, 1995. As required by section by section 515(b) of the act, FDA published its findings regarding: (1) The degree of risk of illness or injury designed to be eliminated or reduced by requiring that these devices have an approved PMA or a declared completed PDP; and (2) the benefits to the public from the use of the device.

These findings are based on the reports and recommendations of the Obstetrical and Gynecological Devices Panel, an FDA advisory committee for the classification of the devices, along with any additional information FDA discovered. Additional information can be found in the proposed and final rules classifying the devices in the **Federal Register** of April 3, 1979 (44 FR 19894) and February 26, 1980 (45 FR 12682), respectively.

III. The Final Rule

Under section 515(b)(3) of the act, FDA is adopting the findings as published in the preamble to the proposed rule and issuing this final rule to require premarket approval of the generic type of device, the obstetric data analyzer, by revising 21 CFR part 884.

Under the final rule, a PMA or a notice of completion of a PDP is required to be filed on or before October 3, 2000, for any obstetric data analyzer that was in commercial distribution before May 28, 1976, or that has been found by FDA to be substantially equivalent to such a device on or before October 3, 2000. An approved PMA or a declared completed PDP is required to be in effect for any such devices on or before 180 days after FDA files the application. Any other obstetric data analyzer that was not in commercial distribution before May 28, 1976, is required to have an approved PMA or a declared completed PDP in effect before it may be marketed.

If a PMA or a notice of completion of a PDP for an obstetric data analyzer is not filed on or before the 90th day past the effective date of this regulation, that device will be deemed adulterated under section 501(f)(1)(A) of the act (21 U.S.C. 351(f)(1)(A)), and commercial distribution of the device will be required to cease immediately. The device may, however, be distributed for investigational use, if the requirements of the investigational device exemption (IDE) regulations (21 CFR part 812) are met.

Under § 812.2(d) of the IDE regulations, FDA hereby stipulates that the exemptions from the IDE requirements in § 812.2(c)(1) and (c)(2) will no longer apply to clinical investigations of the obstetric data analyzer. Further, FDA concludes that investigational obstetric data analyzers are significant risk devices as defined in § 812.3(m) and advises that, as of the effective date of § 878.3530(c), the requirements of the IDE regulations regarding significant risk devices will apply to any clinical investigation of an obstetric data analyzer. For any obstetric data analyzer that is not subject to a timely filed PMA or PDP, an IDE must be in effect under § 812.20 on or before 90 days after the effective date of this regulation or distribution of the device must cease. FDA advises all persons presently sponsoring a clinical investigation involving the obstetric data analyzer to submit an IDE application to FDA no later than 60 days after the effective date of this final rule to avoid the interruption of ongoing investigations.

IV. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Public Law 96–354), as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121) and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

If a rule has a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because FDA believes that there is little or no interest in marketing these devices, the agency certifies that the final rule, if issued, will not have a significant impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year (adjusted annually for inflation). The Unfunded Mandates Reform Act does not require FDA to prepare a statement of costs and benefits for the final rule, because the proposed rule is not expected to result in any 1-year expenditure that would exceed $100 million adjusted for inflation.

VI. Paperwork Reduction Act of 1995

FDA concludes that this final rule contains no new collections of information. The premarket approval program information collection is approved by the Office of Management and Budget (OMB) under OMB Control No. 0910–0231. Therefore, clearance by under the Paperwork Reduction Act of 1995 is not required.

VII. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies 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. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

List of Subjects in 21 CFR Part 884

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner

of Food and Drugs, 21 CFR part 884 is amended as follows:

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

1. The authority citation for 21 CFR part 884 continues to read as follows:

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

2. Section 884.2050 is revised to read as follows:

§ 884.2050 Obstetric data analyzer.

(a) *Identification.* An obstetric data analyzer (fetal status data analyzer) is a device used during labor to analyze electronic signal data obtained from fetal and maternal monitors. The obstetric data analyzer provides clinical diagnosis of fetal status and recommendations for labor management and clinical interventions. This generic type of device may include signal analysis and display equipment, electronic interfaces for other equipment, and power supplies and component parts.

(b) *Classification:* Class III (premarket approval).

(c) *Date PMA or notice of completion of PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before October 3, 2000, for any obstetric data analyzer described in paragraph (a) of this section that was in commercial distribution before May 28, 1976, or that has been found, on or before October 3, 2000, to be substantially equivalent to an obstetric data analyzer described in paragraph (a) of this section that was in commercial distribution before May 28, 1976. Any other obstetric data analyzer described in paragraph (a) of this section shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

Dated: June 22, 2000.

Linda S. Kahan,

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

[FR Doc. 00–16808 Filed 7–5–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8890]

RIN 1545–AX25

Definition of Grantor

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains final regulations defining the term *grantor* for purposes of part I of subchapter J, chapter 1 of the Internal Revenue Code. These regulations provide necessary guidance in determining who is the grantor of a trust in applying those Code sections. These regulations affect trusts and any person creating or funding a trust.

DATES: *Effective Date:* These regulations are effective July 5, 2000.

Applicability Dates: For dates of applicability of § 1.671–2(e), see § 1.671–2(e)(7).

FOR FURTHER INFORMATION CONTACT: James A. Quinn at (202) 622–3060 (not a toll-free number).

SUPPLEMENTARY INFORMATION

Background

On June 5, 1997, the Treasury Department and the IRS published a notice of proposed rulemaking (REG–252487–96) under section 671 of the Internal Revenue Code (Code) in the **Federal Register** (62 FR 30785). Comments responding to the notice were received and a public hearing was held on August 27, 1997. After consideration of the comments, the proposed regulations under section 671 were re-issued as proposed (64 FR 43323) and temporary regulations (64 FR 43267) on August 10, 1999.

The proposed and temporary regulations provide a definition of grantor for purposes of part I of subchapter J, chapter 1 of the Code. No comments were received in response to the Notice of Proposed Rulemaking published on August 10, 1999, in the **Federal Register**, and no one requested to speak at the public hearing scheduled for November 2, 1999. Accordingly, the public hearing was canceled on October 28, 1999 (64 FR 58006). This document finalizes the proposed regulations and removes the temporary regulations.

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 also has 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 Code, the notice of proposed rulemaking preceding these regulations was submitted to the Small Business Administration for comment on the regulations' impact on small business.

Drafting Information

The principal author of these regulations is James A. Quinn of the Office of the Assistant Chief Counsel (Passthroughs and Special Industries). 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 is amended by removing the entry for section 1.671–2T and adding an entry in numerical order to read in part as follows:

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

Section 1.671–2 also issued under 26 U.S.C. 643(a)(7) and 672(f)(6). * * *

§ 1.643(h)–1 [Amended]

Par. 2. Section 1.643(h)–1 is amended as follows:

1. In paragraph (a)(2)(i) the language ''§ 1.671–2T(e)(2)'' is removed, and ''§ 1.671–2(e)(2)'' is added in its place.

2. In paragraph (b)(1) the language ''§ 1.671–2T(e)(2)'' is removed, and ''§ 1.671–2(e)(2)'' is added in its place.

3. In paragraph (b)(2) the language ''§ 1.671–2T(e)'' is removed, and ''§ 1.671–2(e)'' is added in its place.

4. In paragraph (g) *Example 1* the language ''§ 1.671–2T(e)(2)'' is removed, and ''§ 1.671–2(e)(2)'' is added in its place.

Par. 3. Section 1.671–2(e) is revised to read as follows:

§ 1.671–2 Applicable principles.

* * * * *

(e)(1) For purposes of part I of subchapter J, chapter 1 of the Internal

Revenue Code, a grantor includes any person to the extent such person either creates a trust, or directly or indirectly makes a gratuitous transfer (within the meaning of paragraph (e)(2) of this section) of property to a trust. For purposes of this section, the term *property* includes cash. If a person creates or funds a trust on behalf of another person, both persons are treated as grantors of the trust. (See section 6048 for reporting requirements that apply to grantors of foreign trusts.) However, a person who creates a trust but makes no gratuitous transfers to the trust is not treated as an owner of any portion of the trust under sections 671 through 677 or 679. Also, a person who funds a trust with an amount that is directly reimbursed to such person within a reasonable period of time and who makes no other transfers to the trust that constitute gratuitous transfers is not treated as an owner of any portion of the trust under sections 671 through 677 or 679. See also § 1.672(f)–5(a).

(2)(i) A gratuitous transfer is any transfer other than a transfer for fair market value. A transfer of property to a trust may be considered a gratuitous transfer without regard to whether the transfer is treated as a gift for gift tax purposes.

(ii) For purposes of this paragraph (e), a transfer is for fair market value only to the extent of the value of property received from the trust, services rendered by the trust, or the right to use property of the trust. For example, rents, royalties, interest, and compensation paid to a trust are transfers for fair market value only to the extent that the payments reflect an arm's length price for the use of the property of, or for the services rendered by, the trust. For purposes of this determination, an interest in the trust is not property received from the trust. In addition, a person will not be treated as making a transfer for fair market value merely because the transferor recognizes gain on the transaction. See, for example, section 684 regarding the recognition of gain on certain transfers to foreign trusts.

(iii) For purposes of this paragraph (e), a gratuitous transfer does not include a distribution to a trust with respect to an interest held by such trust in either a trust described in paragraph (e)(3) of this section or an entity other than a trust.

For example, a distribution to a trust by a corporation with respect to its stock described in section 301 is not a gratuitous transfer.

(3) A grantor includes any person who acquires an interest in a trust from a grantor of the trust if the interest acquired is an interest in certain investment trusts described in § 301.7701–4(c) of this chapter, liquidating trusts described in § 301.7701–4(d) of this chapter, or environmental remediation trusts described in § 301.7701–4(e) of this chapter.

(4) If a gratuitous transfer is made by a partnership or corporation to a trust and is for a business purpose of the partnership or corporation, the partnership or corporation will generally be treated as the grantor of the trust. For example, if a partnership makes a gratuitous transfer to a trust in order to secure a legal obligation of the partnership to a third party unrelated to the partnership, the partnership will be treated as the grantor of the trust. However, if a partnership or a corporation makes a gratuitous transfer to a trust that is not for a business purpose of the partnership or corporation but is for the personal purposes of one or more of the partners or shareholders, the gratuitous transfer will be treated as a constructive distribution to such partners or shareholders under federal tax principles and the partners or the shareholders will be treated as the grantors of the trust. For example, if a partnership makes a gratuitous transfer to a trust that is for the benefit of a child of a partner, the gratuitous transfer will be treated as a distribution to the partner under section 731 and a subsequent gratuitous transfer by the partner to the trust.

(5) If a trust makes a gratuitous transfer of property to another trust, the grantor of the transferor trust generally will be treated as the grantor of the transferee trust. However, if a person with a general power of appointment over the transferor trust exercises that power in favor of another trust, then such person will be treated as the grantor of the transferee trust, even if the grantor of the transferor trust is treated as the owner of the transferor trust under subpart E of part I, subchapter J, chapter 1 of the Internal Revenue Code.

(6) The following examples illustrate the rules of this paragraph (e). Unless otherwise indicated, all trusts are domestic trusts, and all other persons are United States persons. The examples are as follows:

Example 1. A creates and funds a trust, T, for the benefit of her children. B subsequently makes a gratuitous transfer to T. Under paragraph (e)(1) of this section, both A and B are grantors of T.

Example 2. A makes an investment in a fixed investment trust, T, that is classified as a trust under § 301.7701–4(c)(1) of this chapter. A is a grantor of T. B subsequently acquires A's entire interest in T. Under paragraph (e)(3) of this section, B is a grantor of T with respect to such interest.

Example 3. A, an attorney, creates a foreign trust, FT, on behalf of A's client, B, and transfers $100 to FT out of A's funds. A is reimbursed by B for the $100 transferred to FT. The trust instrument states that the trustee has discretion to distribute the income or corpus of FT to B and B's children. Both A and B are treated as grantors of FT under paragraph (e)(1) of this section. In addition, B is treated as the owner of the entire trust under section 677. Because A is reimbursed for the $100 transferred to FT on behalf of B, A is not treated as transferring any property to FT. Therefore, A is not an owner of any portion of FT under sections 671 through 677 regardless of whether A retained any power over or interest in FT described in sections 673 through 677. Furthermore, A is not treated as an owner of any portion of FT under section 679. Both A and B are responsible parties for purposes of the requirements in section 6048.

Example 4. A creates and funds a trust, T. A does not retain any power or interest in T that would cause A to be treated as an owner of any portion of the trust under sections 671 through 677. B holds an unrestricted power, exercisable solely by B, to withdraw certain amounts contributed to the trust before the end of the calendar year and to vest those amounts in B. B is treated as an owner of the portion of T that is subject to the withdrawal power under section 678(a)(1). However, B is not a grantor of T under paragraph (e)(1) of this section because B neither created T nor made a gratuitous transfer to T.

Example 5. A transfers cash to a trust, T, through a broker, in exchange for units in T. The units in T are not property for purposes of determining whether A has received fair market value under paragraph (e)(2)(ii) of this section. Therefore, A has made a gratuitous transfer to T, and, under paragraph (e)(1) of this section, A is a grantor of T.

Example 6. A borrows cash from T, a trust. A has not made any gratuitous transfers to T. Arm's length interest payments by A to T will not be treated as gratuitous transfers under paragraph (e)(2)(ii) of this section. Therefore, under paragraph (e)(1) of this section, A is not a grantor of T with respect to the interest payments.

Example 7. A, B's brother, creates a trust, T, for B's benefit and transfers $50,000 to T. The trustee invests the $50,000 in stock of Company X. C, B's uncle, purportedly sells property with a fair market value of $1,000,000 to T in exchange for the stock when it has appreciated to a fair market value of $100,000. Under paragraph (e)(2)(ii) of this section, the $900,000 excess value is a gratuitous transfer by C. Therefore, under paragraph (e)(1) of this section, A is a grantor with respect to the portion of the trust valued at $100,000, and C is a grantor of T with respect to the portion of the trust valued at $900,000. In addition, A or C or both will be treated as the owners of the respective portions of the trust of which each person is a grantor if A or C or both retain powers over or interests in such portions under sections 673 through 677.

Example 8. G creates and funds a trust, T1, for the benefit of G's children and grandchildren. After G's death, under authority granted to the trustees in the trust instrument, the trustees of T1 transfer a portion of the assets of T1 to another trust, T2, and retain a power to revoke T2 and revest the assets of T2 in T1. Under paragraphs (e)(1) and (5) of this section, G is the grantor of T1 and T2. In addition, because the trustees of T1 have retained a power to revest the assets of T2 in T1, T1 is treated as the owner of T2 under section 678(a).

Example 9. G creates and funds a trust, T1, for the benefit of B. G retains a power to revest the assets of T1 in G within the meaning of section 676. Under the trust agreement, B is given a general power of appointment over the assets of T1. B exercises the general power of appointment with respect to one-half of the corpus of T1 in favor of a trust, T2, that is for the benefit of C, B's child. Under paragraph (e)(1) of this section, G is the grantor of T1, and under paragraphs (e)(1) and (5) of this section, B is the grantor of T2.

(7) The rules of this section are applicable to any transfer to a trust, or transfer of an interest in a trust, on or after August 10, 1999.

§ 1.671–2T [Removed]

Par. 4. Section 1.671–2T is removed.

§ 1.672(f)–2 [Amended]

Par. 5. Section 1.672(f)–2 is amended as follows:

1. In paragraph (b)(1) the language ''§ 1.671–2T(e)(2)'' is removed, and ''§ 1.671–2(e)(2)'' is added in its place.

2. In paragraph (d) *Example 1* the language ''§ 1.671–2T(e)'' is removed, and ''§ 1.671–2(e)'' is added in its place.

§ 1.672(f)–3 [Amended]

Par. 6. Section 1.672(f)–3 is amended as follows:

1. In paragraph (a)(1) the language ''§ 1.671–2T(e)'' is removed, and ''§ 1.671–2(e)'' is added in its place.

2. In paragraph (a)(4) *Example 2* the language ''§ 1.671–2T(e)'' is removed, and ''§ 1.671–2(e)'' is added in its place.

3. In paragraph (b)(1) the language ''§ 1.671–2T(e)(2)'' is removed, and ''§ 1.671–2(e)(2)'' is added in its place.

4. In paragraph (b)(1) the language ''§ 1.671–2T(e)'' is removed, and ''§ 1.671–2(e)'' is added in its place.

5. In paragraph (b)(4) *Example 1* the language ''§ 1.671–2T(e)'' is removed, and ''§ 1.671–2(e)'' is added in its place.

6. In paragraph (b)(4) *Example 2* the language ''§ 1.671–2T(e)'' is removed and ''§ 1.671–2(e)'' is added in its place.

§ 1.672(f)–4 [Amended]

Par. 7. Section 1.672(f)–4 is amended as follows:

1. In paragraph (c)(1) the language ''§ 1.671–2T(e)(2)'' is removed, and ''§ 1.671–2(e)(2)'' is added in its place.

2. In paragraph (c)(1) the language ''§ 1.671–2T(e)(4)'' is removed, and ''§ 1.671–2(e)(4)'' is added in its place.

3. In paragraph (d)(1) the language ''§ 1.671–2T(e)(2)(ii)'' is removed, and ''§ 1.671–2(e)(2)(ii)'' is added in its place.

4. In paragraph (g) *Example 4* the language ''§ 1.671–2T(e)'' is removed, and ''§ 1.671–2(e)'' is added in its place.

§ 1.672(f)–5 [Amended]

Par. 8. In § 1.672(f)–5, paragraph (a)(1) is amended by removing the language ''§ 1.671–2T(e)(2)'' and adding ''§ 1.671–2(e)(2)'' in its place.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: June 28, 2000.

Jonathan Talisman,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–16931 Filed 7–3–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 501 and 598

Reporting and Procedures Regulations; Foreign Narcotics Kingpin Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: The Office of Foreign Assets Control of the U.S. Department of the Treasury is amending its Reporting and Procedures Regulations, and issuing the Foreign Narcotics Kingpin Sanctions Regulations, in implementation of the Foreign Narcotics Kingpin Designation Act.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: J. Robert McBrien, Chief, International Programs, tel.: 202/622–2420, or Barbara C. Hammerle, Deputy Chief Counsel, tel.: 202/622–2410, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

On December 3, 1999, President Clinton signed into law the Foreign Narcotics Kingpin Designation Act, Pub. L. No. 106–120, title VIII, 113 Stat. 1606, 1626–1636 (1999) (to be codified at 21 U.S.C. 1901–1908, 8 U.S.C. 1182(a)(2)(C)) (the ''Act''), which provides authority for the application of sanctions to significant foreign narcotics traffickers and their organizations operating worldwide. Section 805(b) of the Act blocks all property and interests in property within the United States or within the possession or control of any United States person, which are owned or controlled by significant foreign narcotics traffickers, as identified by the President, or foreign persons designated by the Secretary of the Treasury, in consultation with the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, because they are found to be:

(1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a significant foreign narcotics trafficker or foreign persons designated by the Secretary of the Treasury pursuant to section 805(b) of the Act;

(2) Owned, controlled, or directed by, or acting for or on behalf of, a significant foreign narcotics trafficker or foreign persons designated by the Secretary of the Treasury pursuant to section 805(b) of the Act; or

(3) Playing a significant role in international narcotics trafficking.

Significant foreign narcotics traffickers and persons coming within any of the above three categories are referred to as specially designated narcotics traffickers.

Section 805(e)(1) of the Act authorizes the Secretary of the Treasury, in consultation with the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Administrator of the

Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, to take such actions as may be necessary to carry out the Act, including the promulgation of rules and regulations permitted under the Act. Section 806 of the Act authorizes the Secretary of the Treasury to issue regulations and orders as may be necessary for the exercise of authorities granted by the Act.

In implementation of the Act, the Office of Foreign Assets Control of the Department of the Treasury is issuing the Foreign Narcotics Kingpin Sanctions Regulations, 31 CFR Part 598 (the ''Regulations''). These Regulations are separate from, and independent of, the Narcotics Trafficking Sanctions Regulations, 31 CFR Part 536, which implement the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant foreign narcotics traffickers centered in Colombia. See § 598.101. Sanctions imposed and persons named as specially designated narcotics traffickers pursuant to 31 CFR part 536 are not affected by this part 598. Section 809 of the Act, which amends section 212(a)(2)(C) of the Immigration and Nationality Act, is not implemented by these Regulations.

Subpart B of the Regulations implements section 805 of the Act. Specifically, section 598.201 implements section 805(a) of the Act by providing that specially designated narcotics traffickers are subject to any and all sanctions authorized by the Act until revoked or waived. Section 598.202 implements section 805(b) of the Act by providing that property and interests in property owned or controlled by specially designated narcotics traffickers and within the United States or within the possession or control of a United States person are blocked. Section 598.203 of the Regulations implements section 805(c)(1) of the Act by prohibiting transactions and dealings by U.S. persons or within the United States in property or interests in property of specially designated narcotics traffickers. Section 598.204 implements section 805(c)(2) of the Act by prohibiting transactions that have the effect of evading or avoiding, and attempts or conspiracies to violate, the prohibitions set forth in this part. Sections 598.205 and 598.206 of the Regulations detail the effect of transfers of blocked property in violation of the Regulations and the required holding of blocked property in interest-bearing accounts.

Subpart C of the Regulations implements section 808 of the Act and defines key terms used throughout the Regulations. Subpart D of the Regulations sets forth interpretive sections regarding the general prohibitions of subpart B.

Transactions otherwise prohibited under this part but found to be consistent with U.S. policy may be authorized by a general license contained in subpart E or by a specific license issued pursuant to the procedures set forth in subpart D of part 501 of chapter V. The general licenses contained in subpart E include an authorization for U.S. financial institutions to debit blocked accounts for normal service charges. See § 598.506. Section 598.507 authorizes the provision of certain legal services, provided that receipt of payment for such services is specifically licensed.

Subpart F of the Regulations implements sections 806(a)–(b) of the Act by reference to the Reporting and Procedures Regulations in subpart C of 31 CFR part 501, which set forth provisions relating to required records and reports. Subpart G implements section 807 of the Act by describing the civil and criminal penalties applicable to violations of the Regulations. Specifically, section 598.701 sets forth the civil and criminal penalties prescribed in sections 807(a)–(b) of the Act, and section 598.706 implements section 807(c) of the Act by providing that civil penalties shall be subject to judicial review only to the extent provided in 5 U.S.C. 702.

Subpart H provides certain administrative procedures applicable to this part and implements others by reference to the Reporting and Procedures Regulations in subpart D of 31 CFR part 501, which contain provisions relating to administrative procedures. Section 598.802 implements section 805(e)(3) of the Act by clarifying that records or information obtained or created in the implementation of the Regulations are not subject to disclosure under section 552(a)(3) of the Freedom of Information Act (5 U.S.C. 552(a)(3)). Section 598.803 delegates to the Office of Foreign Assets Control those actions that the Secretary of the Treasury is authorized to take pursuant to the Act. Subpart I of the Regulations sets forth a Paperwork Reduction Act notice.

In addition to adding a new part 598, the Office of Foreign Assets Control is revising its Reporting and Procedures Regulations contained in 31 CFR part 501 in implementation of certain provisions of the Act. Pursuant to section 805(e)(3) of the Act, section 501.805(a) is amended to add a note clarifying the inapplicability of section 552(a)(3) of the Freedom of Information Act.

In implementing the Regulations, the Office of Foreign Assets Control will seek to consult with foreign governments where appropriate. Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

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

List of Subjects in 31 CFR Part 598

Administrative practice and procedure, Banks, banking, Blocking of assets, Drug traffic control, Narcotics trafficking, Penalties, Reporting and recordkeeping requirements, Significant foreign narcotics traffickers, Specially designated narcotics traffickers, Transfer of assets.

For the reasons set forth in the preamble, 31 CFR Chapter V is amended as follows:

PART 501—REPORTING AND PROCEDURES REGULATIONS

1. The authority citation for part 501 is revised to read as follows:

Authority: 21 U.S.C. 1901–1908; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1701–1706; 50 U.S.C. App. 1–44.

Subpart D—Procedures

2. A note is added to paragraph (a) of § 501.805 to read as follows:

§ 501.805 Rules governing availability of information.

(a) * * *

Note to paragraph (a) of § 501.805: Records or information obtained or created in the implementation of part 598 of this chapter are not subject to disclosure under section

552(a)(3) of the Freedom of Information Act. See § 598.802 of this chapter.

* * * * *

3. Part 598 is added to read as follows:

PART 598—FOREIGN NARCOTICS KINGPIN SANCTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.
598.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

598.201 Applicability of sanctions.
598.202 Blocking of assets.
598.203 Prohibited transactions involving blocked property.
598.204 Evasions; attempts; conspiracies.
598.205 Effect of transfers violating the provisions of this part.
598.206 Holding of funds in interest-bearing accounts; investment and reinvestment.

Subpart C—General Definitions

598.301 Blocked account; blocked property.
598.302 Effective date.
598.303 Entity.
598.304 Foreign Narcotics Kingpin Designation Act.
598.305 Foreign person.
598.306 General license.
598.307 Interest.
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598.309 Narcotic drug; controlled substance; listed chemical.
598.310 Narcotics trafficking.
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598.313 Significant foreign narcotics trafficker.
598.314 Specially designated narcotics trafficker.
598.315 Specific license.
598.316 Transfer.
598.317 United States.
598.318 United States person; U.S. person.
598.319 U.S. financial institution.

Subpart D—Interpretations

598.401 Reference to amended sections.
598.402 Effect of amendment.
598.403 Termination and acquisition of an interest in blocked property.
598.404 Setoffs prohibited.
598.405 Transactions incidental to a licensed transaction.
598.406 Provision of services.
598.407 Offshore transactions.
598.408 Alleged change in ownership or control of an entity designated as a specially designated narcotics trafficker.
598.409 Credit extended and cards issued by U.S. financial institutions.
598.410 Payments from blocked accounts to U.S. exporters and for other obligations prohibited.

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

598.501 General and specific licensing procedures.
598.502 Effect of license.
598.503 Exclusion from licenses.
598.504 Payments and transfers to blocked accounts in U.S. financial institutions.
598.505 Investment and reinvestment of certain funds.
598.506 Entries in certain accounts for normal service charges authorized.
598.507 Provision of certain legal services authorized.

Subpart F—Reports

598.601 Records and reports.

Subpart G—Penalties

598.701 Penalties.
598.702 Prepenalty notice.
598.703 Response to prepenalty notice; informal settlement.
598.704 Penalty imposition or withdrawal.
598.705 Administrative collection; referral to United States Department of Justice.
598.706 Judicial review of civil penalty.

Subpart H—Procedures

598.801 Procedures.
598.802 Availability of information pursuant to the Freedom of Information Act.
598.803 Delegation by the Secretary of the Treasury.

Subpart I—Paperwork Reduction Act

598.901 Paperwork Reduction Act notice.

Authority: 3 U.S.C. 301; 21 U.S.C. 1901–1908; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note).

Subpart A—Relation of This Part to Other Laws and Regulations

§ 598.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter, including part 536 of this chapter, ''Narcotics Trafficking Sanctions Regulations,'' with the exception of part 501 of this chapter, the provisions of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security contexts may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part.

(b) No license contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 598.201 Applicability of sanctions.

A specially designated narcotics trafficker is subject to any and all sanctions authorized by the Foreign Narcotics Kingpin Designation Act and implemented in this part. The application of sanctions on any specially designated narcotics trafficker will remain in effect until revoked by the President pursuant to section 804(h)(2) of the Foreign Narcotics Kingpin Designation Act, waived by the President pursuant to section 804(g)(1) of that Act, or revoked by the Secretary of the Treasury pursuant to section 805(e)(1)(A) of that Act.

§ 598.202 Blocking of assets.

Except to the extent provided in regulations, orders, instructions, licenses, or directives issued pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, there are blocked as of the effective date, and any date thereafter, all such property and interests in property within the United States, or within the possession or control of any United States person, which are owned or controlled by a specially designated narcotics trafficker.

§ 598.203 Prohibited transactions involving blocked property.

(a) Except to the extent provided in regulations, orders, instructions, licenses, or directives issued pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, any transaction or dealing by a United States person, or within the United States, in property or interests in property of a specially designated narcotics trafficker is prohibited.

(b) Unless otherwise authorized by this part or by a specific license expressly referring to this section, any dealing in any security (or evidence thereof) held within the possession or control of a U.S. person and either registered or inscribed in the name of or known to be held for the benefit of any specially designated narcotics trafficker is prohibited. This prohibition includes but is not limited to the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of any such security or the endorsement or guaranty of signatures on any such security.

(c) When a transaction results in the blocking of funds at a financial institution pursuant to this section and a party to the transaction believes the

funds have been blocked due to mistaken identity, that party may seek to have such funds unblocked pursuant to the administrative procedures set forth in § 501.806 of this chapter.

§ 598.204 Evasions; attempts; conspiracies.

Except to the extent provided in regulations, orders, instructions, licenses, or directives issued pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, any transaction or dealing by any United States person, or within the United States, that evades or avoids, or has the effect of evading or avoiding, and any endeavor, attempt, or conspiracy to violate any of the prohibitions set forth in this part is prohibited.

§ 598.205 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, order, directive, ruling, instruction, or license issued pursuant to this part, and that involves any property or interest in property of a specially designated narcotics trafficker is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power, or privilege with respect to such property or property interests.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or any interest in, any property or interest in property of a specially designated narcotics trafficker, unless the person with whom such property is held or maintained, prior to that date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Director of the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for the provisions of the Foreign Narcotics Kingpin Designation Act, this part, and any regulation, order, directive, ruling, instruction, or license issued pursuant to this part.

(d) Property transfers that otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Director of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license issued pursuant to this part and was not so licensed, or if a license did purport to cover the transfer, that such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property was held or maintained filed with the Office of Foreign Assets Control a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, direction, or license issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by the Director of the Office of Foreign Assets Control; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

Note to paragraph (d) of § 598.205: The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (2) of this section have been satisfied.

(e) Unless licensed or authorized pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property in which on or since the effective date there existed an interest of a specially designated narcotics trafficker.

§ 598.206 Holding of funds in interest-bearing accounts; investment and reinvestment.

(a) Except as provided in paragraph (c) or (d) of this section, or as otherwise directed by the Office of Foreign Assets Control, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 598.202 shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a federally-insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) For purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(3) Funds held or placed in a blocked account pursuant to this paragraph (b) may not be invested in instruments the maturity of which exceeds 180 days. If interest is credited to a separate blocked account or sub-account, the name of the account party on each account must be the same.

(c) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 598.202 may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraph (b) or (d) of this section.

(d) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 598.202 may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(e) This section does not create an affirmative obligation for the holder of blocked tangible property, such as chattels or real estate, or of other blocked property, such as debt or equity securities, to sell or liquidate such property at the time the property becomes subject to § 598.202. However, the Office of Foreign Assets Control may issue licenses permitting or directing such sales in appropriate cases.

(f) Funds subject to this section may not be held, invested, or reinvested in a manner that provides immediate financial or economic benefit or access to specially designated narcotics traffickers, nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

Note to § 598.206: Please refer to § 598.505 for authorized investment and reinvestment of certain funds held in blocked accounts.

Subpart C—General Definitions

§ 598.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* mean any account or property subject to § 598.202 held in the name of a specially designated narcotics trafficker, or in which a specially designated narcotics trafficker has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to an authorization or license from the Office of Foreign Assets Control authorizing such action.

§ 598.302 Effective date.

The term *effective date* refers to the effective date of the applicable prohibitions and directives of this part, which is December 3, 1999, or, in the case of specially designated narcotics traffickers designated after that date, the earlier of the date on which actual or constructive notice of such designation is received.

§ 598.303 Entity.

The term *entity* means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any form of business collaboration.

§ 598.304 Foreign Narcotics Kingpin Designation Act.

The term *Foreign Narcotics Kingpin Designation Act* means the Foreign Narcotics Kingpin Designation Act, Pub. L. 106–120, title 8, 113 Stat. 1606, 1626–1636 (codified at 21 U.S.C. 1901–1908, 8 U.S.C. 1182(a)(2)(C)).

§ 598.305 Foreign person.

The term *foreign person* means any citizen or national of a foreign state or any entity not organized under the laws of the United States, but does not include a foreign state.

§ 598.306 General license.

The term *general license* means any license or authorization the terms of which are set forth in this part.

§ 598.307 Interest.

Except as otherwise provided in this part, the term *interest* when used with respect to property (*e.g., an interest in property*) means an interest of any nature whatsoever, direct or indirect.

§ 598.308 License.

Except as otherwise specified, the term *license* means any license or authorization contained in or issued pursuant to this part.

§ 598.309 Narcotic drug; controlled substance; listed chemical.

The terms *narcotic drug, controlled substance,* and *listed chemical* have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

§ 598.310 Narcotics trafficking.

The term *narcotics trafficking* means any illicit activity to cultivate, produce, manufacture, distribute, sell, finance, or transport narcotic drugs, controlled substances, or listed chemicals, or otherwise endeavor or attempt to do so, or to assist, abet, conspire, or collude with others to do so.

§ 598.311 Person.

The term *person* means an individual or entity.

§ 598.312 Property; property interest.

The terms *property* and *property interest* include but are not limited to money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership, or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, whether present, future, or contingent.

§ 598.313 Significant foreign narcotics trafficker.

The term *significant foreign narcotics trafficker* means any foreign person that plays a significant role in international narcotics trafficking that the President has determined to be appropriate for sanctions and has publicly identified under section 804(b) or section 804(h)(1) of the Foreign Narcotics Kingpin Designation Act.

§ 598.314 Specially designated narcotics trafficker.

The term *specially designated narcotics trafficker* means:

(a) Significant foreign narcotics traffickers; and

(b) Foreign persons designated by the Secretary of the Treasury, in consultation with the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, because they are found to be:

(1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a specially designated narcotics trafficker;

(2) Owned, controlled, or directed by, or acting for or on behalf of, a specially designated narcotics trafficker; or

(3) Playing a significant role in international narcotics trafficking.

Note to § 598.314: Please refer to the appendices at the end of this chapter V for listings of persons determined to fall within this definition who have been designated pursuant to this part. Section 501.807 of this chapter V sets forth the procedures to be followed by persons seeking administrative reconsideration of their designation or who wish to assert that the circumstances resulting in designation no longer apply.

§ 598.315 Specific license.

The term *specific license* means any license not set forth in this part but issued pursuant to this part.

§ 598.316 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property. Without limitation upon the foregoing, the term *transfer* includes the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process

or order; the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 598.317 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 598.318 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen or national, permanent resident alien, an entity organized under the laws of the United States (including its foreign branches), or any person within the United States.

§ 598.319 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including a foreign branch) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, as principal or agent. This terms includes but is not limited to depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions which are located in the United States, but not such institutions' foreign branches, offices, or agencies.

Subpart D—Interpretations

§ 598.401 Reference to amended sections.

Except as otherwise specified, reference to any provision in or appendix to this part or chapter or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part refers to the same as currently amended.

§ 598.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control does not affect any act done or omitted, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 598.403 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed pursuant to this part results in the transfer of property (including any property interest) away from a specially designated narcotics trafficker, the transferred property will no longer be considered property in which that person has or has had an interest. Provided no other specially designated narcotics trafficker has any interest in the transferred property following the transfer, the transferred property will no longer be considered property blocked pursuant to § 598.202.

(b) Unless otherwise specifically provided in a license issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a specially designated narcotics trafficker, such property shall be deemed to be property in which that person has an interest, and such property is therefore blocked pursuant to § 598.202.

§ 598.404 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. financial institution or other U.S. person, is a prohibited transfer under § 598.203 if effected after the effective date.

§ 598.405 Transactions incidental to a licensed transaction.

Any transaction ordinarily incident to a licensed transaction and necessary to give effect to the licensed transaction is also authorized by the license. Except as specifically authorized by the terms of a license, prohibited transactions by specially designated narcotics traffickers and debits to accounts blocked pursuant to § 598.202 are not considered incidental to a licensed transaction and therefore remain prohibited.

§ 598.406 Provision of services.

(a) The prohibitions contained in § 598.203 apply to services performed by U.S. persons, wherever located:

(1) On behalf of or for the benefit of a specially designated narcotics trafficker; or

(2) With respect to property interests of a specially designated narcotics trafficker.

(b) Example: U.S. persons may not, except as authorized by or pursuant to this part, provide legal, accounting, financial, brokering, freight forwarding, transportation, public relations, or other services to a specially designated narcotics trafficker. See § 598.507 on licensing policy with regard to the provision of certain legal services.

§ 598.407 Offshore transactions.

The prohibitions contained in § 598.203 apply to transactions by any U.S. person in a location outside the United States with respect to property in which the U.S. person knows, or has reason to know, that a specially designated narcotics trafficker has or has had an interest since the effective date.

§ 598.408 Alleged change in ownership or control of an entity designated as a specially designated narcotics trafficker.

(a) A change or alleged change in ownership or control of an entity designated as a specially designated narcotics trafficker shall not be the basis for removal of that entity from the list of specially designated narcotics traffickers unless, upon investigation by the Office of Foreign Control and submission of evidence by the entity, it is demonstrated to the satisfaction of the Director of the Office of Foreign Assets Control that the transfer to a bona fide purchaser at arm's length, or other means of changing ownership or control, is legitimate and that the entity no longer meets the criteria for designation under § 598.314. Evidence submitted must conclusively demonstrate that all ties with other specially designated narcotics traffickers have been completely severed, and may include, but is not limited to, articles of incorporation; identification of new directors, officers, shareholders, and sources of capital; and contracts evidencing the sale of the entity to its new owners.

(b) Any continuing substantial financial obligations on the part of the new owners to any specially designated narcotics traffickers, including long-term payment plans, leases, or rents, will be considered as evidence of continuing control of the entity by the specially designated narcotics trafficker. Purchase of a designated entity without ongoing substantial financial obligations to a specially designated narcotics trafficker may nonetheless be a basis for

subsequent designation of the purchaser, if the transaction is determined materially to assist in or provide financial support for the international narcotics trafficking activities of specially designated narcotics traffickers for purposes of § 598.314(b)(1). For example, any acquisition transaction resulting in a direct cash transfer to or other enrichment of a specially designated narcotics trafficker could lead to designation of the purchaser. Mere change in name of an entity will not be considered as constituting a change of the entity's status.

§ 598.409 Credit extended and cards issued by U.S. financial institutions.

The prohibition in § 598.203 on dealing in property in which a specially designated narcotics trafficker has an interest prohibits U.S. financial institutions from performing under any existing credit agreements, including, but not limited to, charge cards, debit cards, or other credit facilities issued by a U.S. financial institution to a specially designated narcotics trafficker.

§ 598.410 Payments from blocked accounts to U.S. exporters and for other obligations prohibited.

No debits may be made to a blocked account to pay obligations to U.S. persons or other persons, including payment for goods or services exported prior to the effective date of the blocking, except as authorized pursuant to this part.

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

§ 598.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see part 501, subpart D of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part.

§ 598.502 Effect of license.

(a) No license contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control pursuant to this part, authorizes or validates any transaction effected prior to the issuance of the license, unless the prior transaction is specifically authorized in such license.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited by this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part authorizes any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction, or license specifically refers to such provision.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited by this part has the effect of removing from the transaction a prohibition or prohibitions contained in this part, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest that would not otherwise exist under ordinary principles of law in or with respect to any property.

§ 598.503 Exclusion from licenses.

The Director of the Office of Foreign Assets Control reserves the right to exclude any person, property, or transaction from the operation of any license or from the privileges conferred by any license. The Director of the Office of Foreign Assets Control also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon all persons receiving actual or constructive notice of the exclusions or restrictions.

§ 598.504 Payments and transfers to blocked accounts in U.S. financial institutions.

Any payment of funds or transfer of credit in which a specially designated narcotics trafficker has any interest that comes within the possession or control of a U.S. financial institution must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may only be made to another blocked account held in the same name.

Note to § 598.504: Please refer to part 501, subpart C of this chapter for mandatory reporting requirements regarding financial transfers. See also § 598.206 concerning the obligation to hold blocked funds in interest-bearing accounts.

§ 598.505 Investment and reinvestment of certain funds.

Subject to the requirements of § 598.206, U.S. financial institutions are authorized to invest and reinvest assets held in blocked accounts in the name of a specially designated narcotics trafficker, subject to the following conditions:

(a) The assets representing such investments and reinvestments are credited to a blocked account or subaccount that is held in the same name at the same U.S. financial institution, or within the possession or control of a U.S. person, but in no case may funds be transferred outside the United States for this purpose;

(b) The proceeds of such investments and reinvestments are not credited to a blocked account or subaccount under any name or designation that differs from the name or designation of the specific blocked account or subaccount in which such funds or securities were held; and

(c) No immediate financial or economic benefit accrues (*e.g.,* through pledging or other use) to the specially designated narcotics trafficker.

§ 598.506 Entries in certain accounts for normal service charges authorized.

(a) U.S. financial institutions are authorized to debit any blocked account with such U.S. financial institution in payment or reimbursement for normal service charges owed to such U.S. financial institution by the owner of such blocked account.

(b) As used in this section, the term *normal service charges* includes but is not limited to charges in payment or reimbursement for interest due; cable, telegraph, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; minimum balance charges; notary and protest fees; and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

§ 598.507 Provision of certain legal services authorized.

(a) The provision to or on behalf of a specially designated narcotics trafficker of the legal services set forth in paragraph (b) of this section is authorized, provided that all receipt of payment for such services must be specifically licensed.

(b) Specific licenses may be issued on a case-by-case basis authorizing receipt from unblocked sources of payment of professional fees and reimbursement of incurred expenses for the following legal services by U.S. persons to a specially designated narcotics trafficker:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of any jurisdiction within the United States,

provided that such advice and counseling is not provided to facilitate transactions that would violate any prohibition contained in this chapter;

(2) Representation of a specially designated narcotics trafficker when named as a defendant in or otherwise made a party to domestic U.S. legal, arbitration, or administrative proceedings;

(3) Initiation and conduct of domestic U.S. legal, arbitration, or administrative proceedings in defense of property interests subject to U.S. jurisdiction of a specially designated narcotics trafficker;

(4) Representation of a specially designated narcotics trafficker before any federal or state agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such person; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(c) The provision of any other legal services to a specially designated narcotics trafficker, not otherwise authorized in this part, requires the issuance of a specific license.

(d) Entry into a settlement agreement affecting property or interests in property of a specially designated narcotics trafficker or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property of a specially designated narcotics trafficker is prohibited unless specifically licensed in accordance with § 598.205(e).

Subpart F—Reports

§ 598.601 Records and reports.

For provisions relating to required records and reports, see part 501, subpart C of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

Subpart G—Penalties

§ 598.701 Penalties.

(a) Attention is directed to section 807 of the Foreign Narcotics Kingpin Designation Act, which is applicable to violations of the provisions of any license, rule, or regulation issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under that Act. Section 807 of Foreign Narcotics Kingpin Designation Act provides that:

(1) Whoever willfully violates the provisions of the Foreign Narcotics Kingpin Designation Act, or any license, rule, or regulation issued pursuant to that Act, or willfully neglects or refuses to comply with any order of the President issued under that Act, shall be imprisoned for not more than 10 years, fined in the amount provided in title 18, United States Code, or both, or, in the case of an entity, fined not more than $10,000,000;

(2) Any officer, director, or agent of any entity who knowingly participates in a violation of the provisions of the Foreign Narcotics Kingpin Designation Act, shall be imprisoned for not more than 30 years, fined not more than $5,000,000, or both;

(3) A civil penalty not to exceed $1,000,000 per violation may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of the Foreign Narcotics Kingpin Designation Act.

(b) The criminal penalties provided in this part are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

(d) Violations of this part may also be subject to relevant provisions of other applicable laws.

§ 598.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Foreign Narcotics Kingpin Designation Act, and the Director determines that further proceedings are warranted, the Director shall issue to the person concerned a notice of intent to impose a monetary penalty. This prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to respond.* The prepenalty notice also shall inform the respondent of respondent's right to make a written presentation within 30 days of the date of mailing of the notice as to why a monetary penalty should not be imposed or why, if imposed, the monetary penalty should be in a lesser amount than proposed.

§ 598.703 Response to prepenalty notice; informal settlement.

(a) *Deadline for response.* The respondent shall have 30 days from the date of mailing of the prepenalty notice to make a written response to the Director of the Office of Foreign Assets Control.

(b) *Form and contents of response.* The written response need not be in any particular form, but must contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the respondent believes the penalty should not be imposed or why, if imposed, it should be in a lesser amount than proposed.

(c) *Informal settlement.* In addition or as an alternative to a written response to a prepenalty notice issued pursuant to this section, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent will not be required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the 30-day period specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control.

§ 598.704 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to a prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director promptly shall notify the respondent in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any response to a prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition of the monetary penalty to the respondent. The issuance of a written notice of the imposition of a monetary penalty shall constitute final agency action.

(1) The penalty notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the date of mailing of the penalty notice.

(2) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

§ 598.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay a penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of a penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

§ 598.706 Judicial review of civil penalty.

A civil penalty imposed pursuant to this subpart G is subject to judicial review only to the extent provided in 5 U.S.C. 702.

Subpart H—Procedures

§ 598.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Privacy Act (5 U.S.C. 552a), see part 501, subpart D of this chapter.

§ 598.802 Availability of information pursuant to the Freedom of Information Act.

Any record or information obtained or created in the implementation of this part is not subject to disclosure under section 552(a)(3) of the Freedom of Information Act. Information required to be made available to the public under other provisions of the Freedom of Information Act (5 U.S.C. 552) will be made available in accordance with § 501.805(a) of this chapter.

§ 598.803 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to the Foreign Narcotics Kingpin Designation Act may be taken by the Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 598.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (''OMB'') under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see § 501.901 of this chapter. 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 OMB.

Dated: June 6, 2000.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: June 13, 2000.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 00–16844 Filed 6–29–00; 3:39 pm]

BILLING CODE 4810–25–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–00–160]

RIN 2115–AA97

Safety Zone: Hudson Valley Triathlon, Hudson River, Ulster Landing, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the annual Hudson Valley Triathlon swim located on the Hudson River. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the Hudson River.

DATES: This rule is effective from 6:30 a.m. (e.s.t.) until 8:30 a.m. (e.s.t.) on July 9, 2000.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–00–160) and are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4012.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(8), the Coast Guard finds that good cause exists for not publishing an NPRM. Good cause exists for not publishing an NPRM due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM. Special Local Regulations have been published for this event in 33 CFR 100.121 for the same date. The location of this year's event has been moved 3.5 nautical miles north in the vicinity of Barrytown Reach, north of the Kingston-Rhinecliff Bridge. The safety zone encompasses about 800 yards of Barrytown Reach and is about 1,000 yards smaller than the permanent area, and it is also scheduled to start and finish 30 minutes earlier as compared to the current regulations. Further, it is a annual, local event, recreational vessels may still transit to the east of the zone during the event, the zone is only in affect for 2 hours, and commercial traffic is not heavy in this area of the Hudson River. It is expected that no more than 1 or 2 commercial vessels may be affected by this event. Due to the publication of this annual event in the Local Notice to Mariners, commercial traffic will be able to adjust their transit time to arrive before or after the event. Any delay encountered in this regulation's effective date would be unnecessary and contrary to public

interest since immediate action is needed to close the waterway and protect swimmers and the maritime public from the hazards associated with 500 athletes competing in the swimming portion of the Hudson Valley Triathlon.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. This is due to the following reasons: Special Local Regulations have been published for this event in 33 CFR 100.121 for the same date. The location of this year's event has been moved 3.5 nautical miles north in the vicinity of Barrytown Reach, north of the Kingston-Rhinecliff Bridge. It encompasses about 800 yards of Barrytown Reach and is about 1,000 yards smaller than the permanent area, it is also scheduled to start and finish 30 minutes earlier, as compared to the current regulations. Further, it is a annual local event, recreational vessels may still transit to the east of the zone during the event, the zone is only in effect for 2 hours, and commercial traffic is not heavy in this area of the Hudson River. It is expected that no more than 1 or 2 commercial vessels may be affected by this event. Due to the publication of this annual event in the Local Notice to Mariners, commercial traffic will be able to adjust their transit time to arrive before or after the event. Any delay encountered in this regulation's effective date would be unnecessary and contrary to public interest since immediate action is needed to close the waterway and protect swimmers and the maritime public from the hazards associated with 500 athletes competing in the swimming portion of the Hudson Valley Triathlon.

Background and Purpose

The Coast Guard has received an application to hold a triathlon swim on the waters of the Hudson River. This regulation establishes a safety zone in all waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points: 41°59′52.5″ N 073°56′34.2″ W (about 150 yards south of Hudson River Lighted Buoy 82 (LLNR 38325)), thence to 42°00′15.1″ N 073°56′25.2″ W, thence to 42°00′05.4″ N 073°56′41.9″ W, thence to 42°00′03.7″ N 073°56′43.1″ W, (NAD 1983), thence back to the point of beginning, in the northern end of Barrytown Reach. The safety zone is in effect from 6:30 a.m. (e.s.t.) until 8:30 a.m. (e.s.t.) on Sunday, July 9, 2000. There is no rain date for this event. The safety zone prevents vessels from transiting a portion of the Hudson River. It is needed to protect swimmers and boaters from the hazards associated with 500 swimmers competing in a confined area of the Hudson River. Recreational vessels can still transit to the east of the zone during the event and will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the zone. Commercial vessels will be precluded from transiting the area because the safety zone encompasses about 800 yards of Barrytown Reach and there is no viable alternative route. Public notifications will be made prior to the event via the Local Notice to Mariners.

Special Local Regulations have been published for this event in 33 CFR 100.121 for the same date. The location of this year's event has been moved 3.5 nautical miles north in the vicinity of Barrytown Reach, north of the Kingston-Rhinecliff Bridge. It encompasses about 800 yards of Barrytown Reach and is about 1,000 yards smaller than the permanent area, it is also scheduled to start and finish 30 minutes earlier, as compared to the current regulations.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the following: This is an annual marine event currently published in 33 CFR 100.121, this final rule will close a smaller portion of the Hudson River, and the minimal time on a Sunday morning that vessels will be restricted from the zone. Recreational vessels may still transit to the east of the zone during the event and will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the zone. Commercial vessels can plan their transits up the river around the time the zone is in effect as they will have advance notice of this annual event, and advance notifications which will be made.

Small Entities

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

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 13132 and has determined that this final rule does not have implications for federalism under that Order.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A Federal mandate is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes a safety zone. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01–160 to read as follows:

§ 165.T01–160 Safety Zone: Hudson Valley Triathlon, Hudson River, Ulster Landing, NY.

(a) *Location.* The following area is a safety zone: All waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points: 41°59′52.5″ N 073°56′34.2″ W (about 150 yards south of Hudson River Lighted Buoy 82 (LLNR 38325)), thence to 42°00′15.1″ N 073°56′25.2″ W, thence to 42°00′05.4″ N 073°56′41.9″ W, thence to 42°00′03.7″ N 073°56′43.1″ W, (NAD 1983), thence back to the point of beginning, in the northern end of Barrytown Reach.

(b) *Effective period.* This section is effective from 6:30 a.m. (e.s.t.) until 8:30 a.m. (e.s.t.) on July 9, 2000. There is no rain date for this event.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 27, 2000.

R.E. Bennis,

Captain, U. S. Coast Guard, Captain of the Port, New York.

[FR Doc. 00–16889 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–IS–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA077–7210a; A–1–FRL–6709–5]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; VOC Regulation for Large Commercial Bakeries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes and requires large commercial bakeries to meet VOC Reasonably Available Control Technology (RACT) requirements. The intended effect of this action is to approve a revision to Massachusetts SIP which reduces VOC emissions from bakeries. This action is being taken in accordance with the Clean Air Act.

DATES: This direct final rule is effective on September 5, 2000 without further notice, unless EPA receives adverse comment by August 4, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to David Conroy, Manager, Air Quality Planning Unit, Office of Ecosystems Protection, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystems Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Jeanne Cosgrove, (617) 918–1669.

SUPPLEMENTARY INFORMATION: The Clean Air Act (CAA) establishes requirements for State Implementation Plans for areas that have not attained the national ambient air quality standards for ozone. Section 182(b)(2) of the CAA expands the applicability of RACT to sources of VOC equal to or greater than 50 tons per year. To help the states identify VOC control options, the CAA required EPA to publish alternative control technology (ACT) documents for a variety of VOC sources. EPA published an ACT document for Bakery Oven Emissions (EPA 453/R–92–017) in December, 1992. Massachusetts has identified several large commercial bakeries that are greater than 50 ton per year sources and as such are subject to RACT. Massachusetts adopted 310 CMR 7.18(29), Bakeries to reduce VOC emissions from bakeries.

On March 29, 1995, the Commonwealth of Massachusetts submitted a formal revision to its SIP. The SIP revision amends 310 CMR 7.00 by adding Section 310 CMR 7.18(29), Bakeries.

I. Summary of SIP Revision

The adopted air pollution control regulation, 310 CMR 7.18(29) Bakeries, establishes RACT for bakery facilities. The rule applies to any person who owns, leases, operates or controls any bakery which has the potential to emit, before the application of air pollution control equipment, equal to or greater than 50 tons per year of VOC. The rule establishes as RACT that affected bakeries reduce VOC emissions from baking ovens by 81% by weight. The 81% overall reduction requirement is based on a minimum capture efficiency of 90% combined with a minimum destruction efficiency of 90%. According to the Massachusetts Department of Environmental Protection, affected bakeries in the Commonwealth will be installing catalytic oxidation to achieve RACT level VOC reductions. Massachusetts' rule contains the following additional provisions:

1. *Exemption for small bakeries*: This section exempts bakeries that can demonstrate that, since January 1, 1990, the bakery has not emitted, before the application of air pollution control equipment, greater than or equal to 50 tons per year of VOC. Small bakeries must obtain a permit restriction which restricts potential emissions to below 50 tons per year;

2. *Exemptions for small ovens*: This section exempts individual baking ovens (at an applicable facility) which have not emitted since January 1, 1990, before application of air pollution control equipment, greater than 25 tons of VOC in any calendar year from the RACT requirement and plan submittal requirements. (small ovens must still comply with the recordkeeping and testing requirements);

3. *Plan submittal requirements*: This section requires bakeries to submit an emission control plan to the Massachusetts DEP for approval (note that the emission limit requirement in 310 CMR 7.18(29)(e) is directly

enforceable under the SIP whether or not a bakery has submitted a plan.);

4. *Recordkeeping requirements*: This section requires bakeries to maintain records necessary to demonstrate compliance for at least five years, including: monthly records to determine emissions from each oven, and hourly (or continuous) records of control equipment operating parameters such as temperature, pressure drop, or other parameters to assure continuous compliance; and

5. *Testing Requirements*: This section requires bakeries to perform tests to demonstrate compliance upon request of the Massachusetts DEP.

Facilities are required to comply with RACT by May 31, 1995.

EPA's evaluation is detailed in a memorandum, entitled ''Technical Support Document for Massachusetts Air Pollution Control Regulation, 310 CMR 7.18(29), Bakeries.'' EPA considers the Massachusetts bakery regulation to represent a reasonable level of control for all affected facilities. In approvals granted by Massachusetts DEP of emission control plans submitted by individual bakeries, Massachusetts DEP evaluates the feasibility of higher reduction rates (e.g. 95% minimum oxidizer destruction efficiency) and imposes those if determined to be feasible.

II. Final Action

EPA is approving Section 310 CMR 7.18(29), Bakeries. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 5, 2000, unless by August 4, 2000, relevant adverse comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective September 5, 2000.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 5, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) EPA encourages interested parties to comment on the proposed rule rather than file a petition for review in the Court of Appeals.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: May 22, 2000.

Mindy S. Lubber,

Regional Administrator, EPA New England.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q

Subpart W—Massachusetts

2. Section 52.1120 is amended by adding paragraph (c)(110) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(110) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on March 29, 1995.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated March 29, 1995 submitting a revision to the Massachusetts State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the Commonwealth of Massachusetts effective on January 27, 1995: 310 Code of Massachusetts Regulations Section 7.18(29), Bakeries.

3. In § 52.1167 Table 52.1167 is amended by adding the following new state citation: 310 CMR 7.18(29), Bakeries.

§ 52.1167 EPA-approved Massachusetts State regulations.

TABLE 52.1167.—EPA-APPROVED RULES AND REGULATIONS.

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
*	*	*	*	*		* *
310 CMR 7.18(29)	Bakeries	03/29/95	July 5, 2000	[Insert FR citation from published date].	110	Reasonably Available Control Technology Requirement (RACT) for bakeries.
*	*	*	*	*		* *

[FR Doc. 00–15909 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR 82–7297a; FRL 6714–7]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA or we) approves the following revisions to the Oregon State Implementation Plan (SIP): the repeal of Oregon's Consumer Products Rules, the repeal of the Architectural Coatings Rules, the revision and partial repeal of the Motor Vehicle Refinishings Rules, and definition revisions. The Oregon Department of Environmental Quality (ODEQ) forwarded this submittal to EPA for inclusion in the Oregon SIP on June 18, 1999. These revisions were submitted for the purposes of complying with section 110 and part D of the Clean Air Act.

DATES: This direct final rule is effective on September 5, 2000 without further notice, unless EPA receives adverse comment by August 4, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to: Debra Suzuki, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of material submitted to EPA and other information supporting this action may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101 and Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Debra Suzuki, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–0985.

SUPPLEMENTARY INFORMATION:

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Summary of Action

Administrative Requirements

A. Consumer and Commercial Products Rules

1. What Revisions to the Oregon SIP Are We Approving?

We are approving the repeal of Oregon's Consumer Products Rules, the repeal of the Architectural Coatings Rules, and a revision and partial repeal of the Motor Vehicle Refinishings Rules.

2. What Are Consumer and Commercial Products Rules?

Consumer and Commercial Products Rules reduce Volatile Organic

Compound (VOC) emissions from categories of products such as consumer products, architectural coatings, automobile refinishing coatings, aerospace coatings, aerosol spray paints, industrial cleaning solvents, and metal furniture coatings. VOCs contribute significantly to the formation of ground-level ozone.

3. What Is Ozone?

Ozone is an odorless, colorless gas composed of three atoms of oxygen. Ozone is major component of smog and causes adverse health and environmental impacts when present in high concentrations at ground level. Ground-level ozone is not emitted directly into the air but forms when VOCs and Nitrogen Oxides (NO_X) mix and react chemically in the presence of sunlight. Therefore, ozone is controlled by reducing VOC or NO_X emissions.

The federal Clean Air Act requires EPA to set health-based standards for six commonly occurring air pollutants, including ozone. These standards are referred to as the National Ambient Air Quality Standards (NAAQS). The Clean Air Act also requires each state to develop and implement a SIP for meeting and maintaining the NAAQS within their state.

4. Why Are Consumer and Commercial Products Regulated?

The Clean Air Act Amendments of 1990 included a new requirement (Section 183(e)) for regulating consumer and commercial products. Section 183(e) directs EPA to conduct a study of VOC emissions from consumer and commercial products. Based on this study, EPA is required to schedule for regulation the categories of products that have the potential to contribute to ozone nonattainment. EPA completed the study and a report to Congress in 1995 and also published the schedule for regulation in a **Federal Register** document (60 FR 15264) on March 23, 1995. The schedule was subsequently revised on March 18, 1999 (64 FR 13422).

In the past, the Portland area failed to meet the ozone NAAQS and was designated as a non-attainment area in 1978. The Governor of Oregon appointed a Task Force in 1992 to ensure the maintenance of the ozone standard. One of the strategies the Task Force selected was to reduce VOCs from consumer and commercial products. The promulgation of EPA's Consumer and Commercial Products Rules was delayed beyond the time when Portland needed the VOC reductions to meet its emission targets. Therefore, in 1995, Oregon adopted its own rules for Portland for Consumer Products, Architectural Coatings, Aerosol Spray Paint, and Motor Vehicle Refinishings in the Portland Ozone Maintenance Plan. On May 19, 1997, after Oregon had demonstrated that the Portland area had attained the ozone NAAQS, EPA redesignated the area as an ozone attainment area and approved the maintenance plan as a part of the SIP (62 FR 27204).

5. Why Are We Repealing Oregon's Consumer and Commercial Products Rules From the SIP Now?

Oregon developed its rules with the intention of repealing them when EPA's rules took effect. On September 11, 1998, EPA finalized federal rules for Consumer Products (63 FR 48819), Architectural Coatings (63 FR 48848), and Automobile Refinishing Coatings (63 FR 48806). These measures apply nationwide and provide consistency for the regulated community. In May of 1999, Oregon adopted revisions to their administrative rules to amend and repeal their Consumer and Commercial Products Rules.

6. What Are the Differences Between EPA's and Oregon's Rules?

a. General: EPA's national rules apply to the manufacturers, importers, and distributors (for the Consumer Products Rule) of the products, so VOC content is controlled at the source. Since Oregon's rules only applied in the Portland area, they also had to restrict the sale and commercial application of the products.

b. Consumer Products (OAR 340–022–0800 through OAR 340–022–0860): The Consumer Products Rules establish VOC limits for a variety of household products such as hair sprays, air fresheners, windshield washer fluids, cleaners, and antiperspirants. Oregon's rules are more stringent than EPA's rules in two categories of products, windshield washer fluid and nail polish remover.

c. Architectural Coatings (OAR 340–022–1000 through OAR 340–022–1050): The Architectural Coatings Rules establish VOC limits for paint for all ''stationary structures'' (houses, industrial equipment, traffic markings, etc.). The EPA VOC limits are more stringent than Oregon in four categories (alkali resistant primers, swimming pool coatings, opaque below ground wood preservatives, and lacquer stains), while Oregon's limits are more stringent in nine categories (antenna coatings, calcimine recoaters, clear shellacs, concrete curing and sealing compounds, concrete surface retarders, conversion varnishes, faux finishes, stain controllers, and zone marking coatings).

EPA's rules allow manufacturers to produce high VOC coatings if they pay an ''exceedance fee'' of $2,500 per ton of VOC in excess of the applicable VOC content limit. EPA's rules also allow each manufacturer and importer to exempt the VOC used in small volume products. The exemption begins at twenty-five tons per year for each manufacturer and importer, but decreases to ten tons per year in 2002. Oregon's rules do not contain either of these provisions.

d. Aerosol Spray Paint (OAR 340–022–0900 through OAR 340–022–0950): The Aerosol Spray Paint Rules limit the VOC content of paint sold in aerosol cans. EPA's rules for aerosol spray paint is not scheduled to be promulgated until 2001. Therefore, this portion of Oregon's rules is retained.

e. Automobile Refinishing Coatings (OAR 340–022–0700 through OAR 340–022–0760): The Automobile Refinishing Coatings Rules set VOC limits for automotive coatings. Oregon's rules require painters to use efficient High Volume/Low Pressure (HVLP) spray guns and spray gun cleaning equipment to further reduce solvent emissions, which is not required in the EPA rules. Therefore, the provisions of Oregon's regulations regarding the use of HVLP spray guns and spray gun cleaning equipment are retained in the SIP. Additionally, EPA's rules exempt lacquer topcoats, while Oregon's rules do not.

7. How Will These Differences Affect VOC Emissions in Portland?

ODEQ submitted a demonstration showing that the EPA rules will achieve VOC reductions at least as significant as the existing Consumer and Commercial Products Rules in the Portland Ozone Maintenance Plan (based on EPA's VOC reduction estimates published in the Final Rules). ODEQ's rules only apply to the Portland area, so noncomplying products inevitably leak into Portland from the outlying region. EPA's rules apply uniformly across the nation and consequently achieve a much higher degree of rule effectiveness. Therefore, Oregon's Consumer and Commercial Products Rules can be removed from the SIP with no deleterious effect on any NAAQS, Prevention of Significant Deterioration increment, or visibility in Class I areas.

B. VOC Definitions

1. What Revisions to the Oregon SIP Are We Approving?

The June 18, 1999 submittal included revisions to the VOC definitions in OAR 340–022–0102 and OAR 340–028–0110. The VOC definitions were revised to delist 17 compounds from the definitions of VOC. The delisted compounds are: difluoromethane (HFC–32); ethylfluoride (HFC–161); 1,1,1,3,3,3-hexafluoropropane (HFC–236fa); 1,1,2,2,3-pentafluoropropane (HFC–245ca); 1,1,2,3,3-pentafluoropropane (HFC–245ea); 1,1,1,2,3-pentafluoropropane (HFC–245eb); 1,1,1,3,3-pentafluoropropane (HFC–245fa); 1,1,1,2,3,3-hexafluoropropane (HFC–236ea); 1,1,1,3,3-pentafluorobutane (HFC–365mfc); chlorofluoromethane (HCFC–31); 1-chloro-1-fluoroethane (HCFC–151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC–123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); and methyl acetate. The proposed amendments also add a technical clarification that these VOC definitions relate to ground-level (tropospheric) ozone and not to ozone depleting reactions in the stratosphere.

2. Why Are the VOC Definitions Changing?

EPA modified the federal definition of VOC in 40 CFR 51.100(s) by adding additional compounds that are exempted from the VOC definition due to their negligible photochemical reactivity. This SIP revision will make the state and federal definitions of VOC consistent.

Summary of Action

While EPA's Consumer and Commercial Products Rules are slightly less stringent than ODEQ's rules as detailed above, ODEQ has demonstrated that the VOC reductions relied upon in the Portland Ozone Maintenance Plan will not be adversely affected by the substitution of EPA's national rules for Oregon's rules. Therefore, we are approving the repeal of Oregon's Consumer Products Rules, the repeal of the Architectural Coatings Rules, and a revision and partial repeal of the Motor Vehicle Refinishings Rules. The SIP revision to the VOC definitions will make the state and federal definitions consistent, and therefore we are also approving this revision.

The list below identifies the revisions we are approving and the rules we are repealing from the SIP, with the state effective date of the rules in parentheses. The effective date of Oregon's repeal of the Consumer Products Rules was June 10, 1999. The effective date of Oregon's revision and partial repeal of the Motor Vehicle Refinishings Rules was July 12, 1999. The effective date of Oregon's repeal of the Architectural Coatings Rules was March 13, 2000.

Please note that since these SIP revisions were adopted by the state, other modifications to Oregon's rules may have been adopted by the Environmental Quality Commission and submitted to the EPA for approval (e.g. the rule recodification package). Approval of the SIP revisions discussed in this action does not rescind any local rule amendments that were subsequently filed and submitted.

A. The Revisions EPA is Approving Into the SIP

OAR 340–022–0102 (73)—Definitions (5–21–99)
OAR 340–028–0110 (139)—Definitions (5–21–99)

Motor Vehicle Refinishing

OAR 340–022–0700—Applicability (7–12–99)
OAR 340–022–0710—Definitions (7–12–99)
OAR 340–022–0740—Requirements for Motor Vehicle Refinishing in Portland AQMA (7–12–99)
OAR 340–022–0760—Inspecting and Testing Requirements (7–12–99)

B. The Revisions EPA is Removing From the SIP

OAR 340–022–0102 (73)—Definitions (5–9–97)
OAR 340–028–0110 (139)—Definitions (10–14–98)

Consumer Products

OAR 340–022–0800—Applicability (5–25–95)
OAR 340–022–0810—Definitions (8–14–96)
OAR 340–022–0820—Consumer Product Standards and Exemptions (5–25–95)
OAR 340–022–0830—Requirements for Manufacture and Sale of Consumer Products (5-25–95)
OAR 340–022–0840—Innovative Products (10–22–96)
OAR 340–022–0850—Recordkeeping and Reporting Requirements (5–25–95)
OAR 340–022–0860—Inspection and Testing Requirements (5–25–95)

Motor Vehicle Refinishing

OAR 340–022–0700—Applicability (5–25–95)
OAR 340–022–0710—Definitions (8–14–96)
OAR 340–022–0720—Coating Standards and Exemptions (5–25–95)
OAR 340–022–0730—Requirements for Manufacture and Sale of Coatings (5–25–95)
OAR 340–022–0740—Requirements for Motor Vehicle Refinishing in Portland AQMA (5–25–95)
OAR 340–022–0750—Recordkeeping and Reporting Requirements (5–25–95)
OAR 340–022–0760—Inspecting and Testing Requirements (5–25–95)

Architectural Coatings

OAR 340–022–1000—Applicability (5–25–95)
OAR 340–022–1010—Definitions (8–14–96)
OAR 340–022–1020—Standards (5–25–95)
OAR 340–022–1030—Requirements for Manufacture, Sale and Use of Architectural Coating (5–25–95)
OAR 340–022–1040—Recordkeeping and Reporting Requirements (5–25–95)
OAR 340–022–1050—Inspection and Testing Requirements (5–25–95)

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective September 5, 2000 without further notice unless the Agency receives adverse comments by August 4, 2000.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 5, 2000 and no further action will be taken on the proposed rule.

Administrative Requirements

A. Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action''

and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective September 5, 2000 unless EPA receives adverse written comments by August 4, 2000.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 5, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

B. *Oregon Notice Provision.* During EPA's review of a SIP revision involving Oregon's statutory authority, a problem was detected which affected the enforceability of point source permit limitations. EPA determined that, because the five-day advance notice provision required by ORS 468.126(1) (1991) bars civil penalties from being imposed for certain permit violations, ORS 468 fails to provide the adequate enforcement authority that a state must demonstrate to obtain SIP approval, as specified in section 110 of the Clean Air Act and 40 CFR 51.230. Accordingly, the requirement to provide such notice would preclude federal approval of a section 110 SIP revision.

To correct the problem the Governor of Oregon signed into law new legislation amending ORS 468.126 on September 3, 1993. This amendment added paragraph ORS 468.126(2)(e) which provides that the five-day advance notice required by ORS 468.126(1) does not apply if the notice requirement will disqualify a state program from federal approval or delegation. ODEQ responded to EPA's understanding of the application of ORS 468.126(2)(e) and agreed that, because federal statutory requirements preclude the use of the five-day advance notice provision, no advance notice will be required for violations of SIP requirements contained in permits.

C. *Oregon Audit Privilege.* Another enforcement issue concerns Oregon's audit privilege and immunity law. Nothing in this action should be construed as making any determination or expressing any position regarding Oregon's Audit Privilege Act, ORS 468.963 enacted in 1993, or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act Program resulting from the effect of Oregon's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of **Federal Register** on July 1, 1982.

Dated: May 22, 2000.

Chuck Clarke,

Regional Administrator, Region 10.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c)(132) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(132) On June 18, 1999, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a SIP revision to repeal the Consumer Products Rules, repeal the Architectural Coatings Rules, revise and partially repeal the Motor Vehicle Refinishings Rules, and revise the Volatile Organic Compounds definitions.

(i) Incorporation by reference.

(A) Oregon Administrative Rule (OAR) 340–022–0102 (73) and OAR 340–028–0110 (139), as effective May 21, 1999; and OAR 340–022–0700, OAR 340–022–0710, OAR 340–022–0740, and OAR 340–022–0760, as effective July 12, 1999.

(B) Remove the following provisions from the current incorporation by reference: OAR 340–022-0102 (73), as effective May 9, 1997; OAR 340–028–0110 (139), as effective October 14, 1998; OAR 340–022–0800, OAR 340–022–0820, OAR 340–022–0830, OAR 340–022–0850, and OAR 340–022–0860, OAR 340–022–0700, OAR 340–022–0720, OAR 340–022–0730, OAR 340–022-0740, OAR 340–022–0750, OAR 340–022–0760, OAR 340–022–1000, OAR 340–022–1020, OAR 340–022–1030, OAR 340–022–1040, and OAR 340–022–1050 as effective May 25, 1995; OAR 340–022–0840, as effective October 22, 1996; and OAR 340–022–710, OAR 340–022–810, OAR 340–022–1010, as effective August 14, 1996.

[FR Doc. 00–16068 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN105–1a; FRL–6720–2]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving Indiana's State Implementation Plan (SIP) revision request to control emissions of volatile organic compounds (VOCs) from steel mill sinter plants in Lake and Porter Counties. The Indiana Department of Environmental Management (IDEM) submitted the SIP revision request on April 6, 1999. The revision applies to integrated steel mills in Lake and Porter Counties, and provides for limits on emissions of VOCs from those facilities. VOC emissions are a precursor of ground-level ozone, commonly known as smog. High ozone levels are detrimental to human health and contribute to upper respiratory ailments such as asthma.

DATES: This rule is effective on September 5, 2000, unless EPA receives relevant adverse written comments by August 4, 2000. If EPA receives adverse written comment, it will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. You can inspect copies of the State Plan submittal at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend you contact Francisco J. Acevedo, Environmental Protection Specialist, at (312) 886–6061 before visiting the Region 5 office).

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Protection Specialist, at (312) 886–6061.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean EPA.

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I. What Is EPA Approving in This Action?

We are approving Indiana's rule (IAC 8–13) that regulates emissions of VOCs from steel mill sinter plants in Lake and Porter Counties. Our approval makes the Indiana sinter plant rule part of the federally enforceable SIP under the Clean Air Act (Act).

II. Why Did Indiana Submit a Sinter Plant SIP Revision Request?

Lake and Porter Counties are classified under the Act as severe nonattainment for ozone. High ozone levels are detrimental to human health and contribute to upper respiratory ailments such as asthma. The sintering process at steel mills emits significant amounts of VOC, and Indiana has identified reductions in emissions from the sintering process as making an important contribution toward improving air quality and attaining the ambient ozone air quality standard.

III. Who Is Affected by the Indiana Sinter Plant SIP Revision?

The SIP revision requirements are applicable to all steel mill sinter plant operations in Lake and Porter Counties. According to Indiana, there are four existing sinter plants operating in Lake and Porter Counties. Three are located in Lake County: LTV Steel Company, Inland Steel Company and U.S. Steel, Gary Works; and, one is located in Porter County: Bethlehem Steel.

IV. What Does the Indiana Sinter Plant SIP Revision Require?

The rule establishes three types of VOC emission limits for the period from May 1 through September 30 for sinter plant windbox exhaust gas VOC emissions: a seasonal cap, a maximum daily limit, and a lower daily limit for days on which an exceedance of the national ambient air quality standard for ozone is predicted to be likely. The emission limits are based on a VOC emission rate equal to twenty-five hundredths (0.25) pounds per sinter produced and a daily sinter production rate. In addition, from October 1 through April 30, sinter plant windbox exhaust gas VOC emissions are limited to thirty-six hundredths (0.36) pound per ton of sinter produced. The rule also contains control measure operation, maintenance, and monitoring requirements, and record keeping and reporting requirements.

The rule requires that by November 1, 1998, the owners or operators of the sinter plants mentioned above submit a report detailing, among other things, how the limits of the rule will be met. In addition, the rule requires the submission of a corrective action plan that will be implemented in the event of an exceedance, and a high ozone day action plan in the event that a high ozone day is predicted. At this time, all of the sinter plant operations covered by this rule have submitted the above documentation to the Indiana Department of Environment.

The rule requires that on or after January 1, 1999, the sinter plant operations comply with all the above requirements.

V. Where Are the Indiana Sinter Plant Requirements Codified?

Indiana has codified its sinter plant rule at 326 Indiana Administrative Code (IAC) 8–13. The Indiana Pollution Control Board adopted the rule on March 4, 1998. The rule was filed with the Secretary of State on June 24, 1998, and became effective on July 24, 1998. The rule was published in the Indiana Register on August 1, 1998, at 21 IR 4195.

VI. What Public Review Opportunities Did Indiana Provide?

Indiana held three public hearings in Indianapolis, Indiana on the sinter plant rule on December 3, 1997, February 4, 1998, and March 4, 1998.

VII. EPA Rulemaking Action.

In this rulemaking action, we are approving Indiana's April 6, 1999, SIP revision request regarding steel mill sinter plant VOC controls (326 IAC 8–13) in Lake and Porter Counties.

The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse written comments be received. This action will be effective without further notice unless EPA receives relevant adverse written comment by August 4, 2000. Should the Agency receive such comments, it will publish a notice informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on September 5, 2000.

VIII. Administrative Requirements.

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. 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 does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to 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 officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (*Federalism*) and 12875 (*Enhancing the Intergovernmental Partnership*). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under 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 the 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 proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) 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 SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective September 5, 2000 unless EPA receives adverse written comments by August 4, 2000.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 5, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 12, 2000.

David A. Ullrich,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(131) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(131) On April 6, 1999, Indiana submitted rules for the control of volatile organic compound emissions from steel mill sinter plant operations in Lake and Porter Counties as a revision to the State Implementation Plan.

(i) Incorporation by reference.

326 Indiana Administrative Code 8–13: Sinter Plants. Adopted by the Indiana Air Pollution Control Board March 4, 1998. Filed with the Secretary of State June 24, 1998. Published at Indiana Register, Volume 21, Number 11, August 1, 1998. Effective July 24, 1998.

[FR Doc. 00–16070 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN128–1a; FRL–6713–1]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revised opacity limits for three casting complexes at ALCOA Warrick Operations, which were submitted by the Indiana Department of Environmental Management (IDEM) on January 13, 2000 as amendments to its State Implementation Plan (SIP). ALCOA Warrick Operations is a primary aluminum smelter located in Newburgh, Indiana. The revised limits allow higher opacity emissions during fluxing operations at three casting complexes. This action does not reverse applicable mass emissions limits.

DATES: This rule is effective on September 5, 2000, unless EPA receives adverse written comments by August 4, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the Federal Register and inform the public that the rule will not take effect.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the State submittal and EPA's analysis of it at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3299.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean EPA.

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F. Unfunded Mandates
G. Submission to Congress and the Comptroller General
H. National Technology Transfer and Advancement Act
I. Petitions for Judicial Review

I. What Is the EPA Approving?

We are approving as SIP revisions revised opacity limits for three processes at ALCOA Warrick Operations, which were submitted by IDEM on January 13, 2000. The revised limits allow higher opacity emissions during fluxing operations at three casting complexes. This action does not change mass emissions limits for these sources.

II. What Facilities/Operations Does This Action Apply To?

We are approving revised opacity limits for three processes at ALCOA Warrick Operations. ALCOA Warrick Operations is a primary aluminum smelter located in Newburgh, Indiana. Molten aluminum is transferred from the melt furnaces into the holding furnaces for final fluxing, then cast into slabs. There are no particulate matter (PM) control devices for these processes. Emissions are exhausted through ventilation hoods to the exhaust stacks for each holding furnace. The revised limits apply to the #1 Complex (Horizontal Direct Chill Casting, or HDC), the #8 Complex (Electromagnetic Casting, or EMC) and the #5 HDC complex. Each of these casting complexes contains two holding furnaces.

III. What Are the Provisions of the Opacity Limits?

The revised limits for both the #1 complex and the #8 complex are contained in revised operation permits OP 87–07–91–0112 thru 0116, issued by IDEM on October 1, 1999. The revised limit for the #5 complex is contained in revised operation permit OP 87–07–91–0113 issued by IDEM on December 15, 1999.

The revised limits allow emissions with an opacity up to 80 percent during the fluxing portion of the production cycle from the East and West holding furnace exhaust stacks at the #1 Complex (HDC). This opacity is allowed for no more than 6 six-minute averaging periods, and only during fluxing. For all other portions of the production cycle, the limit remains at 40 percent. Fluxing typically lasts 12–15 minutes of the 5–10 hour production cycle for the HDC, but can last as long as 35 minutes.

For the East and West holding furnace exhaust stacks at the #8 Complex (EMC), the revised limit allows opacity during fluxing up to 85 percent for 2 six-minute averaging periods, and up to 80 percent opacity for 4 additional six-minute averaging periods. During all other portions of the production cycle, the opacity of emissions from the EMC continues to be limited to 40 percent. Fluxing typically lasts 12–15 minutes of the 3–4 hour production cycle for the EMC, but can last as long as 35 minutes.

For the East and West holding furnace exhaust stacks at the #5 Complex (HDC), the revised limit allows opacity during fluxing up to 80 percent for 3 six-minute averaging periods, 75 percent opacity for 1 six-minute averaging period, 65 percent opacity for 1 six-minute averaging period, and 55 percent opacity for 1 six-minute averaging period. During all other portions of the production cycle, the opacity of emissions from the EMC continues to be limited to 40 percent. Fluxing typically lasts 12–15 minutes of the 5–10 hour production cycle for the HDC, but can last as long as 35 minutes.

Mass PM emissions remain unchanged for all stacks at all complexes.

IV. What Are the Current Limits on These Sources?

These processes are currently covered by SIP rule Title 326 Indiana Administrative Code, Article 5, Rule 1, Section 2 (326 IAC 5–1–2), which provides a 40 percent opacity limit (6-minute average).

They are also covered by a SIP mass emission limit contained in 326 IAC 6–3–2. This regulation provides for a limit based on the process rate, and continues to apply at all times.

V. What Supporting Materials Did Indiana Provide?

Indiana provided stack test data and opacity readings. ALCOA conducted stack tests to show that the revised opacity limit would still be protective of the SIP mass PM emission limits. ALCOA conducted two rounds of stack tests on the #1 and #8 complexes, and one round on the #5 complex. ALCOA conducted opacity readings, utilizing EPA reference Method 9, during fluxing for many of the runs.

The first round of tests on the #1 and #8 complexes measured emissions of PM over the entire production cycle. (The production cycle lasts 5–10 hours for the HDC complexes (#1 and #5) and 3–4 hours for the EMC complex (#8).) Nine test runs were conducted on each exhaust stack. Fluxing was conducted for 35 minutes during each run, to approximate a worst-case scenario. (Fluxing normally lasts only 12–15 minutes.)

The second round of tests for the #1 and #8 complexes and the single round for the #5 complex were conducted for only one hour of the production cycle each, including the fluxing portion of the cycle. These tests were designed to show compliance with mass PM emissions limits on a one-hour basis. The tests include the fluxing portion of the cycle, since fluxing produces the bulk of emissions from the holding furnaces. 3–12 test runs were conducted on each exhaust stack. During these tests, fluxing was also conducted for a ''worst-case'' time of 35 minutes. ALCOA took opacity readings during the runs.

The tests show that ALCOA can meet SIP mass emissions limits at the EMC and HDC holding furnace stacks during fluxing. Even though opacity was often high during fluxing, no violations of the SIP mass PM emissions limits were measured. The tests indicate that the revised opacity limits should not result in violations of the mass limits for these sources.

VI. What Are the Environmental Effects of This Action?

The revised opacity limits will allow darker smoke to be emitted than does the current SIP rule. However, since no mass limits are being revised, and since the revised opacity limits are protective of the current mass limits, this SIP revision should not jeopardize air quality.

VII. EPA Rulemaking Action

We are approving, through direct final rulemaking, revised opacity limits for three casting complexes at ALCOA Warrick Operations. We are publishing this action without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless we receive relevant adverse written comment by August 4, 2000. Should we receive such comments, we will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, you are advised that this action will be effective on September 5, 2000.

VIII. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. 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 does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to 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 officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under 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 the 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 proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) 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 SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action.

The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 5, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: May 31, 2000.

David A. Ullrich,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(135) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(135) On January 1, 2000, Indiana submitted revised opacity limits for three processes at ALCOA Warrick Operations. The revised limits allow higher opacity emissions during fluxing operations at three casting complexes. This action does not change mass emissions limits for these sources.

(i) Incorporation by reference.

(A) Modifications to Operating Permits OP 87–07–91–0112 thru 0116: Permit I.D. 173–10913, Issued on October 1, 1999, to ALCOA, Inc.—Warrick Operations. Effective October 1, 1999.

(B) Modifications to Operating Permit OP 87–07–91–0113: Permit I.D. 173–11414, Issued on December 15, 1999, to ALCOA, Inc.—Warrick Operations. Effective December 15, 1999.

[FR Doc. 00–16361 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300983; FRL–6496–5]

RIN 2070–AB78

Methoxyfenozide; Benzoic Acid, 3-methoxy-2-methyl-2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: . This regulation establishes tolerances for residues of methoxyfenozide in or on cotton, undelinted seed; cotton gin byproducts; pome fruit; apple pomace, wet; milk, meat of cattle, goats, hogs, horses and sheep and fat of cattle, goats, hogs, horses and sheep; and tolerances for the combined residues of methoxyfenozide and its glucuronide metabolite in meat byproduct (except liver) and liver of cattle, goats, hogs, horses and sheep. Rohm and Haas Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: This regulation is effective July 5, 2000. Objections and requests for hearings, identified by docket control number OPP–300983, must be received by EPA on or before September 5, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify

docket control number OPP–300983 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joseph Tavano, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 305–6411; and e-mail address: tavanojoseph@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

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

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

2. *In person*. The Agency has established an official record for this action under docket control number OPP–300983. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of (October 6, 1998, 63 FR 53656) (FRL–6033–8), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a as amended by the FQPA of 1996 (Public Law 104–170) announcing the filing of a pesticide petition for tolerance by Rohm and Haas Company, 100 Independence Mall West, Philadelphia, PA 19106–2399. This notice included a summary of the petition prepared by Rohm and Haas Company, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the insecticide, methoxyfenozide, in or on cottonseed; cotton gin trash; pome fruit; meat, kidney, meat byproducts and milk of cattle, goats, sheep and hogs and fat of cattle, goats, sheep and hogs at 2.0, 25.0, 1.25, 0.02, 0.1 parts per million (ppm) respectively and tolerances for the combined residues of methoxyfenozide and its glucuronide metabolite in or on liver of cattle, goats, sheep, and hogs at 0.1 ppm.

Methoxyfenozide is a reduced risk pesticide which will be sold under the trade name of Intrepid 2F. Methoxyfenozide controls codling moth, green fruitworm, lesser appleworm, Oriental fruit moth, obliquebanded leafroler, eyespotted bud moth, fruittree leafroller, pandemis leafroller, redbanded leafroller, variegated leafroller, tufted apple bud moth, spotted tentiform leafminer and Western tentiform leafminer on pome fruit and cotton bollworm, tobacco budworm, beet armyworm, cabbage looper, cotton leafworm, fall armyworm, Southern armyworm, soybean looper and true armyworm on cotton.

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

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

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of methoxyfenozide on cotton, undelinted seed; cotton gin byproducts; pome fruit; apple pomace, wet; milk; meat of cattle, goats, hogs, horses, and sheep and fat of cattle, goats, hogs, horses, and sheep at 2.0, 35.0, 1.5, 7.0, 0.02, 0.02, 0.1 ppm respectively, and tolerances for the combined residues of methoxyfenozide and its glucuronide metabolite in liver of cattle, goats, hogs, horses and sheep and meat byproducts (except liver) of cattle, goats, hogs, horses and sheep at 0.1 and 0.02 ppm respectively. EPA's assessment of the

dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

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

Acute toxicity studies with technical grade: Oral LD_{50} in the rat is > 5,000 milligrams/kilograms (mg/kg) for males and females-Toxicity Category IV; Oral LD_{50} in the mouse is > 5,000 mg/kg for males and females-Toxicity Category IV; Dermal LD_{50} in the rat is > 2,000 mg/kg-Toxicity Category III; Inhalation LC_{50} in the rat is > 4.3 millgram/liter (mg/L)-Toxicity Category IV; Primary Eye Irritation in the rabbit -very mild irritant-Toxicity Category IV; Primary skin irritation in the rabbit-not a skin irritant-Toxicity Category IV. Methoxyfenozide is not a skin sensitizer.

In an acute neurotoxicity study in rats, statistically significant decreased hindlimb grip strength was observed in male rats at 3 hours (approximate time of peak effect) following a single oral dose of 2,000 mg/kg (limit dose) of methoxyfenozide. Decreased hindlimb grip strength was also observed in the male rats at 7 and 14 days, but was not statistically significant. No other systemic or neurotoxic effects were observed in the male rats or in the female rats at any time in this study. Since this marginal effect occurred only in one sex, was statistically significant at only one time, was observed only at the high dose (limit dose) and no other signs of toxicity were observed in the rats in this study, this possible effect is not considered to be biologically significant. In addition, neither decreased hindlimb grip strength nor any other signs of neurotoxicity were observed in any of the animals at any time in a 90-day subchronic neurotoxicity study in rats.

In a 2-week range-finding dietary study in rats, treatment-related effects were observed at > 5,000 ppm in the liver (increased liver weights and hepatocellular hypertrophy in males and females), in the thyroid gland (hypertrophy/hyperplasia of follicular cells in males and females), and in the adrenal gland (increased adrenal weights and/or hypertrophy of the zona fasciculata in females). Hypertrophy/hyperplasia of thyroid follicular cells was also observed in males and females at 1,000 ppm, the lowest observed adverse effect level (LOAEL) in this study. The no observed adverse effect level (NOAEL) was 250 ppm. Treatment-related hematological changes were not observed in the rats in this study.

In a 3-month feeding study in rats, the predominant treatment-related effects were increased liver weights in males and females and periportal hepatocellular hypertrophy in all males and females at 20,000 ppm highest dose tested (HDT) and at 5,000 ppm. In addition, at 20,000 ppm, a slightly decreased (7-8%) RBC count and slightly decreased (7-8%) hemoglobin concentration, compared to control rats, were observed in the females. The LOAEL in this study was 5,000 ppm (353/379 mg/kg/day in males/females, respectively). The NOAEL was 1,000 ppm (69/72 mg/kg/day in males/females, respectively). Although observed in the 2-week dietary study and in the 2-year chronic feeding/carcinogenicity study in rats, treatment-related effects in the thyroid and adrenal glands were not observed in the rats in this 3-month study. There is no available biological explanation for this difference in findings in the studies.

In a 2-year combined chronic feeding/carcinogenicity study in rats, the following treatment-related effects were observed at 20,000 ppm (highest dose tested): decreased survival in males, decreased body weight and food efficiency in females during the last year of the study, hematological changes (decreased RBC counts, hemoglobin concentrations, and/or hematocrits; methemoglobinemia; and increased platelet counts) in males and females, increased liver weights and periportal hepatocellular hypertrophy in males and females, thyroid follicular cell hypertrophy in males, altered thyroid colloid in males and females, and increased adrenal weights in males and females. At 8,000 ppm, the following treatment-related effects were observed: hematological changes (decreased RBC counts, hemoglobin concentrations, and/or hematocrits in males and females), liver toxicity (increased liver weights in males and periportal hepatocellular hypertrophy in males and females), histopathological changes in the thyroid (increased follicular cell hypertrophy in males and altered colloid in males) and possible adrenal toxicity (increased adrenal weights in males and females). The LOAEL in this study was 8,000 ppm (411/491 mg/kg/day in males/females, respectively), based on the effects described above. The NOAEL was 200 ppm (10.2/11.9 mg/kg/day in males/females, respectively). This NOAEL was used to establish the reference dose (RfD) for methoxyfenozide. Utilizing an uncertainty factor of 100 to account for both interspecies extrapolation (10x) and intraspecies variability (10x), the chronic RfD for methoxyfenozide was calculated to be 0.10 mg/kg/day. No evidence of carcinogenicity was observed in this study. Dosing was considered adequate because of the decreased survival in males and the decreased body weights and food efficiency in females at 20,000 ppm. In addition, the HDT for both males and females, 20,000 ppm (1,045/1,248 mg/kg/day in males/females, respectively), is higher than the limit dose of 1,000 mg/kg/day.

In a 2-week range-finding study in dogs, treatment-related hematological changes were observed in both males and females at 3,500 ppm, 7,000 ppm, 15,000 ppm, and 30,000 ppm (HDT). These changes included decreased RBC counts, decreased hemoglobin concentrations, decreased hematocrits, decreased MCHC, increased MCV, increased MCH, increased Heinz bodies, methemoglobinemia, changes in RBC morphology such as Howell-Jolly bodies and polychromasia, increased reticulocyte counts, increased nucleated RBC and increased platelet counts. At the same dose levels (> 3,500 ppm), increased spleen weights and/or enlarged spleens were also observed. At 7,000 ppm, plasma total bilirubin was increased. The LOAEL in this study was 3,500 ppm (90-184 mg/kg/day in males and females). The NOAEL was 300 ppm (11–16 mg/kg/day in males and females).

In a 3-month feeding study in dogs, no treatment-related effects other than a suggestion of decreased body weight gains in males and females were observed in either males or females at the HDT viz. 5,000 ppm (198/209 mg/kg/day in males/females, respectively). Although hematological effects were noted in dogs in the 2-week range-finding study at > 3,500 ppm (90-184 mg/kg/day) and in the 1-year chronic feeding study at > 3,000 ppm (106/111 mg/kg/day), hematological changes were not observed in this 3-month study at 5,000 ppm (198/209 mg/kg/day). There is no available biological explanation for this difference in findings in the studies.

As part of the 3-month study in dogs, some male and female dogs were given 15 ppm (0.6 mg/kg/day) of methoxyfenozide in the diet for 15 weeks followed by an increase in the dietary dose to 15,000 ppm (422/460 mg/kg/day in males/females,

respectively) for an additional 6 weeks. After about 2 weeks and 6 weeks at 15,000 ppm, hematological examinations were conducted. No hematological changes in these dogs were observed. Apparently, pretreatment of the dogs at 15 ppm for 15 weeks prevented the occurrence of hematological changes which would have been expected to occur based on results in the 2-week and 1-year feeding studies. One possible explanation is that the liver microsomal enzyme system may have been stimulated so much during pretreatment at 15 ppm that the metabolic (detoxification) rate of methoxyfenozide was increased to the point where blood levels of methoxyfenozide may have remained below critical effect levels at 15,000 ppm. Another possible explanation is that compensatory mechanisms for replacing damaged RBC in pretreated dogs may have been so efficient that hematological changes were not observed in these dogs even at 15,000 ppm. Other explanations for this finding are also possible.

In a 1-year chronic feeding study in dogs, the predominant toxic effects were anemia and signs of an associated compensatory response. At 30,000 ppm, the HDT, the following treatment-related effects were observed in both males and females: decreased RBC counts, decreased hemoglobin concentrations, decreased hematocrits, methemoglobinemia, nucleated RBC, increased platelets, increased serum total bilirubin, bilirubinurea, increased hemosiderin in macrophages in liver and spleen, and increased hyperplasia in bone marrow of rib and sternum. Increased liver weights in males and females and increased thyroid weights in males were also observed at 30,000 ppm. Signs of anemia were also noted at 3,000 ppm and included decreased RBC counts, decreased hemoglobin concentrations, decreased hematocrits, methemoglobinemia, increased platelets, and increased serum total bilirubin and bilirubinurea. The LOAEL in this study was 3,000 ppm (106/111 mg/kg/day in males/females, respectively). The NOAEL was 300 ppm (9.8/12.6 mg/kg/day in males/females, respectively).

In a 3-month feeding study in mice, the only treatment-related effect was decreased body weight gain in males and females at 7,000 ppm, the HDT. The LOAEL in this study was 7,000 ppm (1,149/1,742 mg/kg/day in males/females, respectively) and the NOAEL was 2,500 ppm (428/589 mg/kg/day in males/females, respectively). In an 18-month carcinogenicity study in mice (MRID 44617729), no treatment-related effects were observed at doses up to and including the limit dose of 7,000 ppm (1,020/1,354 mg/kg/day in males/females, respectively). No evidence of carcinogenicity was observed in this study. Dosing was considered adequate because the HDT for both males and females, 7,000 ppm (1,020/1,354 mg/kg/day in males/females, respectively), is higher than the limit dose of 1,000 mg/kg/day.

In a battery of four mutagenicity studies (with and without metabolic activation, as appropriate for the specific study), technical grade methoxyfenozide was negative for genotoxicity in all four studies. The four studies satisfy the new revised mutagenicity guideline requirements for a new chemical (published in 1991). An additional mutagenicity study, performed on RH–117,236 (Metabolite M-B), a metabolite of methoxyfenozide, was also negative for genotoxicity.

Based on the lack of evidence of carcinogenicity in male and female rats as well as in male and female mice and on the lack of genotoxicity in an acceptable battery of mutagenicity studies, methoxyfenozide is classified as a ''not likely'' human carcinogen according to the EPA.

In a developmental toxicity study in rats, no signs of maternal toxicity in dams or of developmental toxicity in fetuses were observed at the limit dose of 1,000 mg/kg/day. The NOAEL in this study for both maternal toxicity and developmental toxicity was 1,000 mg/kg/day. The LOAEL was > 1,000 mg/kg/day. Similarly, in a developmental toxicity study in rabbits, no signs of maternal toxicity or of developmental toxicity were observed at the limit dose of 1,000 mg/kg/day. The NOAEL in this study for both maternal toxicity and developmental toxicity was 1,000 mg/kg/day. The LOAEL was > 1,000 mg/kg/day.

In neither the developmental toxicity study in rats nor in the developmental toxicity study in rabbits was there any evidence for increased susceptibility of fetuses to *in utero* exposure to methoxyfenozide. In these studies, methoxyfenozide was determined not to be a developmental toxicant.

In a 2-generation (1 litter/generation) reproduction study in rats, treatment-related parental toxicity was observed only at 20,000 ppm, the HDT. At this dose, increased liver weights were observed in males and females of both generations and midzonal to periportal hepatocellular hypertrophy was observed in the livers of all males and females of both generations. The LOAEL for parental toxicity was 20,000 ppm (1,552/1,821 mg/kg/day for males/females, respectively) and the NOAEL was 2,000 ppm (153/181 mg/kg/day for males/females, respectively). There were no treatment-related effects on reproductive parameters for adult (parent) animals. The NOAEL for reproductive toxicity was 20,000 ppm. Since no treatment-related effects were observed in the pups, the NOAEL for neonatal toxicity was also, 20,000 ppm. The NOAEL for parental toxicity in this reproduction study is higher than the NOAEL for the 2-year combined chronic feeding/carcinogenicity study in rats because many of the toxic effects observed in the 2-year study at the LOAEL (hematological changes, liver toxicity, histopathological changes in the thyroid gland and increased adrenal weights) were not examined in the reproduction study.

In a metabolism study in rats, ^{14}C-methoxyfenozide was rapidly absorbed, distributed, metabolized and almost completely excreted within 48 hours. The major route of excretion was feces (86–97%) with lesser amounts in the urine (5–13%). An enterohepatic circulation was observed. The test material was metabolized principally by O-demethylation of the A-ring methoxy group and oxidative hydroxylation of the B-ring methyl groups followed by conjugation with glucuronic acid. No significant sex-related or dose-dependent differences in metabolic disposition were noted. Seven metabolites and the parent accounted for 74–90% of the administered dose in all groups. The glucuronide conjugates are considered to be less toxic than the parent compound because glucuronide conjugation is well known to be a commonly occurring ''detoxification'' mechanism in mammalian species since it results in the formation of more polar, more water-soluble metabolites which are readily and easily excreted from the body (in this case, in the bile and urine). Further, based on similarities of chemical structure, the non-conjugated metabolites would be expected to be no more toxic than the parent compound. In a dermal absorption study in rats using an 80% wettable powder formulation as the test material, the cumulative dermal absorption of test material after a 10- or 24-hour dermal exposure was determined to be 2%. In a 28-day dermal toxicity study in rats, no treatment-related systemic or skin effects were observed at the limit dose of 1,000 mg/kg/day (HDT). Regarding effects on endocrine organs, methoxyfenozide affected the thyroid gland and adrenal gland in the 2-week and 2-year feeding studies in rats. In the thyroid gland, hypertrophy/hyperplasia

of follicular cells and altered colloid were observed in males and females at or near the LOAEL in both of these studies. In the adrenal gland, increased adrenal weights and hypertrophy of the zona fasciculata were also observed in males and females at or near the LOAEL. In addition, in the 1-year chronic feeding study in dogs, increased thyroid weight in males was observed, but only at the very high dose of 30,000 ppm. Since the definition and regulatory significance of the term ''endocrine disruptor chemical'' has not yet been established by the Agency, it is not clear whether methoxyfenozide, on the basis of these effects on the thyroid gland and adrenal gland, should be considered to be an ''endocrine disruptor chemical.'' Other than the morphological changes described above, there were no signs of thyroid or adrenal dysfunction in these or in any other studies on methoxyfenozide.

B. Toxicological Endpoints

1. *Acute toxicity*. No appropriate toxicological endpoint attributable to a single exposure was identified in the available toxicology studies on methoxyfenozide including the acute neurotoxicity study in rats, the developmental toxicity study in rats and the developmental toxicity study in rabbits. In the acute neurotoxicity study in rats, statistically significant decreased hindlimb grip strength was observed in male rats at 3 hours (approximate time of peak effect) following a single oral dose of 2,000 mg/kg (limit dose) of methoxyfenozide. Decreased hindlimb grip strength was also observed in the male rats at 2,000 mg/kg at 7 and 14 days, but was not statistically significant. Decreased hindlimb grip strength was not observed in the male rats at 1,000 mg/kg. No other systemic or neurotoxic effects were observed in the male rats or in the female rats at any time in the study. Since this marginal effect occurred only in one sex, was statistically significant only one time, was observed only at the high dose (limit dose) and no other signs of toxicity were observed in the rats in the study, this equivocal effect is not considered to be an appropriate toxicological endpoint for acute dietary risk assessments. In addition, decreased hindlimb grip strength was not observed in a subchronic neurotoxicity study in rats in any of the animals at any time. It is also noted that the acute oral LD_{50} for male and female rats for technical grade methoxyfenozide (98% active ingredient (a.i.) is > 5,000 mg/kg (Toxicity Category IV). No treatment-related effects were observed in either dams or pups in the developmental toxicity studies in rats or rabbits at doses up to the limit dose of 1,000 mg/kg/day. Thus the risk from acute exposure is considered negligible.

2. *Short- and intermediate-term toxicity*. In a 28-day repeated dose dermal toxicity study in rats, no systemic or dermal toxicity was observed at 1,000 mg/kg/day, the HDT (limit dose). By applying the dermal absorption factor of 2% (derived from a dermal absorption study in rats, to the NOAEL of 10.2 mg/kg/day and the LOAEL of 411 mg/kg/day in the 2-year combined chronic feeding/carcinogenicity study in rats, the oral NOAEL and LOAEL in this study are equivalent to a dermal NOAEL of 510 mg/kg/day and a dermal LOAEL of 20,550 mg/kg/day. By applying the dermal absorption factor of 2% to the NOAEL of 9.8 mg/kg/day and the LOAEL of 106.1 mg/kg/day in the 1-year chronic feeding study in dogs, the oral NOAEL and LOAEL in this study are equivalent to a dermal NOAEL of 490 mg/kg/day and a dermal LOAEL of 5,305 mg/kg/day. The likelihood of toxic effects resulting from repeated dermal exposure to methoxyfenozide is quite low. Further, based on the use pattern, no long-term dermal exposure is expected to occur.

Methoxyfenozide is a non-volatile solid with a very low vapor pressure of > 1 x 10^{-7} torr (or > 1.33 x 10^{-5} pascal). In an acute inhalation toxicity study in rats, the acute inhalation LC_{50} for technical grade methoxyfenozide dust (98% a.i.) was determined to be > 4.3 mg/L (> 2x limit dose, Toxicity Category IV) for both male and female rats. In another acute inhalation toxicity study in rats), the acute inhalation LC_{50} for RH–112,485 80WP formulation 80% a.i. was determined to be > 4.5 mg/L (> 2x limit dose, Toxicity Category IV) for both male and female rats. In both of these acute inhalation toxicity studies, there were no mortalities, treatment-related clinical signs, changes in body weights or necropsy findings. Based on the low vapor pressure, the low acute inhalation toxicity (Toxicity Category IV) of the technical grade product and the formulated product, the packaging of the formulated product (water soluble pouches), the application rate (0.05 to 0.4 lb. a.i./acre for a maximum of 2.0 lb. ai/season), and the application method, there is minimal concern for potential inhalation risk. Further, based on the use pattern, no long-term inhalation exposure is expected to occur.

3. *Chronic toxicity*. EPA has established the RfD for methoxyfenozide at 0.10 mg/kg/day. This RfD is based on a NOAEL of 10.2 mg/kg/day and an UF of 100 accounting for both interspecies extrapolation (10x) and intraspecies variability (10x). This chronic RfD is based on the 2-year combined chronic feeding/carcinogenicity study in rats, in which the following effects were observed at the LOAEL of 411/491 mg/kg/day in males/females: hematological changes (decreased RBC counts, hemoglobin concentrations, and/or hematocrit in males and females), liver toxicity (increased liver weights in males and periportal hepatocellular hypertrophy in males and females), histopathological changes in the thyroid (increased follicular cell hypertrophy and altered colloid in males) and possible adrenal toxicity (increased adrenal weights in males and females). EPA determined that the 10x Safety Facter for the protection of infants and children (as required by FQPA) should be reduced to 1x. Therefore, the chronic Population Adjusted Dose (cPAD) is the same as the RFD. This cPAD is used in assessing chronic risk and applies to all population subgroups. Reducing the 10x safety factor to 1x is supported by the following factors:

i. The toxicology data base for methoxyfenozide is complete for assessment of potential hazard to infants and children.

ii. Based on weight-of-the-evidence considerations, EPA determined that a developmental neurotoxicity study in rats is not required to support the registration of methoxyfenozide.

iii. In developmental toxicity studies in rats and rabbits, no increased susceptibility in fetuses as compared to maternal animals was observed following *in utero* exposures.

iv. In a 2-generation reproduction study in rats, no increased susceptibility in pups as compared to adults was observed following *in utero* and postnatal exposures.

v. The exposure assessments will not underestimate the potential dietary (food and drinking water) or non-dietary exposures for infants and children from the use of methoxyfenozide.

4. *Carcinogenicity*. Methoxyfenozide has been classified as a ''not likely'' human carcinogen. This classification is based on the lack of evidence of carcinogenicity in male and female rats as well as in male and female mice and on the lack of genotoxicity in an acceptable battery of mutagenicity studies.

C. Exposures and Risks

1. *From food and feed uses*. In today's action tolerances will be established (40 CFR part 180) for the residues of methoxyfenozide on cotton, undelinted seed; cotton gin byproducts; pome fruit; apple pomace, wet; milk; meat of cattle,

goats, hogs, horses and sheep and fat of cattle, goats, hogs, horses and sheep at 2.0, 35.0, 1.5, 7.0, 0.02, 0.02, 0.1 ppm and tolerances for the combined residues of methoxyfenozide and its glucuronide metabolite in liver of cattle, goats, hogs, horses and sheep and meat byproducts (except liver) of cattle, goats, hogs, horses and sheep at 0.1 and 0.02 ppm respectively. Risk assessments were conducted by EPA to assess dietary exposures from methoxyfenozide as follows.

i. *Acute exposure and risk*. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No appropriate toxicological endpoint attributable to a single exposure was identified in the available toxicology studies on methoxyfenozide including the acute neurotoxicity study in rats, the developmental toxicity study in rats and the developmental toxicity study in rabbits. This risk is considered to be negligible.

ii. *Chronic exposure and risk*. EPA used the Dietary Exposure Evaluation Model (DEEM) software for conducting a chronic dietary (food) risk analysis. DEEM is a dietary exposure analysis system that is used to estimate exposure to a pesticide chemical in foods comprising the diets of the U.S. population, including population subgroups. DEEM contains food consumption data as reported by respondents in the USDA Continuing Surveys of Food Intake by Individuals conducted in 1989-1992. EPA has made the assumptions that 100% of pome fruit and cotton would be treated and contain methoxyfenozide residues at the tolerance level. The following tolerance levels were used in the analysis:

Commodity	Tolerance Level (parts per million) (ppm)
Cotton, underlinted seed.	2.0 ppm
Pome fruits	1.5 ppm
Milk	0.02 ppm
Meat*	0.02 ppm
Meat byproducts* (except liver).	0.02 ppm
Fat*	0.1 ppm
Liver	0.1 ppm

*of cattle, goats, hogs, horses and sheep.

Processing factors were also applied to apple juice concentrate (3x), dried apples (8x), dried beef (1.92x), dried pears (6.25x), and dried veal (1.92x). The processing factors are default values from DEEM.

As shown in the following table, the resulting dietary food exposures occupy up to 11% of the Chronic PAD for the most highly exposed population subgroup, non-nursing infants. These results should be viewed as conservative (health protective) risk estimates. Refinements such as use of percent crop-treated information and/or anticipated residue values would yield even lower estimates of chronic dietary exposure.

SUMMARY: CHRONIC DIETARY EXPOSURE ANALYSIS BY DEEM (TIER 1)

Population Subgroup[1]	Exposure (mg/kg/day)	% of Chronic PAD[2]
U.S. population (total).	0.001839	1.8
All infants (> 1 year).	0.009617	9.6
Nursing infants	0.005605	5.6
Non-nursing infants.	0.011306	11
Children (1–6 years).	0.007350	6.8
Children (7–12 years).	0.003103	2.8
U.S. population (autumn season).	0.002285	2.3
U.S. population (winter season).	0.001891	1.9
Northeast region	0.002014	2.0
Western region	0.002004	2.0
Non-hispanic whites.	0.001917	1.9
Non-hispanic/non-white/non-black.	0.002025	2.0
Females (> 13 years, nursing).	0.002479	2.5
Pacific region	0.002023	2.0

[1] The subgroups listed are: (1) The U.S. population (total); (2) those for infants and children; (3) the other subgroup(s), if any, for which the percentage of the Chronic PAD occupied is greater than that occupied by the subgroup U.S. population (total); and, (4) the most highly exposed of the females subgroups (in this case, females, > 13 years, nursing).

[2] Percent chronic PAD = (Exposure ÷ Chronic PAD) x 100%.

2. *From drinking water*. The Agency currently lacks sufficient water-related exposure data from monitoring to complete a quantitative drinking water exposure analysis and risk assessment for methoxyfenozide. Therefore, the Agency is presently relying on computer-generated estimated environmental concentrations (EECs). GENEEC and/or PRZM/EXAMS (both produce estimates of pesticide concentration in a farm pond) are used to generate EECs for surface water and SCI-GROW (an empirical model based upon actual monitoring data collected for a number of pesticides that serve as benchmarks) predicts EECs in ground water. These models take into account the use patterns and the environmental profile of a pesticide, but do not include consideration of the impact that processing raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for assessing whether a pesticide is likely to be present in drinking water at concentrations which would exceed human health levels of concern.

A drinking water level of comparison (DWLOC) is the concentration of a pesticide in drinking water that would be acceptable as a theoretical upper limit in light of total aggregate exposure to that pesticide from food, water, and residential uses. HED uses DWLOCs internally in the risk assessment process as a surrogate measure of potential exposure associated with pesticide exposure through drinking water. In the absence of monitoring data for a pesticide, the DWLOC is used as a point of comparison against the conservative EECs provided by computer modeling (SCI-GROW, GENEEC, PRZM/EXAMS).

i. *Acute exposure and risk*. Because no acute dietary endpoint was determined, the Agency concludes that there is a reasonable certainty of no harm from acute exposure from drinking water.

ii. *Chronic exposure and risk*. EPA conducted its Tier II screening-level assessments using the simulation models SCI-GROW and PRZM/EXAMS to generate EECs for ground and surface water, respectively. The modeling was conducted based on the environmental profile and the maximum seasonal application rate proposed for methoxyfenozide (0.4 lb ai/acre x 5 applications/acre/year on cotton). PRZM/EXAMS was used to generate the surface water EECs, because it can factor the persistent nature of the chemical into the estimates.

The EECs for assessing chronic aggregate dietary risk are 312 parts per billion (ppb) (in ground water, based on SCI-GROW) and 3,197 ppb (in surface water, based on the PRZM/EXAMS, long-term mean). The back-calculated DWLOCs for assessing chronic aggregate dietary risk range from 890 ppb for the most highly exposed population subgroup (Non-nursing infants, > 1-year old) to 3,400 ppb for the U.S. population (48 contiguous States—all seasons) and the U.S. population (autumn season).

The SCI-GROW and PRZM/EXAMS chronic EECs are less than the Agency's

level of comparison (the DWLOC value for each population subgroup) for methoxyfenozide residues in drinking water as a contribution to chronic aggregate exposure. EPA thus concludes with reasonable certainty that residues of methoxyfenozide in drinking water will not contribute significantly to the aggregate chronic human health risk and that the chronic aggregate exposure from methoxyfenozide residues in food and drinking water will not exceed the Agency's level of concern (100% of the cPAD) for chronic dietary aggregate exposure by any population subgroup. EPA generally has no concern for exposures below 100% of the cPAD, because it is a level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to the health and safety of any population subgroup. This risk assessment is considered high confidence, conservative, and very protective of human health.

3. *From non-dietary exposure*. Methoxyfenozide is not currently registered for use on any residential non-food sites. Therefore, there is no non-dietary acute, chronic, short- or intermediate-term exposure.

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

EPA does not have, at this time, available data to determine whether methoxyfenozide has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, methoxyfenozide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that methoxyfenozide has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances November 26, 1997 (62 FR 62961) (5754–7).

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

1. *Acute risk*. Since no acute toxicological endpoints were established, EPA considers acute aggregate risk to be negligible.

2. *Chronic risk*. Using the DEEM exposure assumptions described in this unit, EPA has concluded that aggregate exposure to methoxyfenozide from food will utilize 1.8% of the cPAD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is non-nursing infants (> 1-year old) at 11% of the cPAD and is discussed below. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to methoxyfenozide in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to methoxyfenozide residues.

3. *Short- and intermediate-term risk*. Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure.

Since there are currently no registered indoor or outdoor residential non-dietary uses of methoxyfenozide and no short or intermediate term toxic endpoints, EPA considers short or intermediate term aggregate risks to be negligible.

4. *Aggregate cancer risk for U.S. population*. Methoxyfenozide is classified as a ''not likely'' human carcinogen. Therefore this risk does is negligible.

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

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

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

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

2. *Prenatal and postnatal sensitivity*. The toxicology data base for methoxyfenozide included acceptable developmental toxicity studies in both rats and rabbits as well as a 2-generation reproductive toxicity study in rats.The data provided no indication of increased sensitivity of rats or rabbits to *in utero* and/or postnatal exposure to methoxyfenozide.

3. *Conclusion*. There is a complete toxicity data base for methoxyfenozide and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. Based on the completeness of the data base and the lack of prenatal and postnatal toxicity, EPA determined that an additional safety factor was not needed for the protection of infants and children.

4. *Acute risk*. Since no acute toxicological endpoints were established, EPA considers acute aggregate risk to be negligible.

5. *Chronic risk*. Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to methoxyfenozide from food will utilize 11% of the cPAD for infants and children. EPA generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to

methoxyfenozide in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD.

6. *Short- or intermediate-term risk*. Short and intermediate term risks are judged to be negligible due to the lack of significant toxicological effects observed.

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

IV. Other Considerations

A. Metabolism in Plants and Animals

The qualitative nature of methoxyfenozide residues in plants is adequately understood based upon acceptable cotton, apple and grape metabolism studies. EPA has determined that the residue of concern for dietary exposure and tolerance setting purposes in primary crops and water is the parent compound, methoxyfenozide.

The qualitative nature of the residue in animals is adequately understood based on acceptable studies conducted on goats and laying hens. EPA has determined that the residue of concern in milk and ruminant tissues (other than liver and kidney) is the parent compound, methoxyfenozide. The residue of concern in ruminant liver and kidney is the parent compound, methoxyfenozide, and its glucuronide metabolite designated as RH–141,518 (also referred to as RH–1518). The glucuronide metabolite was included in the tolerance expression for liver and kidney because the conjugation may be reversible and it comprises a significant portion of the total radioactive residues (TRR) (up to 42% TRR in kidney and up to 29% TRR in liver) in those tissues.

B. Analytical Enforcement Methodology

The petitioner has proposed HPLC/UV Method TR 34–98–87 for the enforcement of tolerances for pome fruits. Adequate confirmatory method validation, radiovalidation, and independent method validation data have been submitted for this method. This method was sent to the EPA laboratory for a petition method validation (PMV). The laboratory has reported that the pome fruit method (Method TR 34–98–87) is adequate in the interim for enforcement of the proposed tolerances for methoxyfenozide in/on pome fruit. Initial recoveries (60%) in the PMV were just below the minium acceptable recovery level (70%) as specified in OPPTS Harmonized Test Guidelines 860.1340. The laboratory modified the method and achieved acceptable recoveries with the modified method. EPA will require that Rohm and Haas Company revise and modify the method. Additional recovery data will be required for the revised method.

The petitioner has proposed Method TR 43–96–88 for the enforcement of tolerances for cotton. This method is a shortened version of the pome fruit method. Thus, EPA concludes that Method TR 34–96–87 is adequate for enforcement of the proposed tolerances for residues of methoxyfenozide in/on cotton commodities. The validation of the cotton method is in progress. EPA expects that Method TR 43–96–88 will need to be modified or revised and additional recovery data may be required. EPA will require Rohm and Haas Company to revise and modify the cotton method and submit any additional recovery data if necessary.

The petitioner has proposed Method TR 34–98–106 for the enforcement of tolerances in animal commodities. This method determines residues of methoxyfenozide (HPLC/UV) in fat, cream, milk, and muscle and residues of methoxyfenozide and its glucuronide metabolite, RH–141,518 (HPLC/MS) in liver and kidney. Adequate confirmatory method validation, radiovalidation, and independent method validation data, have been submitted for this method. This method has been forwarded to the EPA laboratory for petition method validation (PMV). The method has passed the PMV, however it requires some minor revisions. EPA will require that Rohm and Haas Company revise the method and resubmit the final revised method.

The petitioner submitted data concerning the recovery of residues of methoxyfenozide using Food and Drug Administration (FDA) multiresidue method protocols (PAM Vol. I). Methoxyfenozide was not recoverable by these methods. These data will be forwarded to FDA for evaluation.

EPA has determined that the residues of concern in ruminant liver and kidney are methoxyfenozide and its metabolite RH–141,518. Data concerning the recovery of residues of RH–141,518 using FDA multiresidue method protocols (PAM Vol. I) will be required. This will be made a condition of the registration for methoxyfenozide.

Adequate enforcement methodology is available to enforce the tolerance expression. The methods may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

C. Magnitude of Residues

1. *Magnitude of the residue in apples and pears*. An adequate number of geographically representative field trials were submitted to support the proposed use on pome fruits. Apples and pears are the representative commodities of this crop group. These studies were conducted via use patterns approximating those proposed by this petition. Residues of methoxyfenozide ranged from 0.16 to 1.2 ppm in/on apples and from 0.21 to 0.93 ppm in/on pears treated with the 80% WP formulation according to the maximum proposed use patterns. The results of the field trials indicate that residues of methoxyfenozide will not exceed 1.5 ppm in/on pome fruit when treated as proposed. Rohm and Haas Company proposed a tolerance level of 1.25 ppm for residues of methoxyfenozide in/on pome fruit. EPA concludes that the proposed tolerance must be raised to 1.5 ppm for methoxyfenozide in/on the ''Crop Group 11; Pome Fruits Group.''

2. *Magnitude of the residue in cotton*. An adequate number of geographically representative field trials were submitted to support the proposed use on cotton. These studies were conducted via use patterns approximating those proposed by this petition. The results of the cotton field trials indicate that residues of methoxyfenozide will not exceed the proposed tolerance level of 2.0 ppm in/on cottonseed when treated as proposed. Residues of methoxyfenozide ranged from 0.060 to 1.8 ppm in/on cottonseed treated with the 80% WP formulation according to the maximum proposed use pattern. Residues of methoxyfenozide did not vary significantly in cotton treated with ULV spray applications (1 GPA) versus standard volume applications (10–30 GPA). Residues ranged from 0.13 to 0.32 ppm and from 0.12 to 0.66 ppm in/on cotton treated in side-by-side plots with ULV and standard volume applications, respectively. Rohm and Haas Company requested the proposed tolerance on cottonseed at 2.0 ppm. However, EPA has determined that it should be ''cotton, undelinted seed'' at 2.0 ppm.

The results of the cotton field trials indicate that residues of methoxyfenozide may exceed the proposed tolerance level of 25 ppm in/on cotton gin byproducts when treated as proposed. Residues of methoxyfenozide ranged from 3.8 to 31.2 ppm in/on cotton gin byproducts treated with the 80% WP formulation

according to the maximum proposed use pattern. Based on these data, the tolerance for residues of methoxyfenozide in/on cotton gin byproducts must be raised to 35 ppm.

3. *Magnitude of the residue in apple processed commodities*. The submitted apple processing data are adequate for the purposes of this petition. Residues of methoxyfenozide did not concentrate in juice but concentrated 6x in wet pomace processed from whole apples bearing detectable residues. Based on the results of the apple processing study, a tolerance for residues of methoxyfenozide in apple juice is not required. Rohm and Haas proposed a tolerance level of 7.5 ppm for residues of methoxyfenozide in/on apple wet pomace. The maximum residue level of methoxyfenozide expected in apple wet pomace was 6.06 ppm, calculated by multiplying the HAFT residue (1.01 ppm; see apple field trial) and the observed concentration factor (6x). Based on this calculation, a tolerance of 7.0 ppm for residues of methoxyfenozide in/on ''apple pomace, wet'' is appropriate.

4. *Magnitude of the residue in cottonseed processed commodities*. The submitted cotton processing data are adequate for the purposes of this petition. No concentration of methoxyfenozide residues was observed in hulls, meal, and oil processed from undelinted cottonseed bearing detectable residues. Based on the results of the current processing study, tolerances for residues of methoxyfenozide in the processed commodities of cotton are not required.

5. *Residues in meat, milk, poultry, and eggs*. The submitted dairy cattle feeding study is adequate for the purpose of establishing tolerances for secondary transfer of methoxyfenozide residues in milk and ruminant tissues. EPA has determined that the residues of concern in milk and ruminant tissues (except kidney and liver) are the parent compound, methoxyfenozide. For liver and kidney, the residues of concern are the parent compound, methoxyfenozide, and its metabolite RH–141,518. EPA concludes that residues of methoxyfenozide are not likely to exceed the proposed tolerances of 0.02 ppm in the milk and meat of cattle, goats, hogs, horses, and sheep. EPA further concludes that residues of methoxyfenozide are not likely to exceed the proposed tolerance of 0.1 ppm in the fat of cattle, goats, hogs, horses, and sheep as a result of the proposed uses. EPA also concludes that residues of methoxyfenozide and its metabolite RH—141,518 are not likely to exceed 0.1 ppm in liver and 0.02 ppm in meat byproduct (except liver) of cattle, goat, hogs, horses, and sheep. The proposed tolerances did not include residues in tissues of horses. However, horses must be a part of the tolerance.

Rohm and Haas Company requested a waiver from the requirements to: (i) Conduct a poultry feeding study; (ii) propose tolerances for methoxyfenozide residues of concern in eggs and poultry tissues; and (iii) provide enforcement method(s) for determination of methoxyfenozide residues of concern in eggs and poultry tissues. The waiver request is based on the maximum theoretical dietary burden of methoxyfenozide for poultry animals as well as the results of the poultry metabolism study. The only poultry feed item associated with this petition is cotton meal, which would contribute a maximum theoretical dietary burden for methoxyfenozide at 0.4 ppm.

The poultry metabolism study reviewed in this petition was conducted at feeding levels of 58 ppm (MOP-label), 60 ppm (DMP-label), and 68 ppm (TB-label) which are equivalent to 145x, 150x, and 170x, respectively, the maximum theoretical dietary burden for poultry. Assuming a linear relationship between dose and residues, the expected residues in eggs and poultry tissues would be below the LOD for methods used to measure residues in poultry products. EPA concludes that there is no reasonable expectation of finite residues in eggs and poultry tissues and that a poultry feeding study is not required at this time. However, should the dietary burden for poultry increase due to the addition of methoxyfenozide-treated poultry feed items through new uses, a poultry feeding study may be required. If a poultry feeding study is required in the future, then all tissues should be analyzed for residues of methoxyfenozide and its metabolite RH–141,518.

D. International Residue Limits

There are no established or proposed Codex, Canadian or Mexican limits for residues of methoxyfenozide in/on plant or animal commodities. Therefore, no compatibility issues exist with regard to the proposed U.S. tolerances discussed in this petition review.

E. Rotational Crop Restrictions

A confined rotational crop study was submitted and reviewed. The petitioner has proposed a 30-day plantback interval for all crops not listed on the product label. The confined rotational crop study demonstrated that methoxyfenozide may accumulate in rotational crop commodities at > 0.01 ppm at 30- and 90-day plantback intervals. The rotational crop restrictions included on the submitted label are not adequate. The label must include the following rotational crop restrictions: Cotton may be rotated to treated fields at any time. Leafy vegetables (except Brassica vegetables) and root and tuber vegetables may be rotated to treated fields 1-year following application of methoxyfenozide. Rotation to all other crops is prohibited.

V. Conclusion

Therefore, the tolerances are established for residues of methoxyfenozide in or on cotton, undelinted seed; cotton gin byproducts; pome fruit; apple pomace, wet; milk; meat of cattle, goats, hogs, horses and sheep and fat of cattle, goats, hogs, horses and sheep at 2.0, 35.0, 1.5, 7.0, 0.02, 0.02, 0.1 ppm respectively and for the combined residues of methoxyfenozide and its glucuronide metabolite in liver of cattle, goats, hogs, horses and sheep and meat byproducts (except liver) of cattle, goats, hogs, horses and sheep at 0.1 and 0.02 ppm respectively.

VI. Objections and Hearing Requests

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

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300983 in the subject line on the first page of your submission. All requests must be in writing, and must be

mailed or delivered to the Hearing Clerk on or before September 5, 2000.

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

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

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

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

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

3. *Copies for the docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–300983, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

VII. Regulatory Assessment Requirements

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

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

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

Dated: June 13, 2000.

Suzan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.544 is added to read as follows:

§ 180.544 Methoxyfenozide; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the insecticide methoxyfenozide; benzoic acid, 3-methoxy-2-methyl-2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide in or on the following agricultural commodities:

Commodity	Parts per million
Apple pomace, wet	7.0
Cotton gin byproducts	35
Cotton, undelinted seed	2.0
Fat of cattle, goats, hogs, horses and sheep	0.1
Meat of cattle, goats, hogs, horses and sheep	0.02
Milk	0.02
Pome fruits crop group	1.5

(2) Tolerances are established for the combined residues of methoxyfenozide; benzoic acid, 3-methoxy-2-methyl-2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide and its glucuronide metabolite in or on the following agricultural commodities:

Commodity	Parts per million
Liver of cattle, goats, hogs, horses and sheep	0.1
Meat byproducts (except liver) of cattle, goats, hogs, horses and sheep	0.02

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

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

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

[FR Doc. 00–16801 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300997; FRL–6555–3]

RIN 2070–AB78

Bacillus subtilis Strain QST 713; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the *Bacillus subtilis* strain QST 713 in or on all raw agricultural commodities when applied/used according to label instructions. AgraQuest, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus subtilis* strain QST 713.

DATES: This regulation is effective July 5, 2000. Objections and requests for hearings, identified by docket control number [OPP–300997], must be received by EPA, on or before September 5, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number [OPP–300997] in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Susanne Cerrelli, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8077; and e-mail address: cerrelli.susanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

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

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

2. *In person*. The Agency has established an official record for this action under docket control number OPP–300997. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of April 26, 1999 (64 FR 20295) (FRL–6074–8), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a(e), as amended by FQPA (Public Law 104–170) announcing the filing of a pesticide tolerance petition by AgraQuest, Inc., 1530 Drew Ave., Davis California 95616. This notice included a summary of the petition prepared by the petitioner AgraQuest, Inc. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of *Bacillus subtilis* strain QST 713.

III. Risk Assessment

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

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

IV. Toxicological Profile

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

A battery of tests determined that QST 713 Technical product is not pathogenic and has no significant toxicity. The acute oral toxicity/pathogenicity, acute pulmonary toxicity/pathogenicity and acute intravenous toxicity/pathogenicity studies demonstrated no significant toxicity and a lack of pathogenicity. The dermal toxicity and eye irritation studies resulted in a Toxicity Category III classification. The acute dermal irritation study resulted in a Toxicity Category IV classification. *Bacillus subtilis* strain QST 713 is a ubiquitous organism in the environment and there have been no reports of the organism affecting the immune system. The submitted toxicity/pathogenicity studies in rodents with *Bacillus subtilis* strain QST 713 indicated that following several routes of exposure, the immune system is still intact and able to process and clear the active ingredient. As would be expected for any microbial pesticide, QST 713 did elicit a very mild delayed hypersensitivity response and is considered a potential dermal sensitizer. Further, although it is not known whether strain QST 713 does, the species is known to produce the enzyme subtilisin which has been reported to produce allergenic or hypersensitivity reactions to individuals repeatedly exposed to the enzyme in industrial settings. The use of personal protective equipment required for applicators and other handlers mitigates the hypersensitivity risk by minimizing exposure. No hypersensitivity risk is expected for dietary exposure due to the low likelihood that any significant residues will occur on treated food.

V. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to

consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

Dietary exposure to the microbial pesticide is likely to occur. The lack of acute oral toxicity/pathogenicity, and the ubiquitous nature of the microbial, support the establishment of an exemption from the requirement of a tolerance for *Bacillus subtilis* strain QST 713.

1. *Food*. Dietary exposure to the microbial is expected to be minimal. In additon, standard practices of washing, peeling, cooking, or processing fruits and vegetables will reduce residues of *Bacillus subtilis* strain QST 713 and further minimize dietary exposure. The risk posed to adults, infants, and children is likely to be minimal, because of the low acute oral toxicity/pathogenicity potential of the microbial pesticide.

2. *Drinking water exposure*. Oral exposure, at very low levels, may occur from ingestion of drinking water. Drinking water is not being screened for *Bacillus subtilis* strain QST 713 as a potential indicator of microbial contamination. Both percolation through soil and municipal treatment of drinking water would reduce the possibility of exposure to the bacterial active ingredient through drinking water. If oral exposure should occur through drinking water, the Agency concludes that such exposure would present minimal risk due to the lack of acute oral toxicity/pathogenicity and the ubiquitous nature of the microbe.

B. Other Non-Occupational Exposure

The use sites proposed are for agricultural sites. Dermal and inhalation exposure is expected to be limited to those who apply or handle the pesticide in orchards and farms. *Bacillus subtilis* presence is ubiquitous in the environment and the use of this product is not expected to increase dermal or inhalation exposure in non-occupational settings.

VI. Cumulative Effects

No mechanism of toxicity in mammals has been identified for *Bacillus subtilis* strain QST 713. Therefore no cumulative effect with other related organisms is anticipated. Because the data available demonstrate a low toxicity/pathogenicity potential of the active ingredient, the likelihood of adverse dietary effects is expected to be minimal.

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

Based on the acute toxicity information discussed above, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to the United States population, including infants and children, to residues of *Bacillus subtilis* strain QST 713. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. The Agency has arrived at this conclusion because, the data available on *Bacillus subtilis* strain QST 713 demonstrate a low toxicity/pathogenicity potential. *Bacillus subtilis* is not a human pathogen and has not been implicated in human disease, but has been isolated as a rare contaminant from human infections. Risk of increased exposure is likely only to exist for pesticide applicators and manufacturers of the product. The Agency has imposed appropriate risk mitigation measures to protect the workers via the use of protective clothing.

VIII. Other Considerations

A. Endocrine Disruptors

The Agency has no information to suggest that *Bacillus subtilis* strain QST 713 has an effect on the immune and endocrine systems. No specific tests have been conducted with *Bacillus subtilis* strain QST 713 to determine such effects. However, the submitted toxicity/pathogenicity studies in rodents indicated that following several routes of exposure, the immune system is still intact and able to process and clear the active ingredient. *Bacillus subtilis* strain QST 713 is a ubiquitous organism in the environment and there have been no reports of the organism affecting endocrine system. Therefore, it is unlikely that this organism would have estrogenic or endocrine effects because it is practically non-toxic to mammals.

B. Analytical Method(s)

The Agency proposes to establish an exemption from the requirement of a tolerance without any numerical limitation; therefore the Agency has concluded that an analytical method is not required for enforcement purposes for *Bacillus subtilis* strain QST 713.

C. Codex Maximum Residue Level

There are no CODEX values for *Bacillus subtilis* strain QST 713.

IX. Objections and Hearing Requests

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

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300997 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before September 5, 2000.

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

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400,

Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

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

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

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

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket number OPP–300997, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

X. Regulatory Assessment Requirements

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

XI. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

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

Dated: June 20, 2000.

Joseph J. Merenda, Jr.,

Acting Deputy Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.1209 is added to subpart D to read as follows:

§ 180.1209 Bacillus subtilis strain QST 713; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the microbial pesticide *Bacillus subtilis* strain QST 713 when used in or on all food commodities.

[FR Doc. 00–16803 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6727–2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; deletion of the Laskin/Poplar Oil Company Superfund Site from the National Priorities List; request for comments.

SUMMARY: EPA Region 5 announces the deletion of the Laskin/Poplar Oil Company Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA is taking this action because it has determined that the responsible parties have implemented all responses under CERCLA; and EPA, in consultation with the State of Ohio, has determined that no further response is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: This '' direct final'' action will be effective September 5, 2000, unless EPA receives dissenting comments by August 4, 2000. If written dissenting comments are received, EPA will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5 77 W. Jackson Blvd. (SR–6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region 5 office and at the local information repository located at: The Ashtabula Public Library, 355 W. 44th St., Ashtablula, OH 44004. Requests for comprehensive copies of documents should be directed formally to the Region 5 Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: Richard Boice, Remedial Project Manager, at (312) 886–4740 (SR–6J), or Gladys Beard, Associate Remedial Project Manager, Superfund Division (SR–6J), U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Susan Pastor (P–19J), Office of Public Affairs, EPA, Region 5 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–1325; Mike Eberle, State Project Manager, at Ohio Environmental Protection Agency, 2110 East Aurora Road, Twinsburg, Ohio 44087–1969, (330) 963–1126; the Laskin Final Remediation Trust Fund, Engineering Management, Inc., 1500 Ardmore Blvd., Suite 502, Pittsburgh, Pennsylvania 15221–4468, Attn: James R. Campell, at (412) 244–0917.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion
V. Action

I. Introduction

EPA Region 5 announces the deletion of the Laskin/Poplar Oil Company Site from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. U.S. EPA identifies sites that appear to present a significant risk to public health, welfare and the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions that the Hazardous Substance Superfund Response Trust Fund (Fund) finances. Under § 300.425(e) (3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

EPA will accept comments on this proposal for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this action explains the criteria for deleting sites from the NPL. Section III discusses procedures that U.S. EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria. Section V states U.S. EPA's prospective action of deleting the Site from the NPL unless dissenting comments are received during the comment period.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Specifically, this deletion does not affect the provisions or requirements of the Consent Decrees entered in *United States* v. *Alvia Laskin, et al* Civil Action (84–2035Y N.D. Ohio) and *United States* v. *Anchor Motor Freight Co., et al,* Civil Action No. (89CV1999 N. D. Ohio. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency Management.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that Sites may be deleted from, or recategorized on, the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate non-time critical Removal Actions or Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate. The Laskin/Poplar Oil Site now meets criterion (i). Criteria (ii) and (iii) are not relevant to this Site.

III. Deletion Procedures

The following procedures were followed before the proposed deletion of this Site from the NPL:

(1) All appropriate response actions, under CERCLA have been implemented and no further EPA action is appropriate; (2) The State of Ohio has

concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day dissenting public comment period on U.S. EPA's Direct Final Action to Delete; and, (4) All relevant documents have been made available for public review in the local Site information repositories. EPA is requesting only dissenting comments on the Direct Final Action to Delete.

For deletion on the Site, EPA's Regional Office will accept and evaluate public comments on U.S. EPA's Final Notice. If necessary, the Agency will prepare a Responsiveness Summary, responding to each significant comment submitted during the public comment period. As stated in section I above, deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights of obligations. The NPL is designed primarily for informational purposes and to assist Agency management. Further, mentioned in section II of this document, § 300.425(e)(3) of the NCP states that the deletion of a release from a site from the NPL does not preclude the Site's eligibility for future response actions.

IV. Basis for Intended Site Deletion

The Laskin/Poplar Oil Company Site is located at 717 North Poplar Street in Ashtabula County, Jefferson Township, Ohio west of the Village of Jefferson. The nine-acre site is bounded on the north by Cemetery Creek, on the south by Ashtabula County Fairground, to the east by Poplar Street, and to the west by softball fields and a wooded ravine belonging to the County of Ashtabula.

Prior to remedial action implementation the Site contained the property owner's former residence, a greenhouse complex, a boiler house containing 4 boilers formerly used to heat the greenhouses, a smokestack, 4 in-ground oil storage pits, 1 underground and 32 above ground tanks, a retention pond, two drained ponds, a fresh water pond, and miscellaneous buildings and sheds.

Greenhouses were located on the Site since the early 1890's. In the 1950's, boilers were installed to heat the greenhouse. Storage pits and tanks were installed during the 1960's to store the oil that fired the boilers. The Poplar Oil Company continued to accept waste oil from hundreds of sources in northern Ohio and western Pennsylvania throughout the 1960's and 1970's. The company resold some of the waste oil and used additional waste oil to treat gravel and dirt roads in 17 townships of Ashtabula County. In 1977, U.S. EPA and Ohio Environmental Protection Agency (OEPA) indentified polychlorinated biphenys (PCBs) in the waste oil. In 1981, a court order stopped activities at the Poplar Oil Company.

In early 1981, EPA investigated the Site and detected PCBs in waste oils, ground water and soils. In 1981 and 1982, EPA performed several removal actions at the Site. The emergency actions included draining and regrading two ponds; diverting surface runoff to a retention pond to prevent flooding; removing 302,000 gallons of waste oil taking them to an off-site incinerator; treating and discharging off site 430,000 gallons of contaminated surface water; and solidifying on site 205,000 gallons of sludge.

In 1983, the Site was placed on the EPA's Superfund National Priorities List of uncontrolled hazardous waste sites. Fund-lead Phase I remedial investigation (RI) activities were conducted from December 1983 to November 1984. In response to an Administrative Order issued in August 1984, the potentially responsible parties(PRPs) removed approximately 250,000 gallons of waste oil and wastewater during the winter of 1985–1986. A second Administrative Order was issued to the PRPs in late 1986, which ordered them to develop a work plan to address the storage pits, tank, and their contents, and surrounding soils. EPA completed Focused Feasibility Study (FFS) in August 1987. The Source Removal (SR) Record of Decision (ROD) was issued on September 30, 1987. Phase II RI activities were conducted in the fall and winter of 1987–88. A third Administrative Order was issued in February 1988 for implementing the 1987 SR ROD. The Phase II RI Report which contained the results of both the Phase I and II RI Investigations was released in December 1988. The Final Remedy (FR) FS was provided for public comment on April 7, 1989. A final remedy was selected on June 29, 1989 and documented in the FR ROD.

PRPs organized the Laskin Site Group and performed the SR and the FR remedial design and remedial actions (RD/RA) under a September 1990 Consent Decree. The SR ROD work to be performed under the 1988 Administrative Order was incorporated into the 1990 Consent Decree. Due to the incineration of different materials set forth in both RODs and the need to prepare the Site for RA activities, some FR activities were necessarily performed during the SR.

The SR ROD selected remedy consists of the following major components:

- Construction of a fence around the contaminated portions of the Site and the mobile on-site incinerator;
- Off-site treatment of all wastewater, decontamination water, and scrubber water;
- Dismantling and off-site disposal of all tanks;
- Crushing and incineration of the cinder block walls of the pits; and
- Backfilling and/or grading of all excavated areas to prevent ponding.

The components of the FR ROD consist of the following:

- Drain retention and fresh water ponds. Discharge surface water from ponds to Cemetery Creek, with treatment if required. Backfill a freshwater pond with clean fill and grade retention pond area;
- Thermally treat contaminated soil, ash, and debris from the boiler house area and dispose of ash on-site (if delistable) or off-site to a RCRA permitted landfill;
- Demolish and thermal treatment or decontamination of dioxin contaminated structures. If material cannot be thermally treated or decontaminate, contain material in an on-site concrete vault and place beneath the cap;
- Construct a groundwater diversion trench up-gradient of the contaminated oil and groundwater;
- Construct a multi-layer cap;
- De-water site by natural groundwater flow to Cemetery Creek;
- Conduct groundwater and surface water monitoring to assess quality of groundwater migrating towards Cemetery Creek; and
- Impose access and use restrictions.

The ROD and statement of work for the Consent Decree included performance standards for the FR including:

1. The on-site incinerator would meet a destruction and removal efficiency at 99.99% for solvents, miscellaneous organics, 99.999% dioxin and 99.999% for PCBS;
2. Discharges to the water in Cemetery Creek must comply with Ohio Water Quality Standards, and Federal Ambient Water Quality Criteria;
3. The goal of the groundwater diversion was to dewater the site. If the groundwater is lowered to below the top of the unweathered shale, the site would be considered dewatered. If complete site dewatering was not achieved then Federal Maximum Contaminant Levels, under the Safe Drinking Water Act, would apply at the property boundary.

In June 1991, the Remedial Design (RD) for the SR was finalized, and in the

Remedial Action (RA) work was formally initiated. U.S. EPA and Ohio Environmental Protection Agency (OEPA) conducted a prefinal inspection on November 19, 1992. Incineration of all required material was completed on November 25, 1992. EPA approved the RA report on December 22, 1992.

The FR RD was formally approved and the RA work initiated in March 1992. The FR included construction of a slurry wall to facilitate site dewatering in addition to the diversion trenches provided for in the ROD. A letter dated September 21, 1993 from the PRP Laskin/Poplar Site Group certified that all RA activities were performed according to design specifications, contractor plan, and EPA and OEPA approved modifications. EPA conducted a final inspection on September 20, 1993, and approved a Preliminary Close Out Report on September 23, 1993.

Since completion of construction, the Site has been monitored and inspected in accordance with a EPA approved Inspection, Maintenance and Monitoring Plan. In accordance with this plan, quarterly groundwater and surface water monitoring was conducted in 1994, 1995, and 1996, and semi-annual groundwater and surface water monitoring was conducted in 1997 and 1998.

A five-year review pursuant to OSWER Directive 9355.7–02 (''Structure and Components of Five-Year Reviews'') was conducted at the Site and a report of its conclusions was signed in May 1999. The five-year review report concluded that the remedial action selected for this Site remains protective of human health and the environment. The review determined that groundwater monitoring conducted over the five years since completion of construction has demonstrated that the groundwater has consistently been lowered below the unweathered shale, and that the data has not identified an impact of the Site on groundwater of surface water.

V. Action

In its review of the five year review report, Engineering Management Inc., the Laskin Remedial Trust Fund's contractor correctly pointed out that the non-incinerable materials that were potentially dioxin-contaminated were decontaminated sampled, and found to contain less the 1 ppb of dioxin. As a result, it was not necessary to store any dioxin-contaminated material in a proposed vault below the cap, and this part of the remedy was eliminated. A small amount of asbestos-contaminated material was encased in what has been referred to as a ''concrete vault'' on site diagrams, but this vault is not the vault referred to in the ROD. The five year review found that the Site inspections have indentified a concern about slope stability, as well as routine erosion problems. The on-going inspection and maintenance program will address these problems. The next five year review should be completed by October 15, 2000.

On June 30, 1999, EPA approved discontinuing the periodic groundwater and surface water sampling. However, periodic water level monitoring, inspections, and maintenance activities will continue, and groundwater and surface water sampling can resume if necessary.

EPA, will the State of Ohio's concurrence, has determined that all appropriate Fund-financed responses under CERCLA at the Ladkin-Poplar Oil Company Superfund Site have been completed, and no further CERCLA response is appropriate or necessary in order to provide protection of human health and the environment other than the ongoing inspection, maintenance and monitoring activities. Therefore, EPA is deleting the Site from the NPL.

This action will be effective September 5, 2000. However, if EPA receives dissenting comments by August 4, 2000, EPA will publish a document that withdraws this action.

List of Subjects in 40 CFR Part 300

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

Dated: June 14, 2000.

Gary Gulezian,

Acting Regional Administrator, Region 5.

Part 300, Title 40 of Chapter 1 of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the entry for ''Laskin-Poplar Oil Co'', Jefferson Township, Ohio.

[FR Doc. 00–16513 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 712

[OPPTS–82054; FRL–6589–1]

RIN–2070–AB08

Preliminary Assessment Information Reporting; Addition of Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule addresses the recommendations of the 41st TSCA Interagency Testing Committee (ITC) Report by adding 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols to the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information Reporting (PAIR) rule. The ITC recommendations are given priority consideration by EPA in promulgating TSCA section 4 test rules. This PAIR rule will require manufacturers (including importers) of the 29 substances identified in this document to report certain production, importation, use, and exposure-related information to EPA.

DATES: This rule is effective on August 4, 2000.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul Campanella, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–8130; fax number: (202) 401–3672; e-mail address: ccd.citb@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information:

A. Does this Action Apply to Me?

You may be affected by this action if you manufacture (defined by statute to include import) any of the chemical substances that are listed in § 712.30(e) of the regulatory text portion of this document. Entities potentially affected by this action may include, but are not limited to:

Category	SIC codes	NAICS codes	Examples of potentially affected entities
Chemical manufacturers (including importers)	28, 2911	325, 32411	Persons who manufacture (defined by statute to include import) one or more of the subject chemical substances.

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

B. How Can I Get Additional Information or Copies of this Document or Other Documents?

1. *Electronically*. You may obtain electronic copies of this document and other documents from the EPA Internet EPA Home Page at http://www.epa.gov/. On the Home Page select ''Law and Regulations'' and then look up the entry for this document under ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. In person. The Agency has established an official record for this action under docket control number OPPTS–82054. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, your comments must identify docket control number OPPTS–82054 in the subject line on the first page of your response.

1. *By mail*. Submit comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver comments to: Document Control Office, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., East Tower, Rm. G–099, Washington, DC. The telephone number for the OPPT Document Control Office is (202) 260–7093.

3. *Electronically*. Submit your comments electronically by e-mail to: oppt.ncic@epa.gov, or you may mail or deliver your computer disk to the addresses identified in Units I.C.1. or 2. Do not submit any information electronically that you consider to be CBI. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments will also be accepted on standard disks in WordPerfect 6.1/8 or ASCII file format. All copies of electronic comments must be identified by docket control number OPPTS–82054. Electronic comments may be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comments that include any information claimed as CBI, a copy of the comments that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, consult the technical person listed under ''FOR FURTHER INFORMATION CONTACT.''

II. What Action is EPA Taking?

In this document, EPA is issuing a final TSCA section 8(a) ''Preliminary Assessment Information Reporting'' (PAIR) rule for 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols recommended for testing in the 41st TSCA ITC Report to the EPA Administrator published in the **Federal Register** of April 9, 1998 (63 FR 17658) (FRL–5773–5).

III. What is the Preliminary Assessment Information Reporting (PAIR) Rule?

EPA promulgated the PAIR rule in 40 CFR part 712 under section 8(a) of TSCA (15 U.S.C. 2607(a)). This model section 8(a) rule establishes standard reporting requirements for manufacturers (including importers) of the chemicals listed in the rule at 40 CFR 712.30. These entities are required to submit a one-time report on general production/importation volume, end use, and exposure-related information using the Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710–35). EPA uses this model section 8(a) rule to quickly gather current information on chemicals.

This model rule provides for the automatic addition of ITC *Priority Testing List* chemicals. Whenever EPA announces the receipt of an ITC Report, EPA may, at the same time and without providing notice and opportunity for public comment, amend the model information-gathering rule by adding the recommended (or designated) chemicals. The amendment adding these chemicals to the PAIR rule is effective August 4, 2000.

IV. What Chemicals are to be Added ?

In its 41st Report to EPA, the ITC recommended 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols. These chemicals can be automatically added to the TSCA section 8(a) PAIR reporting rule.

The regulatory text (§ 712.30(e)) of this document lists the 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols that are being added

to the PAIR rule as a result of this document.

V. Who Must Report Under this PAIR Rule?

All persons who manufactured (defined by statute to include import) the 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols identified in the regulatory text (§ 712.30(e)) of this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710–35) for each site at which they manufactured or imported a named substance. A separate form must be completed for each substance and submitted to the Agency as specified in 40 CFR 712.28 no later than October 3, 2000. Persons who have previously and voluntarily submitted a Manufacturer's Report to the ITC or EPA may be able to submit a copy of the original report to EPA or to notify EPA by letter of their desire to have this voluntary submission accepted in lieu of a current data submission. See § 712.30(a)(3).

Details of the PAIR reporting requirements, including the basis for exemptions, are provided in 40 CFR part 712. Copies of the form are available from the TSCA Environmental Assistance Division at the address listed under **FOR FURTHER INFORMATION CONTACT**. Copies of the PAIR form are also available electronically from the Chemical Testing and Information Gathering Home Page on the Internet at http://www.epa.gov/opptintr/chemtest/.

VI. Removal of Chemical Substances from the PAIR Rule

Any person who believes that section 8(a) reporting required by this rule is not warranted, should promptly submit to EPA on or before July 19, 2000, detailed reasons for that belief. EPA, in its discretion, may remove the substance from this rule (see 40 CFR 712.30(c)). When withdrawing a chemical from the rule, EPA will publish a rule amendment in the **Federal Register**.

VII. Public Record

The following documents constitute the public record for this rule under docket control number OPPTS–82054.

1. This final rule.
2. The Economic Analysis for this rule (February 10, 2000).
3. The 41st Report of the ITC (63 FR 17658, April 9, 1998) (FRL–5773–5).

VIII. Why is this Action Being Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and an opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary. As discussed in Unit III., whenever EPA announces the receipt of an ITC report, EPA may, at the same time and without providing notice and opportunity for public comment, amend the model information-gathering rule by adding the recommended (or designated) chemicals. EPA finds, therefore, that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553 (b)(3)(B)) to make these amendments without prior notice and comment.

IX. Economic Analysis

The economic analysis for the addition of the 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols to the TSCA section 8(a) PAIR rule is entitled ''*Economic Analysis for the Addition of 29 Chemicals Recommended for Testing in the 41st Report of the TSCA Interagency Testing Committee to EPA's Preliminary Assessment Information Reporting (PAIR) Rule''* (February 10, 2000) (Economic Analysis).

EPA's 1998 Chemical Update System (CUS) was searched to identify manufacturers (including importers) of the 29 CAS-numbered alkylphenols, alkylphenol ethoxylates, and polyalkylphenols recommended in the ITC's 41st Report. Only 5 of the 29 chemicals were located in CUS indicating, for example, that the other chemicals are not being produced or imported in quantities large enough to be reported to EPA for 1998 under the TSCA Inventory Update Rule (IUR) (40 CFR part 710) or are not subject to reporting under the IUR. The Economic Analysis estimates governmental and industry burden and costs associated with this final rule based upon the data regarding the five chemical substances found in CUS. Six firms were identified as manufacturers of the chemical, at eight sites. The costs and burden associated with this rule are estimated in the Economic Analysis to be the following:

Reporting Costs (dollars)

9 reports estimated at $1977.29 per report = $17,795.62

Total Cost = $17,795.62

Mean cost per site/firm = $17,795.62/8 sites = $2,224.45/site

Reporting Burden (hours)

Rule familiarization: 7 hours/site x 8 sites = 56 hours

Reporting: 21.6 hours/report x 9 reports = 194 hours

Total burden hours = 250 hours

Average burden per site/firm = 250 hours/8 sites = 31.3 hours/site

EPA Costs (dollars)

The annual costs to the Federal Government will be approximately 0.0227 FTEs (or 47.25 hours annually). At an estimated $75,306 per FTE, the total 0.0227 FTEs ($1709.45), plus $1,834.92 for data processing, will cost EPA $3,544.37.

X. Regulatory Assessment Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted actions under TSCA section 8(a) related to the PAIR rule from the requirements of Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993).

B. Executive Order 12898

This action does not involve special considerations of environmental justice-related issues pursuant to Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

C. Executive Order 13045

Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), does not apply to this final rule, because it is not ''economically significant'' as defined under Executive Order 12866, and does not concern an environmental health or safety risk that may have a disproportionate effect on children. This rule requires the reporting of production, importation, use, and exposure-related information to EPA by manufacturers (including importers) of certain chemicals recommended in the 41st Report of the TSCA ITC.

D. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, the Agency hereby certifies that this rule will not have a significant impact on a substantial number of small entities. The factual basis for the Agency's determination is presented in the small entity analysis prepared as a part of the Economic Analysis for this rule, and is briefly summarized here. Three of the six firms identified as manufacturers of chemicals affected by this rule met the Small Business Administration definition of a small business, (i.e., having less than 1,000 employees when combined with any corporate parents). Based on the

Agency's analysis, the maximum potential impact of this action on an individual firm is estimated to be less than $2,224, regardless of the firm's size. To determine the potential significance of the estimated impact of this action on the small firms, the Agency compared the estimated maximum potential cost with the estimated annual sales revenue for these firms. Based on currently available financial information for these firms, EPA has determined that this action will not result in a significant impact on any of these firms. Information relating to this EPA determination is included in the docket for this rulemaking (OPPTS–82054). Any comments regarding the economic impacts that this action imposes on small entities should be submitted to the Agency at the address listed under **FOR FURTHER INFORMATION CONTACT**.

E. Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that is subject to approval under the PRA unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after appearing in the preamble of the final rule, are listed in 40 CFR part 9, and included on the related collection instrument. The information collection activities related to this action have already been approved by OMB, under OMB control number 2070–0054 (EPA ICR No. 586) for PAIR reporting. This action does not impose any burdens requiring additional OMB approval. The public reporting burden for this collection of information is estimated to be 250 hours. Of that total, an estimated 56 hours are spent in an initial review of the rule, and the remaining 194 hours are associated with actual reporting activities (Economic Analysis). Because this rule does not contain any new information collection activities, additional review and approval of these activities by OMB under the PRA is not necessary.

F. Unfunded Mandates Reform Act and Executive Orders 13084 and 13132

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, EPA has 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 1 year. In addition, EPA has determined that this rule will not significantly or uniquely affect small governments. Accordingly, the rule is not subject to the requirements of UMRA sections 202, 203, 204, or 205.

Based on EPA's experience with past TSCA section 8(a) rulemakings, State, local, and tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or tribal government will be impacted by this rulemaking. As a result, this action is not subject to the requirement for prior consultation with Indian tribal governments as specified in Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998). Nor will this action have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999).

G. National Technology Transfer and Advancement Act

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Section 12(d) of NTTAA 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 standards. EPA invites public comment on the Agency's determination that this regulatory action does not require the consideration of voluntary consensus standards.

H. Executive Order 12988

In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

I. Executive Order 12630

EPA has complied with Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), by examining the takings implications of this rule in accordance with the *Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings* issued under the Executive Order.

XI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). EPA has made such a good cause finding for this final rule, and established an effective date of August 4, 2000. Pursuant to 5 U.S.C. 808(2), this determination is supported by the brief statement in Unit VIII. EPA will submit a report containing this final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 712

Environmental protection, Chemicals, Hazardous substances, Health and safety, Reporting and recordkeeping requirements.

Dated: June 20, 2000.

William Sanders III,

Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR chapter I is amended as follows:

PART 712—[AMENDED]

1. The authority citation for part 712 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

2. In § 712.30, the table in paragraph (e) is amended by revising the category heading for ''Alkylphenols and Alkylphenol ethoxylated'' to read

''Alkylphenols, Alkylphenol ethoxylates, and Polyalkylphenols'' and adding 29 chemicals in ascending numeric CAS number order to the category to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(e) * * *

CAS No.	Substance	Effective date	Reporting date
*	*	*	*
Alkylphenols, Alkylphenol ethoxylates, and Polyalkylphenols			
*	*	*	*
136–81–2	Phenol, 2-pentyl-	August 4, 2000	October 3, 2000
140–66–9	Phenol, 4-(1,1,3,3-tetramethylbutyl)-	August 4, 2000	October 3, 2000
*	*	*	*
1987–50–4	Phenol, 4-heptyl-	August 4, 2000	October 3, 2000
*	*	*	*
2446–69–7	Phenol, 4-hexyl-	August 4, 2000	October 3, 2000
*	*	*	*
2589–78–8	Phenol, 4-hexadecyl-	August 4, 2000	October 3, 2000
*	*	*	*
3279–27–4	Phenol, 2-(1,1-dimethylpropyl)-	August 4, 2000	October 3, 2000
*	*	*	*
9004–87–9	Poly(oxy-1,2-ethanediyl), α-(isooctylphenyl)-ω-hydroxy-.	August 4, 2000	October 3, 2000
9014–92–0	Poly(oxy-1,2-ethanediyl), α-(dodecylphenyl)-ω-hydroxy-.	August 4, 2000	October 3, 2000
*	*	*	*
9063–89–2	Poly(oxy-1,2-ethanediyl), α-(octylphenyl)-ω-hydroxy-.	August 4, 2000	October 3, 2000
*	*	*	*
25401–86–9	Phenol, 2-hexadecyl-	August 4, 2000	October 3, 2000
*	*	*	*
25735–67–5	Phenol, 4-sec-pentyl-	August 4, 2000	October 3, 2000
26401–47–8	Poly(oxy-1,2-ethanediyl), α-(4-dodecylphenyl)-ω-hydroxy-.	August 4, 2000	October 3, 2000
26401–74–1	Phenol, 2-sec-pentyl-	August 4, 2000	October 3, 2000
27157–66–0	Phenol, decyl-	August 4, 2000	October 3, 2000
*	*	*	*
59911–95–4	Poly(oxy-1,2-ethanediyl), α-(4-hexadecylphenyl)-ω-hydroxy-.	August 4, 2000	October 3, 2000
61723–87–3	Poly(oxy-1,2-ethanediyl), α-(tridecylphenyl)-ω-hydroxy-.	August 4, 2000	October 3, 2000
*	*	*	*
68081–86–7	Phenol, nonyl derivs.	August 4, 2000	October 3, 2000
68784–24–7	Phenol, C18–30-alkyl derivs.	August 4, 2000	October 3, 2000
68891–67–8	Phenol, polypropene derivs.	August 4, 2000	October 3, 2000
68908–55–4	Phenol, polybutene derivs.	August 4, 2000	October 3, 2000
68954–70–1	Phenol, polyethyl derivs.	August 4, 2000	October 3, 2000
70682–80–3	Phenol, tetradecyl-	August 4, 2000	October 3, 2000
71902–25–5	Phenol, octenylated	August 4, 2000	October 3, 2000
72624–02–3	Phenol, heptyl derivs.	August 4, 2000	October 3, 2000
74499–35–7	Phenol, (tetrapropenyl) derivs.	August 4, 2000	October 3, 2000
84605–25–4	Phenol, 1-methylhexyl derivs.	August 4, 2000	October 3, 2000
*	*	*	*
91672–41–2	Phenol, 2-nonyl-, branched	August 4, 2000	October 3, 2000
112375–88–9	Phenol, polyisobutylene derivs.	August 4, 2000	October 3, 2000
112375–89–0	Phenol, poly(2,4,4-trimethylpentene) derivs	August 4, 2000	October 3, 2000
*	*	*	*

[FR Doc. 00–16802 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1395; MM Docket No. 99–276; RM–9702]

Radio Broadcasting Services; Tillamook and Scappoose, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Thunderegg Wireless, L.L.C., licensee of Station KJUN, Tillamook, OR, reallots Channel 281C3 from Tillamook to Scappoose, OR, as the community's first local aural service, and modifies the license of Station KJUN to specify Scappoose as its community of license. *See* 64 FR 50266, September 16, 1999. Channel 281C3 can be allotted to Scappoose in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.5 kilometers (4.1 miles) northwest, at coordinates 45–46–58 NL; 122–57–13 WL, to accommodate petitioner's desired transmitter site. Canadian concurrence in the allotment has been obtained since Scappoose is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Effective August 7, 2000.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–276, adopted June 14, 2000, and released June 23, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 281C3 at Tillamook and adding Scappoose, Channel 281C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–16866 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1393; MM Docket No. 99–353; RM–9787]

Radio Broadcasting Services; Mojave, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 241A to Mojave, California, as that community's second local FM transmission service, in response to a petition for rule making filed on behalf of Linda A. Davidson. *See* 64 FR 73460, December 30, 1999. Although the petitioner did not file supporting comments, an expression of interest in pursuing the proposal was filed on behalf of Lazer Broadcasting Corp. Coordinates used for Channel 241A at Mojave, California, are 35–06–11 NL and 118–10–22 WL. As Mojave is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government was requested but has not been received. As the allotment complies with the terms of the 1992 USA-Mexico FM Broadcast Agreement (''Agreement''), Channel 241A has been allotted to Mojave with an interim operating condition which may be removed once an official response from the Mexican government has been obtained.

DATES: Effective August 7, 2000. A filing window for Channel 241A at Mojave, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the application filing process for Channel 241A at Mojave, California, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–353, adopted June 14, 2000, and released June 23, 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 California, is amended by adding Channel 241A at Mojave.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–16867 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1323; MM Docket No. 99–348; RM–9765]

Radio Broadcasting Services; Tallulah, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 248A to Tallulah, Louisiana, as that community's second local FM transmission service, in response to a petition for rule making filed by Joe Kool Broadcasting. *See* 64 FR 73464, December 30, 1999. Coordinates used for Channel 248A at Tallulah, Louisiana, are 32–25–07 NL and 91–12–15 WL.

DATES: Effective July 31, 2000. A filing window for Channel 248A at Tallulah, Louisiana, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the application filing process for Channel 248A at Tallulah, Louisiana, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–348, adopted June 7, 2000, and released June 16, 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 Louisiana, is amended by adding Channel Channel 248A at Tallulah.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–16869 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1328; MM Docket No. 99–350; RM–9769]

Radio Broadcasting Services; Simmesport, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 287A to Simmesport, Louisiana, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of C. Wayne Dowdy. See 64 FR 73463, December 30, 1999. Coordinates used for Channel 287A at Simmesport, Louisiana, are 30–53–30 NL and 91–47–00 WL.

DATES: Effective July 31, 2000. A filing window for Channel 287A at Simmesport, Louisiana, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the application filing process for Channel 287A at Simmesport, Louisiana, should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–350, adopted June 7, 2000, and released June 16, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference 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 Louisiana, is amended by adding Simmesport, Channel 287A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–16870 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1322; MM Docket No. 99–50; RM–9425]

Radio Broadcasting Services; Pacific Junction, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Warga Broadcasting L.L.C., allots Channel 299A at Pacific Junction, Iowa, as the community's first local aural transmission service. *See* 64 FR 8786, February 23, 1999. Channel 299A can be allotted to Pacific Junction in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.5 kilometers (2.8 miles) north to avoid a short-spacing to the licensed site of Station KMAJ–FM, Channel 299C, Topeka, Kansas. The coordinates for Channel 299A at Pacific Junction are 41–03–25 North Latitude and 95–46–50 West Longitude.

DATES: Effective July 31, 2000. A filing window for Channel 299A at Pacific Junction, Iowa, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–50, adopted June 7, 2000, and released June 16, 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 54, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by adding Pacific Junction, Channel 299A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–16871 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–U

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 511, 512, 525, 532, 537, and 552

RIN 3090–AH22

Payment Information and Clarification of Provisions and Clauses Applicable to Contract Actions Under the Javits-Wagner-O'Day Act

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is issuing a final rule to rewrite the General Services Administration Acquisition Regulation (GSAR), Foreign Acquisition, for consistency with the recent Federal Acquisition Regulation (FAR) rewrite. This final rule also deletes a provision for brand name or equal purchase descriptions now covered by a FAR provision, adds a clause to notify contractors of payment information available electronically, and clarifies that certain provisions and clauses for building services contracts do not apply to contract actions made under the Javits-Wagner-O'Day Act.

DATES: Effective Date: July 24, 2000.

FOR FURTHER INFORMATION CONTACT: Gloria Sochon, GSA Acquisition Policy Division, (202) 208–6726.

SUPPLEMENTARY INFORMATION:

A. Background

The FAR published a final rewrite of FAR Part 25, Foreign Acquisition, in the **Federal Register** on December 27, 1999 (64 FR 72414). This rule reorganizes the GSAR for consistency with the FAR changes. It also eliminates a provision and a clause, which duplicate coverage in the FAR, regarding evaluation of offers and delivery under contracts subject to trade agreements. It does not place any new requirements on offerors or contractors.

The FAR published a final rule on use of brand name or equal purchase descriptions in the **Federal Register** on June 17, 1999 (64 FR 32740). This rule eliminates a GSAR provision that duplicates coverage now contained in the provision at FAR 52.211–6, Brand Name or Equal.

For invoice payments made by GSA, payment information is available on the Internet. This rule provides a clause to notify contractors that the information is available and how to access it. A GSA contractor may access this information at its discretion to track the date and amount of payments made by GSA. Access to timely payment information may help a contractor to improve its financial management.

This rule also clarifies that certain provisions and clauses prescribed at GSAR 537.110 do not apply to contracts for building services initiated under the authority of the Javits-Wagner-O'Day Act (JWOD). The provision at GSAR 552.237–70, Qualifications of Offerors, and the clause at 552.237–71, Qualifications of Employees, do not apply to JWOD contract actions. Qualifications of JWOD participating nonprofit agencies are established by the Committee for Purchase from People Who Are Blind or Severely Disabled (see FAR subpart 8.7). This clarification will help avoid potential conflict with the rules established by the Committee, which have precedence.

B. Executive Order 12866

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

The final rule does not constitute a significant GSAR revision within the meaning of FAR 1.501 and Public Law 98–577, and publication for public commenters is not required. However, GSA will consider comments from small entities concerning the affected GSAR parts in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S. 601, *et seq.*, in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule under 5 U.S.C. 804. This rule was submitted to Congress and GAO under 5 US.C. 801.

F. Determination To Issue a Final Rule

GSA expects this rule will have no significant cost or administrative burden on contractors or offerors. The changes improve clarity and avoid potential conflicts with FAR rules.

List of Subjects in 48 CFR Parts 501, 511, 512, 525, 532, 537 and 552

Government procurement.

Final Rule

Accordingly, GSA amends 48 CFR Parts 501, 511, 512, 525, 532, 537 and 552 as set forth below:

1. The authority citation for 48 CFR Parts 501, 511, 512, 525, 532, 537 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 511—DESCRIBING AGENCY NEEDS

2. Amend section 501.106 as follows: Delete the GSAR Reference to 511.170–3(a) and OMB Control No. 3090–0203, delete the GSAR Reference to 511.170–3(c) and OMB control No. 3090–0203, delete the GSAR Reference to 552.211–70 and OMB Control No. 3090–0203, and add a GSAR Reference to 511.140–70 and OMB Control N. 3090–0203.

3. Redesignate section 511.170 as 511.104 and revise the section title to read as follows:

511.104 Use of brand name or equal purchase descriptions.

4. Redesignate section 511.170–3 as section 511.104–70, delete paragraphs (c) and (d), and add a new paragraph (c) to read as follows:

511.104–70 Solicitation provisions

* * * * *

(c) If you use brand name or equal purchase descriptions for some component parts of an end item, you may limit the application of the provision at FAR 52.211–6 to the specified components

PART 512—ACQUISITION OF COMMERCIAL ITEMS

5. In section 512.301, revise paragraph (a)(3) to read as follows:

512.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(a) * * *

(3) 552.212–72, Contract Terms and Conditions Required to Implement

Statutes or Executive Orders Applicable to GSA Acquisitions of Commercial Items, when listed clauses apply. The clause provides for the incorporation by reference of terms and conditions required to implement provisions of law or executive orders that apply to commercial item acquisitions.

* * * * *

PART 525—FOREIGN ACQUISITION

525.105, 525.105–70, 525.109 and Subpart 525.4 [Removed]

6. Remove sections 525.105, 525.105–70, 525.109, and Subpart 525.4. Add Subparts 525.5 and 525.11 to read as follows:

Subpart 525.5—Evaluating Foreign Officers—Supply Contracts

525.570 Procurement of hand or measuring tools or stainless steel flatware for DOD.

(a) *Stainless steel flatware* means special order and stock items of stainless steel flatware purchased for DOD, including, but not limited to, the following National Stock Numbers (NSN):

7340–00–060–6057
7340–00–205–3340
7340–00–241–8171
7340–00–559–8357
7340–00–205–3341
7340–00–241–8169
7340–00–241–8170
7340–00–688–1055
7340–00–721–6316
7340–00–721–6971

(b) Purchases of hand or measuring tools or stainless steel flatware exceeding the simplified acquisition threshold by DOD must be domestic end products. In the case of stainless steel flatware, the Secretary of the Department concerned can make an exception. The individual must determine that a satisfactory quality and sufficient quantity produced in the United States or its possessions are not available when needed at domestic market prices.

(c) If GSA solicitations of hand or measuring tools or stainless steel flatware include DOD requirements, GSA will apply the DOD restrictions. The bases for applying the DOD restriction to GSA acquisitions are:

(1) DOD's restrictions apply to requisitions of such items from the GSA stock program.

(2) The impracticality of establishing a dual supply system to satisfy the requirements of civilian and military agencies.

(3) GSA may reject any offer when it is considered necessary for reasons of national interest.

Subpart 525.11—Solicitation Provisions and Contract Clauses

525.1101 Acquisition of supplies.

If you include DOD requirements for hand or measuring tools or stainless steel flatware in the solicitation for an acquisition estimated to exceed the simplified acquisition threshold, insert 552.225–70, Notice of Procurement Restriction—Hand or Measuring Tools or Stainless Steel Flatware, in the solicitation and resulting contract(s).

PART 532—CONTRACT FINANCING

7. Amend section 532.908 to add paragraph (c) to read as follows:

532.908 Contract clauses.

* * * * *

(c) *Solicitations, purchase orders, contracts, and leases over the micropurchase theshold.* Insert 552.232–78, Payment information:

(1) In all solicitations, purchase orders, and contracts, including acquisitions of leasehold interests in real property.

(2) In task and delivery orders if the contract that the order is placed against does not include the clause.

PART 537—SERVICE CONTRACTING

8. Revise section 537.110 to read as follows:

537.110 Solicitation provisions and contract clauses.

The following provision and clauses apply to contracts for building services:

(a) If the contract is expected to exceed the simplified acquisition threshold and it is not initiated under the Javits-Wagner-O'Day Act:

(1) Insert 552.237–70, Qualifications of Offerors, in the solicitation.

(2) Insert 552.237–71, Qualifications of Employees, in the solicitation and contract. If needed, use supplemental provisions or clauses to describe specific requirements for employees performing work on the contract.

(b) Insert 552.237–72, Prohibition Regaring ''Quasi-Military Armed Forces,'' in solicitations and contracts for guard service.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.211–70 [Removed and Reserved]

9. Remove and reserve section 552.211–70.

552.212–71 [Amended]

10. In section 552.212–71, revise the date of the clause to read ''JUL 2000)'' and in paragraph (b) add ''_552.232–78 Payment Information'' in numerical order.

11. In section 552.212–72, revise the date of the clause to read ''(JUL 2000)'', in paragraph (a) delete ''_552.225–8 Buy American Act—Trade Agreement's—Balance of Payments Program Certificate'', and in paragraph (b) delete ''_552.225–9 Buy American Act—Trade Agreements—Balance of Payments Program.''

552.225–8 and 552.225–9 [Removed]

12. Remove sections 552.225–8 and 552.225–9

13. In section 552.225–70, revise the introductory text to read as follows:

552.225–70 Notice of Procurement Restriction—Hand or Measuring Tools or Stainless Steel Flatware.

As prescribed in 525.1101, insert the following clause:

* * * * *

14. Add section 552.232–78 to read as follows:

552.232–78 Payment Information.

As prescribed in 532.908(c), insert the following information.

PAYMENT INFORMATION (JUN 2000)

The General Services Administration (GSA) makes information on contract payments available electronically at http://www.finance.gsa.gov. The Contractor may register at the site and review its record of payments. This site provides information only on payments made by GSA, not by other agencies.

(End of clause)

15. In section 552.243–72, revise the clause date and paragraph (b)(1)(vii) to read as follows:

552.243–72 Modifications Award Schedule).

* * * * *

MODIFICATIONS (MULTIPLE AWARD SCHEDULE) (JUL 2000)

* * * * *

(b) * * *

(1) * * *

(vii) Any information requested by 52.212–3(f), Offeror Representations and Certifications—Commercial Items, that may be necessary to assure compliance with FAR 52.225–1, Buy American Act—Balance of Payments Programs—Supplies.

* * * * *

Dated: June 19, 2000.

David A. Drabkin,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 00–16766 Filed 7–03–00; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 050500G]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Adjustment of the ending date of the Texas closure.

SUMMARY: NMFS announces an adjustment to the ending date of the annual closure of the shrimp fishery in the exclusive economic zone (EEZ) off Texas. The closure is normally from May 15 to July 15 each year. For 2000, the closure began on May 11, and will end at 30 minutes after sunset on July 5. The Texas closure is intended to prohibit the harvest of brown shrimp during their major emigration from Texas estuaries to the Gulf of Mexico so the shrimp may reach a larger, more valuable size and to prevent the waste of brown shrimp that would be discarded in fishing operations because of their small size.

DATES: The EEZ off Texas is open to trawl fishing from 30 minutes after sunset, July 5, 2000, until 30 minutes after sunset, May 15, 2001, or until NMFS publishes further notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Dr. Steve Branstetter, 727–570–5305; fax: 727–570–5583; e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico shrimp fishery is managed under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

The EEZ off Texas is normally closed to all trawling each year from 30 minutes after sunset on May 15 to 30 minutes after sunset on July 15. The regulations at 50 CFR 622.34(h) describe the area of the Texas closure and provide for adjustments to the beginning and ending dates by the Regional Administrator, Southeast Region, NMFS, under procedures and restrictions specified in the FMP.

The beginning and ending dates of the Texas closure are based on biological sampling by Texas Parks and Wildlife Department (TPWD). The closure date is established based on projected times that brown shrimp in Texas bays and estuaries will reach a mean size of 90 mm, and begin strong emigrations out of the bays and estuaries during maximum duration ebb tides. The waters off of Texas are re-opened to shrimping based on projections indicating that brown shrimp will reach a mean size of 112 mm, in concurrence with maximum duration ebb tides. Biological data collected by TPDW indicates that the criteria to end the Texas closure will be met on July 5, 2000. Accordingly, the time and date for ending the Texas closure is changed from 30 minutes after sunset on July 15, 2000, to 30 minutes after sunset on July 5, 2000.

Classification

This action is authorized by 50 CFR 622.34(h)(2) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 29, 2000 .

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 00–16942 Filed 6–29–00; 4:21 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 981224323–9226–02; I.D. 120198B]

RIN 0648–AL23

Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule for recordkeeping and reporting that was published in the **Federal Register** on November 15, 1999.

DATES: Effective December 15, 1999.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION: A final rule was published in the **Federal Register** on November 15, 1999 (64 FR 61964), to revise recordkeeping and reporting regulations. The requirement that the operator of a catcher vessel is required to make records available for inspection upon the request of an authorized officer was inadvertently omitted from 50 CFR part 679.

Correction

In the final rule Revisions to Recordkeeping and Reporting Requirements published in 64 FR 61964, November 15, 1999, FR Doc. 99–28294, on page 61974, in the third column, remove § 679.5(a)(13)(i) and add in its place the following:

§ 679.5 [Corrected]

(a) * * *

(13) * * *

(i) *Inspection*. The operator of a catcher vessel or catcher/processor or mothership or the manager of a shoreside processor or the operator of a buying station must make all logbooks, reports, forms, and mothership-issued fish tickets required under this section available for inspection upon the request of an authorized officer for the time periods indicated in paragraph (a)(13)(ii) of this section.

* * * * *

Dated: June 29, 2000.

Andrew A. Rosenberg,

Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–16940 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 129
Wednesday, July 5, 2000

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–09–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models 45 (YT–34), A45 (T–34A, B–45), and D45 (T–34B) Airplanes

AGENCY: FAA, Department of Transportation.

ACTION: Notice of proposed rulemaking (NPRM); Extension of the comment period.

SUMMARY: This document provides additional time for the public to comment on a proposal to supersede Airworthiness Directive (AD) 99–12–02, which currently requires flight and operating limitations on Raytheon Aircraft Corporation (Raytheon) Beech Models 45 (YT–34), A45 (T–34A, B–45), and D45 (T–34B) airplanes. AD 99–12–02 resulted from a report of an in-flight separation of the right wing on a Raytheon Beech Model A45 (T–34A) airplane. AD 99–12–02 was issued as an interim action until the development of FAA-approved inspection procedures. Raytheon has developed such procedures. The proposed AD would require repetitive inspections of the wing spar assembly for cracks, with replacement of any wing spar assembly found cracked (unless the spar assembly has a crack indication in the filler strip where the direction of the crack is toward the outside of the filler strip); require reporting the results of the initial inspection; and change the flight and operating limitations that AD 99–12–02 currently requires. Several comments received on the original notice of proposed rulemaking (NPRM) specify additional time to respond to the proposed action. The actions specified by the proposed AD are intended to detect and correct cracks in the wing spar assemblies and assure the operational safety of the above-referenced airplanes.

DATES: The Federal Aviation Adminstration (FAA) must receive any comments on the proposed rule on or before October 15, 2000. This is extended from July 7, 2000.

ADDRESSES: Submit comments in triplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–09–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

You may get the service information referenced in the proposed AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. You may examine this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Paul Nguyen, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4125; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments in triplicate to the address specified under the caption **ADDRESSES**.The FAA will consider all comments received on or before the closing date. We may amend the proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the proposed AD action and determining whether we need to take additional rulemaking action.

We believe that the proposed regulation may have a significant economic impact on a substantial number of small entities. Due to the urgent nature of the safety issues addressed, FAA has been unable to complete a preliminary regulatory flexibility analysis prior to issuance of the NPRM. We anticipate including the final regulatory flexibility analysis and determination with the final rule, if adopted. To assist in this analysis, we are particularly interested in receiving information on the impact of the proposed rule on small businesses and suggested alternative methods of compliance that will reduce or eliminate such impacts. 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.

The FAA is re-examining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on whether the style of this document is clearer, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at http://www.plainlanguage.gov.

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might suggest a need to modify the rule. You may examine all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of the proposed AD.

If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2000–CE–09–AD.'' We will date stamp and mail the postcard back to you.

Discussion

Has FAA taken any action to this point? In-flight separation of the right wing on a Raytheon Beech Model A45 (T34A) airplane caused us to issue AD 99–12–02, Amendment 39–11193 (64 FR 31689, June 14, 1999). This AD requires:

- Incorporating flight and operating limitations that restrict the airplanes to normal category operation and prohibit them from acrobatic and utility category operations;
- Limiting the flight load factor to 0 to 2.5 G; and

• Limiting the maximum airspeed to 175 miles per hour (mph) (152 knots).

AD 99–12–02 was issued as an interim action until the development of FAA-approved inspection procedures.

What happened since AD 99–12–02? Raytheon has developed procedures to inspect the wing spar assemblies on Raytheon Beech Models 45 (YT–34), A45 (T–34A, B–45), and D45 (T–34B) airplanes. We have reviewed and approved the technical aspects of these procedures.

Raytheon also issued Mandatory Service Bulletin No. SB 57–3329, Issued: February, 2000. The service bulletin:

• Includes procedures for inspecting the forward (main) and aft (rear) wing spar assemblies of the above-referenced airplanes; and

• Specifies provisions for when to replace a cracked wing spar assembly. The service bulletin specifies that a crack indication in the filler strip is allowed if the direction of the crack is toward the outside edge of the filler strip. If the direction of the crack is toward the inside of the filler strip or any crack is found in any other area, the service bulletin specifies replacing the spar assembly prior to further flight.

We then issued an NPRM that proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Raytheon Beech Models 45 (YT–34), A45 (T–34A, B–45), and D45 (T–34B) airplanes. The NPRM proposed to supersede AD 99–12–02 and would:

• Require you to repetitively inspect the wing spar assemblies for cracks and replace any cracked wing spar assembly. A crack indication in the filler strip is allowed if the direction of the crack is toward the outside edge of the filler strip;

• Require you to report the results of the initial inspection;

• Require you to maintain the flight and operating restrictions that AD 99–12–02 currently requires until you accomplish the initial inspection and possible replacement proposed in this AD; and

• Allow you to change the flight and operating restrictions that AD 99–12–02 currently requires after the wing spar assemblies are inspected and the wing spar assembly either is replaced, is crack free, or only has a crack indication in the filler strip where the direction of the crack is toward the outside of the filler strip.

What has happened to cause FAA to issue this document? We received several requests on the NPRM for more time to submit data on the proposed AD. Based on the content of the comments and the interest in the rule expressed by various operators and other interested parties, FAA has decided to extend the comment period on this rule in order to seek additional data. Therefore, the comment period is extended approximately 90 days and will close October 15, 2000. The speed and operating restrictions that AD 99–12–02 requires remain in effect during this time so FAA has determined that extending the comment period will not impact aviation safety.

We are including preamble information and the actual AD for the reader's convenience.

Are there differences between the proposed AD and the service information? Raytheon Mandatory Service Bulletin No. SB 57–3329, Issued: February, 2000, specifies that you accomplish the initial inspection prior to further flight after receipt. We do not have justification for requiring the initial inspection prior to further flight. Instead, we have determined that 80 hours time-in-service (TIS) or 12 months (whichever occurs first) is a reasonable time period for accomplishing the initial inspection in this AD. We will retain the flight and operating restrictions that AD 99–12–02 currently requires until this inspection is accomplished.

Why is the compliance of the initial inspection in hours time-in-service (TIS) and calendar time? We have established the compliance time of the initial inspection at the next 80 hours TIS or 12 months time with the prevalent one being that which occurs first. This would assure that cracks are detected on high usage airplanes while the owners/operators of the lower usage airplanes would have additional time to accomplish the action (up to 12 months). Having the inspection accomplshed on all airplanes within 12 months would assure that all wing spar cracks on the affected airplanes are detected in a reasonable time period, while not inadvertently grounding the affected airplanes. The FAA has determined that the dual compliance time will assure that the safety issue is addressed in a timely manner without inadvertently grounding any of the affected airplanes.

Cost Impact

How many airplanes does the proposed AD impact? The FAA estimates that 476 airplanes in the U.S. registry would be affected by the proposed AD.

What is the cost impact of the initial inspection on owners/operators of the affected airplanes? We estimate that it would take approximately 241 workhours per airplane to accomplish the proposed initial inspection, at an average labor rate of $60 an hour. Based on these figures, FAA estimates the cost impact of the proposed initial inspection on U.S. operators at $6,882,960, or $14,460 per airplane.

What about the cost of repetitive inspections and replacements? The figures above only take into account the cost of the proposed initial inspection and do not take into account the cost of repetitive inspections or the cost to replace a cracked wing spar assembly. The FAA has no way of determining the number of repetitive inspections each owner/operator would incur over the life of an affected airplane or the number of airplanes that would have a cracked wing spar(s) and need replacement.

The cost of each repetitive inspection would be $1,860 per airplane (31 workhours × $60 per hour).

Raytheon no longer produces wings spars for the affected airplanes. If a wing spar was found cracked, you would have to install an FAA-approved wing spar configuration in order to continue to operate the airplane. For cost estimate purposes, we are using information on installing a Raytheon Beech 55 or 58 series airplane wing spar on a Raytheon Beech Model A45 airplane in accordance with Supplemental Type Certificate (STC) No. SA5521NM. Nogle and Black Aviation, Inc., owns this STC. The cost to replace a cracked wing spar through this STC would be $14,100 (160 workhours × $60 per hour plus $4,500 for parts). The airplane would still be subject to the inspection requirements proposed in this NPRM.

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 proposed rule would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed action (1) Is not a ''significant regulatory action'' under Executive Order 12866; and (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). This proposed rule, if adopted, may have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. We are currently conducting a Regulatory Flexibility Determination and Analysis. We are

considering alternative methods of compliance to the proposed AD that could minimize the impact on small entities. We specifically invite comments in this area.

At this point, we have determined that AD action is the best course to address the unsafe condition specified in this document. We have also determined that the situation does not warrant waiting for the completion of the Regulatory Flexibility Determination and Analysis before we issue the NPRM. We will place a copy of the completed Regulatory Flexibility Determination and Analysis in the Docket file. You may obtain this information at the address specified in the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations 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. FAA amends Section 39.13 by removing Airworthiness Directive (AD) 99–12–02, Amendment 39–11193 (64 FR 31689, June 14, 1999), and by adding a new AD to read as follows:

Raytheon Aircraft Company: Docket No. 2000–CE–09–AD; Supersedes AD 99–12–02, Amendment 39–11193.

(a) *What airplanes are affected by this AD?* This AD applies to Beech Models 45 (YT–34), A45 (T–34A, B-45), and D45 (T–34B) airplanes, all serial numbers, certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct cracks in the wing spar assemblies and assure the operational safety of the above-referenced airplanes.

(d) *What actions must I accomplish that are retained from AD 99–12–02?* You must continue to follow the requirements from AD 99–12–02 that are presented in this chart, until you have accomplished the actions of paragraph (e) of this AD:

Action	When
(1) Placard requirements: (i) Fabricate two placards using letters of at least 1/10-inch in height with each consisting of the following words: ''Never exceed speed, Vne–175 MPH (152 knots) IAS; Normal Acceleration (G) Limits—0, and +2.5; ACROBATIC MANEUVERS PROHIBITED.'' (ii) Install these placards on the airplane instrument panels (one on the front panel and one on the rear panel) next to the airspeed indicators within the pilot's clear view. (iii) Insert a copy of this AD into the Limitations Section of the Airplane Flight Manual (AFM).	All actions prior to further flight after July 9, 1999 (the effective date of AD 99–12–02).
(2) Modification requirements: (i) Modify the airspeed indicator glass by accomplishing the following: (A) Place a red radial line on the indicator glass at 175 miles per hour (mph) (152 knots).. (B) Place a white slippage index mark between the airspeed indicator glass and the case to visually verify that the glass has not rotated. (ii) Mark the outside surface of the ''g'' meters with lines of approximately 1/16-inch by 3/16-inch, as follows: (A) A red line at 0 and 2.5; AND (B) A white slippage mark between each ''g'' meter glass and case to visually verify that the glass has not rotated.	All actions required within 10 hours time-in-service (TIS) after July 9, 1999 (the effective date of AD 99–12–02).

(e) *What actions must I accomplish to address the safety issue presented in this AD?*

Action	When	In accordance with
(1) Inspect the wing (i) spar assemblies for cracks.	Initially at whichever occurs first: (A) Within 80 hours time-in-service (TIS) after the effective date of this AD; OR (B) Within 12 months after the effective date of this AD. (ii) Repetitively inspect thereafter at intervals not to exceed 80 hours TIS.	Raytheon Mandatory Service Bulletin No. SB 57–3329, Issued: February, 2000.
(2) Replace any cracked wing spar assembly. A crack indication in the filler strip is allowed if the direction of the crack is toward the outside edge of the filler strip. If the direction of the crack is toward the inside of the filler strip or any crack is found in any other area, you must replace the cracked wing spar assembly prior to further flight.	Prior to further flight after the required inspection where the cracked wing spar assembly is found.	The applicable maintenance manual.

Action	When	In accordance with
(3) Submit a report to the FAA that describes the damage found on the wing spar. Use the chart on pages 58 through 60 of Raytheon Mandatory Service Bulletin No. SB 57–3329, Issued: February, 2000. (i) Submit this report even if no cracks are found. (ii) Submit this report to the FAA at the address found in paragraph (g) of this AD.	Within 10 days after the initial inspection or within 10 days after the effective date of the AD, whichever occurs later.	Pages 58 through 60 of Raytheon Mandatory Service Bulletin No. SB 57–3329, Issued: February, 2000
(4) The flight and operating restrictions that required were required by paragraph (d) of this AD, as retained from AD 99–12–02, may be changed by accomplishing the following: (i) Remove the placards, modifications, etc. required by paragraph (d) of this AD, as retained from AD 99–12–02. (ii) Fabricate two placards using letters of at least 1/10-inch in height with each consisting of the following words: ''Never exceed speed, Vne–225 MPH (219 knots) IAS; Normal Acceleration (G) Limits—0, +5.'' (iii) Install these placards on the airplane instrument panels (one on the front panel and one on the rear panel) next to the airspeed indicators within the pilot's clear view. (iv) Modify the airspeed indicator glass by accomplishing the following: (A) Place a red radial line on the indicator glass at 225 miles per hour (mph) (219 knots). (B) Place a white slippage index mark between the airspeed indicator glass and the case to visually verify that the glass has not rotated. (v) Mark the outside surface of the ''g'' meters with lines of approximately 1/16-inch by 3/16-inch, as follows: (A) A red line at 0 and +5; AND (B) A white slippage mark between each ''g'' meter glass and case to visually verify that the glass has not rotated. (vi) Insert a copy of this AD into the Limitations Section of the AFM.	All actions prior to further flight after the initial inspection provided the wing spar assembly is either replaced, is crack free, or only has a crack indication in the filler strip where the direction of the crack is toward the outside of the filler strip.	Not applicable.

(f) *Can I comply with this AD in any other way?*

(1) You may use an alternative method of compliance or adjust the compliance time if:

(i) Your alternative method of compliance provides an equivalent level of safety; and

(ii) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

(2) Alternative methods of compliance approved in accordance with AD 99–12–02, which is superseded by this AD, are not approved as alternative methods of compliance with this AD.

Note: This AD applies to each aircraft 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 aircraft that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(g) *Where can I get information about any already-approved alternative methods of compliance?* Contact Paul Nguyen, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4125; facsimile: (316) 946–4407.

(h) *What if I need to fly the aircraft to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your aircraft to a location where you can accomplish the requirements of this AD.

(i) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

(j) *Does this AD action affect any existing AD actions?* This amendment supersedes AD 99–12–02, Amendment 39–11193.

Issued in Kansas City, Missouri, on June 28, 2000.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16852 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–04–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes and C–9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 series airplanes, that currently requires repetitive radiographic and ultrasonic or eddy current inspections, and modification of the upper cap of the front spar of the left and right engine pylons, if necessary. This action would require new, improved x-ray and eddy current inspections to detect cracks of the upper cap of the front spar of the left and right engine pylons, and repetitive inspections or corrective actions, if necessary. This action also would require modification of the subject area, which would constitute terminating action for the repetitive inspection requirements. This proposal is prompted by additional reports of fatigue cracking in the subject area of these airplanes. The actions specified by the proposed AD are intended to prevent failure of the upper cap of the front spar of the engine pylons due to fatigue cracking, and consequent reduced structural integrity of the airplane.

DATES: Comments must be received by August 21, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–04–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–04–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5324; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–04–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–04–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In 1977, the FAA issued AD 77–44–19, amendment 39–2971, applicable to certain McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 series airplanes, to require repetitive radiographic and ultrasonic or eddy current inspections, and modification of the upper cap of the front spar of the left and right engine pylons, if necessary. The requirements of that AD are intended to detect fatigue cracks and/or failure of the upper cap of the front spar of the left and right engine pylons.

Actions Since Issuance of Previous Rule

Since the issuance of AD 77–14–19, the FAA has received additional reports of fatigue cracking in the subject area of the upper cap of the front spar of the left and right engine pylons. The airplanes on which the cracking occurred had accumulated between 10,162 and 23,850 total flight hours. Investigation revealed that the repetitive ultrasonic and eddy current inspections, as required by AD 77–14–19, do not adequately detect fatigue cracking in the subject area. Such fatigue cracking, if not detected and corrected, could result in failure of the upper cap of the front spar of the left and right engine pylons, and consequent reduced structural integrity of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC9–54–030, Revision 06, dated November 11, 1999. The service bulletin describes procedures for x-ray and eddy current inspections to detect cracks of the upper cap of the front spar of the left and right engine pylons, and repetitive inspections or corrective actions (*i.e.,* the modification described below), if necessary. The service bulletin also describes procedures for an optional modification of the upper cap of the front spar of the left and right engine pylons, which would eliminate the need for the repetitive inspections.

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 77–14–19 to continue to require radiographic and ultrasonic or eddy current inspections. The proposed AD also would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between the Proposed AD and Relevant Service Information

Operators should note that this AD proposes to mandate, prior to the accumulation of 100,000 total landings, or within 6 months after the effective date of this AD, whichever occurs later, the modification of the upper cap of the front spar of the left and right engine pylons described in McDonnell Douglas Service Bulletin DC9–54–030, Revision 06, as terminating action for the repetitive inspections. (Incorporation of the terminating action is specified in this service bulletin as optional).

The FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed modification requirement is consistent with these conditions.

Explanation of Change of Applicability

The applicability of AD 77–14–19 includes affected airplanes having fuselage numbers 1 through 837. However, the applicability of this proposed AD removes several of those fuselage numbers because those airplanes are out of service.

Cost Impact

There are approximately 809 Model DC–9–10, –20, –30, –40, and –50 series airplanes and C–9 (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 572 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 77–14–19, and retained in this proposed AD, take approximately 12 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 $411,840, or $720 per airplane, per inspection cycle.

The new inspection that is proposed in this AD action would take approximately 12 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection proposed by this AD on U.S. operators is estimated to be $411,840, or $720 per airplane, per inspection cycle.

The new modification that is proposed in this AD action would take approximately 110 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $30,496 per airplane. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be $21,218,912, or $37,096 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–2971, and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 2000–NM–04–AD. Supersedes AD 77–14–19, Amendment 39–2971.

Applicability: Model DC–9–10, –20, –30, –40, and –50 series airplanes and C–9 (military) airplanes; as listed in McDonnell Douglas Service Bulletin DC9–54–030, Revision 06, dated November 11, 1999; certificated in any category; except for those airplanes on which Special Change Notification 1269A, dated August 11, 1965, or Service Rework Drawing SR09540004, Change ''E,'' dated September 21, 1992, Change ''F,'' dated April 19, 1995, Change ''G,'' dated May 6, 1997, or Change ''H,'' dated July 12, 1997, has been accomplished.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the front spar attachment and upper cap of the engine pylons due to fatigue cracking, and consequent reduced structural integrity of the airplane, accomplish the following:

Repetitive Inspections

(a) Prior to the accumulation of 9,800 total flight hours, or within the next 1,800 flight hours after August 23, 1977 (the effective date of AD 77–14–19, amendment 39–2971), whichever occurs later, unless accomplished previously within the last 1,800 flight hours, accomplish the radiographic and ultrasonic

or eddy current inspections in accordance with the instructions in Douglas Service Bulletin 54–30, dated January 19, 1977. Repeat the inspection thereafter at intervals not to exceed 3,600 flight hours. For those operators who have conducted only the radiographic inspections in accordance with Douglas All Operators Letter AOL 9–835, dated October 30, 1974, perform the ultrasonic or eddy current inspections, and thereafter, the radiographic and ultrasonic or eddy current inspection in accordance with the requirements of this AD, as applicable.

Note 2: Inspections accomplished prior to the effective date of this AD in accordance with McDonnell Douglas Service Bulletin 54–30, Revision 1, dated June 29, 1977, Revision 2, dated October 27, 1978, Revision 3, dated April 30, 1986, or Revision 4, dated March 25, 1991; or McDonnell Douglas Service Bulletin DC9–54–030, Revision 05, dated August 26, 1999, or Revision 06, dated November 11, 1999; are considered acceptable for compliance with the inspections required by paragraph (a) of this AD.

Initial Inspections and Follow-On/Corrective Action

(b) For airplanes on which the modification specified in paragraph (e) of this AD has not been accomplished: Prior to the accumulation of 8,000 total flight hours or within 3,600 flight hours after the effective date of this AD, whichever occurs later, perform x-ray and eddy current inspections to detect cracks of the upper cap of the front spar of the left and right engine pylons, in accordance with McDonnell Douglas Service Bulletin DC9–54–030, Revision 06, dated November 11, 1999. Accomplishment of these inspections constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD.

No Crack Detected: Repetitive Inspections

(c) If no crack is detected during any inspection required by paragraph (a) or (b) of this AD, repeat the inspections thereafter at intervals not to exceed 3,600 flight hours until the modification required by paragraph (e) of this AD is accomplished.

Any Crack Detected: Modification

(d) If any crack is detected during any inspection required by paragraph (a) or (b) of this AD, prior to further flight, accomplish the modification specified in paragraph (e) of this AD.

Terminating Modification

(e) Except as provided by paragraph (d) of this AD, prior to the accumulation of 100,000 total landings, or within 6 months after the effective date of this AD, whichever occurs later, modify the upper cap of the front spar of the left and right engine pylons in accordance with McDonnell Douglas Service Bulletin DC9–54–030, Revision 06, dated November 11, 1999. Accomplishment of this modification constitutes terminating action for the requirements of this AD.

Note 3: Accomplishment of the modification of the upper cap of the front spar of the left and right engine pylons prior to the effective date of this AD in accordance with Douglas Service Bulletin 54–30, Revision 4, dated March 25, 1991, or McDonnell Douglas Service Bulletin DC9–54–030, Revision 5, dated August 26, 1999; is considered acceptable for compliance with the modification specified in paragraph (e) of this AD.

(f) Accomplishment of the terminating modification required by paragraph (e) of this AD constitutes compliance with the actions specified in McDonnell Douglas Service Bulletin 54–30, Revision 4, dated March 25, 1991, as required by AD 96–10–11, amendment 39–9618 (61 FR 24675, May 16, 1996) [which references ''DC–9/MD–80 Aging Aircraft Service Action Requirements Document'' (SARD), McDonnell Douglas Report MDC K1572, Revision B, dated January 15, 1993].

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Issued in Renton, Washington, on June 27, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16927 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AAL–6]

Proposed Revision of Class E Airspace; Wainwright, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action revises Class E airspace at Wainwright, AK. The revision of instrument approaches to runway (RWY) 4 and RWY 22 at Wainwright Airport, Wainwright, AK, have made this action necessary. Adoption of this proposal would result in the provision of adequate controlled airspace for Instrument Flight Rules (IFR) operations at Wainwright, AK.

DATES: Comments must be received on or before August 21, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 00–AAL–6, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

FOR FURTHER INFORMATION CONTACT: Bob Durand, Operations Branch, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: Bob.Durand@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–AAL–6.'' 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 notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch,

Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, 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 Notice of Proposed Rulemaking's (NPRM's)

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 Federal Register's electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the Federal Register's web page for access to recently published rulemaking documents at http://www.access.gpo.gov/su__docs/aces/aces140.html.

Any person may obtain a copy of this NPRM by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the individual(s) identified in the **FOR FURTHER INFORMATION CONTACT** section.

The Proposal

The FAA proposes to amend 14 CFR part 71 by revising Class E airspace at Wainwright, AK, due to the revision of several instrument approach procedures to RWY 4 and RWY 22 . The intended effect of this proposal is to provide additional controlled airspace for IFR operations at Wainwright, AK.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9G, *Airspace Designations and Reporting Points*, 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 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, when promulgated, 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

In consideration of the foregoing, 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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

* * * * *

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

* * * * *

AAL AK E5 Wainwright, AK [Revised]

Wainwright Airport, AK

(Lat. 70°38′17″N., long. 159°59′ 41″W.)

That airspace extending upward from 700 feet above the surface within a 8.5 mile radius of the Wainwright Airport; and that airspace extending upward from 1,200 feet above the surface from lat. 70°54′00″ N long. 159°00′00″ W, to lat. 70°38′00″ N long. 161°00′00″ W, to lat. 70°20′00″ N long. 161°00′00″ W, to lat. 70°30′00″ N long. 159°30′00″ W, to lat. 70°40′00″ N long. 159°00′00″ W, to the point of beginning.

* * * * *

Issued in Anchorage, AK, on June 27, 2000.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 00–16919 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ANM–14]

Proposed Alteration of VOR Federal Airway; CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to eliminate a segment of Federal Airway V–382 between Bryce Canyon, UT, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and Grand Junction, CO, VORTAC. The FAA is proposing to delete this portion of the airway because the flight inspection found the current route segment unusable for navigation.

DATES: Comments must be received on or before August 21, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 99–ANM–14, Federal Aviation Administration, 1601 Lind Avenue, Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–ANM–14.'' 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 notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket 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

An electronic copy of this document may be downloaded, using a modem and suitable software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the Federal Register's electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov or the Superintendent of Document's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 (part 71) to modify Federal Airway V–382 by eliminating the route segment between Bryce Canyon and Grand Junction, CO, VORTAC. Since 1998, V–382 has been unusable between Bryce Canyon, UT, VORTAC and the Grand Junction, CO, VORTAC. This segment of V–382 no longer passes flight inspection and is out of service. The proposed amendment would retain the route segment from Grand Junction, CO, VORTAC to Durango, CO, VORTAC.

The FAA has determined that this proposed regulation only involves an established 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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Domestic VOR Federal Airways are published in paragraph 6010(a) 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 Domestic VOR Federal airways listed in this document would be published subsequently in the order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, 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 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 6010(a)—Domestic VOR Federal Airways

* * * * *

V–382 [Revised]

From Grand Junction, CO; Cones, CO; to Durango, CO.

* * * * *

Issued in Washington, DC, June 27, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–16916 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA077–7210b; A–1–FRL–6709–4]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; VOC Regulation for Large Commercial Bakeries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes and requires Large Commercial Bakeries to meet VOC Reasonably Available Control Technology (RACT) requirements. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

DATES: Comments must be received on or before August 4, 2000.

ADDRESSES: Comments may be mailed to David Conroy, Manager, Air Quality

Planning Unit, U.S. Environmental Protection Agency New England, Suite 1100, One Congress Street, Boston, MA 02114. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystems Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Jeanne Cosgrove, (617) 918–1669.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Authority: 42 U.S.C. 7401—7671q.

Dated: April 26, 2000.

Mindy S. Lubber,

Regional Administrator, EPA New England.

[FR Doc. 00–15910 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR 82–7297b; FRL–6714–6]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by Oregon Department of Environmental Quality (ODEQ), for the purpose of repealing the Consumer Products Rules, repealing the Architectural Coatings Rules, revising and partially repealing the Motor Vehicle Refinishings Rules, and revising the Volatile Organic Compounds Definitions. The SIP revisions were submitted by the State to satisfy certain Federal Clean Air Act requirements under section 110 and part D. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received in writing by August 4, 2000.

ADDRESSES: Written comments should be addressed to: Debra Suzuki, SIP Manager, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the state submittal and other information supporting this action are available at the following addresses for inspection during normal business hours. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day: Environmental Protection Agency, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101; and Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Debra Suzuki, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–0985.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: May 22, 2000.

Chuck Clarke,

Regional Administrator, Region 10.

[FR Doc. 00–16069 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN105–1b; FRL–6720–1]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Indiana's State Implementation Plan (SIP) revision request to control emissions of volatile organic compounds (VOCs) from steel mill sinter plants in Lake and Porter Counties. The Indiana Department of Environmental Management (IDEM) submitted the SIP revision request on April 6, 1999. The revision applies to integrated steel mills and provides for seasonal limits on emissions of VOCs. VOC emissions are a precursor of ground-level ozone, commonly known as smog. High ozone levels are detrimental to human health and contribute to upper respiratory ailments such as asthma. In the Final Rules section of this **Federal Register**, EPA is approving as described herein, the State's SIP revision, as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we receive no adverse comments in response to that direct final rule we plan to take no further activity in relation to this proposed rule. If EPA receives significant adverse comments, in writing, which have not been addressed, we will withdraw the direct final rule and address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document.

DATES: EPA must receive written comments by August 4, 2000.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the State submittal and EPA's analysis of it at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3299.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean EPA.

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I. What action is EPA taking today?
II. Where can I find more information about this proposal and the corresponding direct final rule?

I. What Action Is EPA Taking Today?

We are proposing to approve Indiana's rule IAC 8–plants in Lake and Porter Counties. Our approval makes the

Indiana sinter plant rules part of the federally enforceable SIP.

II. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: June 12, 2000.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 00–16071 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN128–1b; FRL–6713–2]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revised opacity limits for three casting complexes at ALCOA Warrick Operations, which were submitted by the Indiana Department of Environmental Management (IDEM) on January 13, 2000 as amendments to its State Implementation Plan (SIP). ALCOA Warrick Operations is a primary aluminum smelter located in Newburgh, Indiana. The revised limits allow higher opacity emissions during fluxing operations at three casting complexes. This action does not reverse applicable mass emissions limits.

DATES: EPA must receive written comments by August 4, 2000.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the State submittal and EPA's analysis of it at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3299.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean EPA.

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I. What action is EPA taking today?
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I. What Action Is EPA Taking Today?

We are proposing to approve revised opacity limits for three casting complexes at ALCOA Warrick Operations, which were submitted by IDEM on January 13, 2000. The revised limits allow for higher opacity emissions during fluxing operations at three casting complexes.

II. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: May 31, 2000.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 00–16362 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL–6729–3]

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Centralized Waste Treatment and Landfills Point Source Categories; Notice of Data Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability and request for comment.

SUMMARY: On January 13, 1999, EPA proposed effluent limitations guidelines, pretreatment standards, and new source performance standards for the Centralized Waste Treatment (CWT) Point Source Category to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works. The comment period for the proposal closed on March 15, 1999.

In the CWT proposal, EPA noted plans for a validation study for several pollutants found during EPA's data gathering, using EPA Methods 625 and 1625. Today, EPA invites comment on the validation data for the pollutants included in the CWT proposal. EPA plans to use these data to support the use of EPA Methods 625 and 1625, as amended, in the upcoming final CWT rule, and to establish performance criteria for the additional analytes. EPA is soliciting comment only on the new information and data being made available today.

Today's document also provides notice that EPA will clarify the scope of recently-published amendments to EPA Methods 625 and 1625 for the Landfills Point Source Category.

DATES: Submit an original and three copies of your comments on or before August 4, 2000.

ADDRESSES: Please send an original and 3 copies of your comments and enclosures (including references) to ''Centralized Waste Treatment—Notice of Data Availability,'' W–98–21 Comment Clerk, Water Docket (MC–4101), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Ave., NW. Washington, DC 20460. Hand deliveries should be delivered to: EPA's Water Docket at 401 M St., SW., Room EB–57, Washington, DC.

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 ow-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII, WP5.1, WP6.1 or WP8 file avoiding the use of special characters and any form of encryption. Electronic comments must be identified by the docket number [W–98-21]. Comments and data will also be accepted on disks in WP5.1, WP6.1, WP8 or ASCII file format. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

The record for this rulemaking has been established under docket number [W–98–21], and includes supporting documentation as well as printed, paper versions of electronic comments. The record is available for inspection from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays, at EPA's Water Docket, 401 M St., Room EB–57, SW., Washington, DC. For access to docket materials, please call 202/260–3027 to schedule an appointment.

FOR FURTHER INFORMATION CONTACT: Dr. Maria Gomez-Taylor, Engineering and Analysis Division (MC–4303), USEPA Office of Science and Technology, 1200 Pennsylvania Avenue, Ariel Rios Building, N.W. Washington, D.C., 20460, or call (202) 260–1639.

SUPPLEMENTARY INFORMATION: On January 13, 1999, EPA proposed effluent limitations guidelines, pretreatment standards, and new source performance standards for the Centralized Waste Treatment (CWT) Point Source Category (64 FR 2280). The comment period for the proposal closed on March 15, 1999. These comments may be reviewed in the Water Docket at EPA Headquarters (see address above).

In the January 1999 **Federal Register** notice, EPA discussed the use of modified versions of EPA Methods 625 and 1625 for the determination of all CWT semivolatile organic pollutants, including some analytes not currently listed in these methods, which are published at 40 CFR part 136, Appendix A. The proposed modifications to EPA Methods 625 and 1625 were included in the EPA Water Docket at proposal. The modified versions of these methods would allow the analysis of all CWT semivolatile organic pollutants in the proposed rule. In the preamble to the CWT proposal, the Agency noted its plans to conduct further validation of these method modifications and also noted plans to promulgate these method modifications in the final rulemaking for CWT.

Following proposal, EPA conducted a validation study to demonstrate the performance of the methods and to use the data gathered during the study to develop quality control (QC) acceptance criteria for the target pollutants. The resulting modifications to EPA Methods 625 and 1625 consist of text, performance data, and quality control (QC) acceptance criteria for the additional target analytes. The eleven CWT target analytes are acetophenone, aniline, benzoic acid, 2,3-dichloroaniline, o-cresol, p-cresol, pyridine, alpha-terpineol, carbazole, n-decane, and n-octadecane. This information would allow a laboratory to practice the methods with the additional analytes as an integral part. In addition to the CWT pollutants, the study included five pollutants for which EPA had proposed and then promulgated effluent limitations in the Landfills Point Source Category (see 63 FR 6425, February 6, 1998 and 65 FR 3007, January 19, 2000, respectively). The five Landfill analytes (aniline, benzoic acid, o-cresol, p-cresol, and pyridine) are among the CWT target analytes. The data collected in support of both CWT and Landfills were published in a validation study report dated October 1999, and that report is available for review in EPA's Water Docket. EPA will review the public comments received on the study and may, based on those comments, amend the 40 CFR part 136 revisions made in the Landfills rule to revise the list of analytes subject to Methods 625 and 1625.

Today's notice solicits comments only on the new data which support the use of Methods 625 and 1625 for the pollutants in the CWT rule. Specifically, the Agency seeks comment on the data summarized in the study report and placed in EPA's Water Docket. The Agency in not reopening the comment period on the entire proposed rule. Therefore, comments on other aspects of the proposal will not be considered.

The final rule for the Landfills Point Source Category (see 65 FR 3008, January 19, 2000) promulgated amendments to EPA Methods 625 and 1625 by modifying the methods for additional pollutants, including the five pollutants of concern for Landfills. These amendments are also available for review in EPA's Water Docket. Since publication of that rule, EPA has received inquiries about the scope and applicability of the amendments to Methods 625 and 1625 promulgated at 40 CFR part 136 pertaining to the Landfills rule. Specifically, EPA received questions on whether these amendments apply to any other point source categories. Today's notice clarifies EPA's intent regarding the published amendments to these methods. The amendments are applicable only to the five regulated pollutants in the Landfills rule when found in the waste streams regulated under that rule. When EPA promulgates effluent limitations and standards for CWT, EPA plans to further amend the methods to specify that the revisions to Methods 625 and 1625 are only applicable to the five pollutants in the Landfills rule (listed above) and to the eleven pollutants promulgated in the final CWT rule and only for the waste streams regulated under those rules.

EPA intends to use the revised Methods 625 and 1625 for monitoring the pollutants regulated in the CWT and Landfills rules only and not for general use. To clarify this intent, EPA plans to amend Methods 625 and 1625 in the upcoming final CWT rule to limit the scope and applicability to these rules. These amendments will clarify the Agency's objective to expand the scope of Methods 625 and 1625 for complying with monitoring requirements for the additional pollutants regulated in the two effluent guidelines discussed herein (*i.e.,* CWT and Landfills only).

Dated: June 27, 2000.

J. Charles Fox,

Assistant Administrator for Water.

[FR Doc. 00–16756 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6727–3]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; deletion of the Laskin/Poplar Oil Company Superfund Site (Site) from the National Priorities List (NPL).

SUMMARY: The EPA proposes to delete the releases from the Laskin/Poplar Oil Company Superfund site (Site) from the NPL and requests public comment on this action. The NPL constitutes appendix B to 40 CFR part 300 which is the National and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. EPA has determined that the Site currently poses no significant threat to public health or the environment, as defined by CERCLA, and therefore, further remedial measures under CERCLA are not appropriate. We are publishing this proposed rule without prior notification because the Agency views this as a noncontroversial revision and anticipates no dissenting comments. A detailed rationale for this approval is set forth in the direct final rule. If no dissenting comments are received, the deletion will become effective. If EPA receives dissenting comments, the direct final action will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Comments concerning this action must be received by August 4, 2000.

ADDRESSES: Comments may be mailed to Richard Boice, Remedial Project Manager, or Gladys Beard, Associate Remedial Project Manager, U.S. Environmental Protection Agency (SR–6J), 77 W. Jackson, Chicago, IL 60604.

Comprehensive information on this Site is available through the public docket which is available for viewing at the Site Information Repositories at the following locations: U.S. EPA Region 5, Administrative Records, 77 W. Jackson Boulevard, Chicago, IL 60604 (312) 886–0900; the Henderson Memorial Library, 55 E. Jefferson, Jefferson, OH 44047 and the Ashtabula Public Library, 355 W. 44th St., Ashtablula, OH 44004.

FOR FURTHER INFORMATION CONTACT: Richard Boice, Remedial Project Manager, at (312) 886–4740 or Gladys Beard Associate Remedial Project Manager at (312) 886–7253, written correspondence can be directed to either Mr. Boice or Ms. Beard at U.S. Environmental Protection Agency, (SR–6J) 77 W. Jackson Blvd., Chicago, IL 60604.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Action which is located in the Rules section of this **Federal Register**.

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

Dated: June 14, 2000.

Gary Gulezian,

Acting Regional Administrator, Region V.

[FR Doc. 00–16514 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 00–108; FCC 00–213]

Broadcast Services; Radio Stations, Television Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to eliminate that section of the Commission's rules that that would prohibit affiliation with an entity maintaining one of the major television networks (ABC, CBS, Fox, and NBC) and the UPN or WB television network. Currently, this rule permits a television broadcast station to affiliate with an entity maintaining two or more broadcast television networks *unless* the two or more networks consist of two or more of the major networks (*i.e.*, ABC, CBS, NBC and Fox) or one of these four networks and either the UPN or WB television network. This rule was identified as one that should be modified in the Commission's Biennial Review Report.

DATES: Comments are due by September 1, 2000, and reply comments are due by October 2, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554

FOR FURTHER INFORMATION CONTACT: Roger Holberg, Mass Media Bureau, Policy and Rules Division, (202) 418–2134 or Dan Bring, Mass Media Bureau, Policy and Rules Division, (202) 418–2170.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *NPRM* in MM Docket No. 00–108, FCC 00–213, adopted June 8, 2000, and released June 20, 2000. The complete text of this *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC and may also be purchased from the Commission's copy contractor, International Transcription Service (202) 857–3800, 445 12th Street, SW., Room CY–B402, Washington, D.C. The *NPRM* is also available on the Internet at the Commission's website: *http://www.fcc.gov*.

Synopsis of Notice of Proposed Rulemaking

I. Introduction

1. This *Notice of Proposed Rulemaking* (*NPRM*) proposes the amendment of Section 73.658(g) of the Commission's Rules (47 CFR 73.658(g)), the ''dual network'' rule applicable to broadcast stations. This rule permits a television broadcast station to affiliate with an entity maintaining two or more broadcast television networks *unless* the two or more networks consist of two or more of the major networks (*i.e.,* ABC, CBS, NBC and Fox) or one of these four networks and either the UPN or WB television network. These networks are not explicitly named in the rule. However, the statute and legislative history of the Telecommunications Act of 1996, which required the Commission to amend the dual-network to its current form make it clear that these are the networks intended to be described by the legislation. As a result of our analysis in our Biennial Review proceeding concerning broadcast ownership rules (*Biennial Review Report* in MM Docket No. 98–35 (''Biennial Report''), FCC 00–191 (Adopted May 26, 2000; Released June 20, 2000)), we made a preliminary determination that the current rule, as a result of competition, may no longer serve the public interest. Accordingly, we indicated that we would commence this rulemaking proceeding proposing to amend the rule by eliminating the portion of the rule that precludes the ownership of the UPN or WB networks by the ABC, NBC, CBS, or Fox television networks.

II. Background

2. As we noted in the Biennial Review Report, the Commission first adopted a dual network rule for broadcast radio networks in 1941 following an investigation to determine whether the public interest required ''special regulations'' for radio stations engaged in chain broadcasting (6 FR 2282 (May 6, 1941)). The rule provided that no license would be issued to a broadcast station affiliated with a network organization that maintained more than one broadcast network. The Commission extended the dual network rule to television networks in 1946 (*Amendment of Part 3 of the Commission's Rules,* 11 FR 33 (Jan. 1, 1946)). The Commission believed that permitting an entity to operate more than one network might preclude new networks from developing and affiliating with desirable stations because those stations might already be tied up by the more powerful network entity. In addition, the Commission expressed concern that dual networking could give a network too much market power. The dual network prohibition, therefore, was intended to remove barriers that would inhibit the development of new networks, as well to serve the Commission's more general diversity and competition goals. The dual network rule for broadcast television remained unchanged until 1996, when the Commission amended the rule to conform with the provisions in Section 202(e) of the Telecommunications Act of 1996 (Public Law 104–104, 110 Stat. 56 (1996)).

3. Section 73.658(g) sets forth the Commission's current dual network rule. It directly reflects the provisions of the Telecom Act which permit a television broadcast station to affiliate with a person or entity that maintains two or more networks of television broadcast stations unless such networks are composed of: (1) Two or more persons or entities that were ''networks'' on the date the Telecom Act was enacted; or (2) any such network and an English-language program distribution service that on the date of the Telecom Act's enactment provided 4 or more hours of programming per week on a national basis pursuant to network affiliation arrangements with local television broadcast stations in markets reaching more than 75 percent of television households. Section 202(e) of

the 1996 Act defines a ''network'' with reference to § 73.3613(a)(1) of the Commission's Rules (47 CFR 73.3613(a)(1)). That Rule provides that a network is ''any person, entity, or corporation which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more states; and/or any person, entity, or corporation controlling, controlled by, or under common control with such person, entity, or corporation.''

4. The Conference Report stated that the Commission was being directed to revise its dual network rule ''to permit a television station to affiliate with a person or entity that maintains two or more networks unless such dual or multiple networks are composed of (1) two or more of the four existing networks (ABC, CBS, NBC, Fox) or, (2) any of the four existing networks and one of the two emerging networks (WBTN, UPN). The conferees do not intend these limitations to apply if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such networks'' (S. Rep. No. 230, 104th Cong., 2d Sess. At 163).

III. Discussion

5. In the Biennial Report we tentatively concluded that we should explore modifying the dual network rule by eliminating the prohibition on the ownership of either the UPN or WB network by one of the major television networks. We stated that neither competition nor diversity issues appeared to warrant retention of the rule in its current form.

6. Our proposal to relax the dual network rule to permit ownership of either the UPN or WB network by one of the major networks is based on a review of the current economics of the network broadcasting industry. The elements of our economic review are briefly summarized in the following paragraphs. We seek comment on our view of the current economics of network broadcasting both in general and with respect to particular conclusions derived from the review.

7. *Framework.* The dual network rule, as modified as a consequence of the 1996 Act, may be viewed as an anti-merger rule that constrains the current organization of the network broadcasting industry. This constraint on the organization of the contemporary network broadcasting industry may result in organizational inefficiencies that adversely affect industry performance, including the type and quality of network programming available to viewers. One way to examine the network broadcasting industry for possible organizational inefficiencies is the application of concepts developed in the transaction cost economics (TCE) literature. From a TCE perspective, the economic organization of firms and industries reflects specific attributes of the contracting process between buyer and seller. The following discussion identifies key attributes of critical exchange relationships in the network television broadcasting industry, e.g., the relationship between program suppliers and broadcast networks, and how these attributes contribute to the efficiency or inefficiency of existing industry organization. The commercial television network broadcast industry today consists of a number of vertically-integrated firms. For example, ABC is vertically integrated with Disney as a program supplier; the Fox network is vertically integrated with 20th Century Fox as a program supplier; and UPN is vertically integrated with Viacom. Thus, an economic analysis of the effects of potential mergers between the major networks, *i.e.,* ABC, CBS, NBC, and Fox, or potential mergers between these entities and an emerging network, *i.e.,* UPN or WB, will in many cases involve mergers between vertically-integrated firms. To facilitate discussion, the analysis decomposes a hypothetical merger between two broadcast networks into two parts. First, we examine the relationship between a program supplier and a broadcast network to determine whether vertical integration is either more or less efficient than simply negotiating an arms-length contractual relationship between the program supplier and the broadcast network. The comparative assessment of the efficiency of contracting versus vertical integration relies extensively on TCE concepts. Second, we assess the effects of a horizontal merger between two broadcast networks by relying on antitrust measures of market concentration and an analysis of price competition in the national market for network television advertising. Finally, the gains or losses resulting from the analysis of vertical integration are integrated into the measurement of the efficiencies or inefficiencies resulting from the horizontal merger to determine the overall benefits and costs of a merger between two vertically-integrated firms. The merger of two vertically-integrated enterprises may have both horizontal and vertical economic effects. Horizontal effects refer to the economies or diseconomies resulting from enlarging the size of the firm post-merger and include effects on consumers, such as higher or lower prices and changes in the quantity and quality of output produced. These effects can be assessed at each stage of production of the vertically-integrated firm. For a television network vertically-integrated into the production of network programming, the assessment of horizontal effects would include assessing the economies or diseconomies of increasing the size of the network and the economies or diseconomies of increasing the size and scale of program production, assuming that the network that is being acquired is also vertically-integrated into program production. The effects of the merger of two program production enterprises on competition in the network television program production market would also be included in the analysis of horizontal effects. Growth in the size of the vertically-integrated firm post-merger may either accentuate the economies of vertical integration post-merger or diminish the efficiencies of vertical integration as organizational complexity increases and coordination of decisionmaking within the larger firm becomes more difficult and costly. Vertical effects refer to the economies or diseconomies of integrated production as the size of the vertically-integrated firm increases. The analytical framework suggests a way to assess the relative significance of some of these horizontal and vertical effects that may result from the merger of two television networks that are both vertically integrated into the production of network television programming.

8. Standard economic analyses of the effects of a horizontal merger of two competing firms, such as two television networks, do not ordinarily include an assessment of the effects of the proposed merger on the efficiency of vertical integration within the acquiring firm, especially if the acquired firm is not vertically integrated. However, vertical relationships within the network television broadcasting business are endemic in the industry and virtually define its economic purpose and industry structure, especially the vertical relationship between a television network and its affiliated local broadcast stations. Increasingly, television networks, like cable television multiple system operators, are vertically integrated into the production of programming. Thus, television networks today are intrinsically vertically-integrated enterprises and to ignore the impact of a horizontal merger

on the efficiency of such integration is to ignore a critical dimension of the economic effects produced by the merger. Consequently, this unconventional approach seems appropriate to evaluate more completely the economic implications of a potential merger between two television networks.

9. *Overview of the Analysis.* The application of TCE concepts suggests that vertical integration between program suppliers and major networks may produce substantial economic efficiencies (compared to market contracting) that may benefit both advertisers and viewers. The analysis of horizontal mergers between broadcast networks suggests that the merger of two major networks would adversely affect competition in the national network television advertising market, while the merger of a major network and an emerging network may produce efficiencies benefiting both viewers and advertisers. Based on the aggregation of the costs and benefits from both the vertical and horizontal components of a proposed merger, the analysis concludes that the dual network rule should be retained as it relates to mergers between the major networks, but relaxed to permit mergers between a major network and an emerging network.

10. *Attributes of Television Network Output.* From an economic perspective, firms in the network broadcasting industry, such as ABC, NBC, CBS, and Fox, together with their local television station affiliates and their owned and operated (O&O) stations, are in the business of producing audiences. Access to network television viewers is sold to advertisers that want to reach a large, nationwide audience of potential customers. Network advertising provides audience reach unmatched by any other broadcasting medium. No single cable channel today provides the audience reach of any television network. Only network television is a mass-distribution venue for programming and advertising, notwithstanding the continuing erosion of network television audience attributable to the growth of cable and DBS viewership. Of the 27 prime time programs viewed in more than ten million households during the week of January 17–23, 2000, all 27 were aired by either ABC, CBS, NBC or Fox. The largest share for a UPN program was approximately 5 million homes and the most popular cable program (during any hour) was viewed in just under 5 million homes. Access to the mass audience produced by television networks is sold to advertisers in terms of thousands of viewers for a defined interval of commercial time, such as 30 seconds.

11. Both a network television program and the over-the-air broadcast transmission that delivers the program to viewers have economic attributes of a pure public good, *i.e.,* a good or service with the property that one individual's viewing of the program does not diminish the quantity of the program available for any other individual who wishes to view the same program. By contrast, a pure private good, such as food, clothing, and many other consumer products and services, are ''rivalrous'' in consumption, *i.e.*, a good consumed by one individual is not available for consumption by a different individual. Thus, a network television program, having the property of a pure public good, is not ''used up'' once it is shown. Indeed, the same program may be aired repeatedly to the same or different audiences without physically ''wearing out'' the program as an asset that produces audiences. It is possible, of course, that new audiences for the program cannot be found or existing audiences tire of the program and will no longer watch it. The program becomes obsolete as an audience-producing asset, although the program itself is not physically depleted by repeated airings on television.

12. The public good attributes of a network television program imply several things about its cost as an audience-producing asset and its market value to the program producer and the network that broadcasts the program. First, broadcasting a network program represents, in substantial part, a fixed cost of production for the network with respect to the number of viewers produced by airing the program. Once the program is on the air, the cost of production for the network and its station affiliates is insensitive to the number of viewers ''consuming'' the program. In other words, the marginal cost of adding an additional viewer within the signal coverage area is zero for both the network and the station affiliate. This attribute of network program costs suggests that large audiences are always preferable to smaller ones, since a larger audience costs the network no more to produce than a smaller one for the same level of program quality, and network revenues derived from advertisers depend directly on the number of viewers produced. Expressed differently, the average fixed costs of production for the network, *i.e.*, total fixed cost divided by the number of viewers, declines as the size of the audience produced increases in size. To the extent that such economies are reflected in the pricing of network advertising, then the marginal price of network advertising per viewer falls as audience size increases. Given the fixed cost attributes of network programming assets and the economies of spreading such costs over large audiences, economically viable television networks must be large rather than small as measured in terms of the number of affiliated stations and the viewers produced and sold to advertisers.

13. Second, not only are the costs of network programming fixed, they are also sunk. Typically, a sunk cost refers to an investment in highly specialized productive assets that cannot be redeployed to an alternative use. Sunk cost investments reflect asset-specificity and typically have little or no productive value in any other use beyond the intended application. While asset-specific investments often facilitate reductions in the cost of production or improvements in the quality of output produced compared to the use of less specialized assets, they involve substantially higher risks of capital recovery compared to non-specialized general purpose assets. General purpose assets can be redeployed to alternative uses should demand for the asset in its original application decline or disappear entirely, while asset-specific investments may become worthless. Once created, investments in network programming are asset-specific: an action movie targeted to a specific audience cannot be redeployed to attract a totally different audience that prefers, say, musical comedy. If the targeted audience does not like the movie, then much of the investment in the movie by the network may be unrecoverable.

14. Third, the public good and cost characteristics of network programs result in a multiplicity of rights that can be sold to television networks by program producers. Among these rights are the initial network exhibition rights; the right to renew those rights (options); and the right to earn revenues from the syndication of a successful network program, among other future revenue streams. As a result, contract negotiations between a program producer and a network for the sale and purchase of program rights are extremely complex, involving especially high stakes for the incumbent television networks. The growth of cable television and DBS have substantially increased the number of viewing options for viewers, resulting in a steady erosion in the size of audiences attracted to conventional, over-the-air network television programming. Additionally, program producers now have expanded

options for selling their programming beyond the networks or through syndication to local television stations. Increasingly, the continuing growth in cable networks provides significant competition to the incumbent television networks as purchasers of television programs. Additionally, some program suppliers, such as Warner Brothers and Viacom, have decided to integrate vertically into program distribution by creating their own television networks. This option for program suppliers introduces additional complexity in the contractual relationship between program suppliers and the incumbent television networks. As a result of these changes in industry structure over the past decade, the contracting environment between and among suppliers of network programming and the incumbent networks is both more complicated than before and somewhat more risky for the networks. It is imperative that networks obtain quality programming to stem audience erosion while dealing with suppliers that now have expanded options for the sale of their product.

15. *The Market for Network Programming.* From the business perspective of an incumbent television network, programs are a critical input in the process of producing a mass audience. Like any business firm, a network faces a ''make or buy'' decision, namely, either make the input of production itself or contract with an independent supplier to make the input according to specifications established in a contract. Prior to the expiration of the Commission's financial interest rule in 1995, which prohibited the networks from acquiring equity and profit rights in network programming produced by independent program suppliers, the Commission forced the network to contract with independent program suppliers rather than partially or fully integrate vertically with such firms. Following repeal of the Commission's financial interest and syndication rules, the networks have partially or fully integrated vertically with a number of program suppliers. This integration reflects, in part, the difficulties in negotiating a contractual relationship with program suppliers. These difficulties reflect the peculiar attributes of television network output previously described.

16. The economic complexities of contract negotiation between a television network and a program supplier may be illustrated by a specific example. Suppose a network wants to contract with a program supplier for a prime time program series, say, a situation comedy. Both the network and the program supplier may be expected to approach contract negotiations from a self-interest maximizing point of view, although the inherent uncertainties of creating a successful program and forecasting audience acceptance probably makes it impossible to know what decisions are profit-maximizing. In the language of TCE, both parties approach contact negotiations with bounded rationality, *i.e.,* ''intendedly rational, but limitedly so.'' As previously discussed, a program, or program series, once completed is ''durable'' and can be rebroadcast as a network re-run or put in syndication after its network run. The economic life of the program or series cannot be known a priori, ranging from months to decades. If the program producer believes that the planned program may have a long life in syndication, then the program producer may be willing to forego front-end profits in exchange for the profits expected to be earned in syndication. The network, however, may have very different expectations about the expected life of the program series and its long-term profitability which may pose a fundamental conflict to be resolved through negotiation.

17. If the program series becomes a ''hit'', then the program producer may wish to re-open the negotiated contract with the network in an effort to obtain a larger share of the anticipated large network revenues resulting from the success of the program in attracting viewers and advertisers. Since the program producer retains substantial control over the creative process that generates the programming, including how and when the star talent is utilized in the program, the program producer may attempt to ''hold up'' the network by threatening to adjust program quality that may benefit the program producer (*e.g.,* altering the compensation of key program talent) at the expense of the network (*e.g.,* reducing the value of the program as a network re-run). In the language of TCE, the program producer may behave opportunistically, *i.e.,* ''self-interest seeking with guile.'' With respect to other aspects of contract negotiations, the network may also behave opportunistically, especially if such behavior is expected of the program producer. Moreover, both the network and the program producer recognize that attributes of contractual relationship between the program producer and the network involve certain external effects, *i.e.,* costs or benefits which may accrue to the parties to the contract that are largely outside the scope of the immediate transaction. For example, should the network suddenly cancel the program series due to poor ratings rather than wait to see if the ratings eventually improve, the program producer's future revenues derived from its syndication rights may be reduced or virtually eliminated. Similarly, the network can vary the audience attracted to a network program by positioning the program in its program lineup so that it benefits from the audience attracted by the program appearing immediately before it. Thus, the network's manipulation of its program schedule to achieve its own current profit objectives will have a significant effect on the future revenues produced by the program in syndication. If the network is unable to capture some fraction of these future revenues, it has no incentive to consider the external effects of its program schedule decisions and may well behave opportunistically toward the program supplier's financial interests.

18. An especially difficult aspect of contract negotiations between a network and a program supplier concerns the allocation of the risks of program development between the two parties. Given the asset-specificity of every network program and the significant probability that the program will fail to attract an audience of sufficient size to attract advertisers, risk allocation between the parties is a difficult issue to negotiate, since attitudes toward risk aversion will differ between the network and the program producer. The advantages of sharing the risks of multiple program production will vary with different program producers and networks.

19. Given the substantial financial risks implied in the production and distribution of network programming, both the program supplier and the network have a mutual interest in maintaining a mutually beneficial, long-term contractual relationship, especially if (1) the program purchased is intended as a prime time series; and (2) the network and program producer expect to maintain ongoing contractual relationships for new programs in the future. Such expectations may, in fact, attenuate to some degree the possible incentives to pursue opportunistic behavior by either party. Nevertheless, writing a contract that resolves inherent conflicts between the parties, incorporates the consequences of external effects, discourages opportunism, and anticipates many future contingencies in the contractual relationship including dispute resolution, is both difficult and costly. As suggested by the TCE literature, transactions involving substantial asset specificity, uncertainty, and frequency

may be more efficiently effectuated by some other governance structure than contracting by two independent entities. Vertical integration of program production and network distribution whereby the former market transaction is made internal to the merged firms under unified ownership results in a major efficiency gain, namely, the ability to adapt more readily the (internal) relationship between the program supplier division of the merged enterprise with the network distribution division to unanticipated changes in the economic environment. As Williamson explains,

> The advantage of vertical integration is that adaptations can be made in a sequential way without the need to consult, complete, or revise interfirm agreements. Where a single ownership entity spans both sides of the transaction, a presumption of joint profit maximization is warranted. Thus price adjustments in vertically integrated enterprises will be more complete than in interfirm trading. And, assuming that internal incentives are not misaligned, quantity adjustments will be implemented at whatever frequency serves to maximize the joint gain to the transaction.

Based on our analysis of the comparative transaction costs of effectuating exchange between program suppliers and television networks by market contracting versus vertical integration, we believe that partial or complete vertical integration between a broadcast network and a program producer may result in substantial efficiencies that may benefit network television advertisers and viewers. More specifically, advertisers may benefit from reduced rates if the efficiencies of vertical integration are reflected in reduced network costs of producing a mass audience. Similarly, viewers may benefit from the wider availability of diverse programming that a network may produce as a result from having available its own program production capability that may encourage new but riskier programming possibilities. Once fully or partially vertically-integrated into program production, the network has full or enlarged claim on revenue opportunities in all distribution windows which may enhance the network's incentive to invest in innovative programming.

20. *Tendency Toward Network Industry Concentration.* As explained above, most costs of producing and distributing programming are not sensitive to the number of viewers that actually watch a given program once broadcast facilities are in place. In effect, a television network shares the substantial fixed costs of network television programming among the stations either owned by the networks or affiliated with the network. Often, a network affiliate shares the fixed costs of network programming by giving the network broadcast time which the network then sells to network advertisers. In some cases, network affiliates make cash payments to networks in addition to broadcast time. The larger the number of owned or affiliated stations belonging to a given television network, the lower is the average fixed cost of network programming that each affiliated station must recover and, all other things remaining the same, the lower is the effective price per viewer for an advertiser so long as the network faces some competition from other television networks. Given the fixed cost nature of the business, larger networks, in terms of the number of affiliated stations and viewers, tend to be more economically viable than smaller networks.

21. The number of economically viable television networks is presently severely constrained by the number of available local affiliates. The number of available station affiliates is constrained, in turn, by the amount of spectrum the Commission has allocated to broadcast television. A network must have a sufficient number of affiliated stations so that (1) a large enough percentage of national viewership is achieved so that national advertisers can be attracted, and (2) average fixed cost is reduced to a point where the competitive price of network advertising will produce network advertising revenues sufficient to cover the total cost of network operations. Television networks today compete in a national market and need, therefore, an affiliated station in most local markets across the country. If stations are unavailable in too many local markets, or the available stations have poor signal coverage, then the network can neither attract sufficient national advertisers nor drive average fixed costs low enough such that competitive rates for network advertising will cover total network operating costs. Both the fixed cost attributes of network costs and the Commission's limited allocation of spectrum to broadcast television present obstacles to new broadcast networks.

22. *National Television Advertising Market.* Within the national television advertising market that includes national spot sales by affiliated and independent stations, a strategic group consisting of the major networks, *i.e.,* ABC, NBC, CBS, and Fox, can be identified. (A strategic group refers to a cluster of independent firms within an industry that pursue similar business strategies. For example, the major networks supply programming to their affiliated local stations that is intended to attract mass audiences and advertisers that want to reach such large, nationwide audiences. By contrast, the emerging networks target more specialized, niche audiences similar to cable television networks. The conceptual basis for a strategic group is developed in R. E. Caves and M. E. Porter, ''From Entry Barriers to Mobility Barriers: Conjectural Decisions and Contrived Deterrence to New Competition,'' *Quarterly Journal of Economics* 91 (May 1977): 241–261. Also see Michael E. Porter, *Competitive Strategy: Techniques for Analyzing Industries and Competition* (New York: The Free Press, 1980), Chapter 7. For additional references on the application of the strategic group concept, see F. M. Scherer and David Ross, *Industrial Market Structure and Economic Performance, 3rd Edition,* (Boston: Houghton Mifflin, 1990), pp. 284–85. When properly applied, the concept of a strategic group ordinarily implies that only a relatively few firms will be included within its boundaries so that competitive rivalry will be oligopolistic in nature, although the number of firms actually populating the industry aggregated over all strategic groups may be quite numerous.) At present, the network firms comprising this strategic group provide the greatest reach of any medium of mass communications. Since delivering a mass audience is becoming more difficult for all media, media that can still produce mass audiences become more valuable. As a result, broadcast networks have achieved double-digit gains in revenues in recent years despite their loss of audience relative to years past. The major mobility barrier impeding entry into the major network strategic group is the availability of affiliated stations. Notwithstanding some growth in the number of stations over the last decade, obtaining sufficient affiliated stations remains a major obstacle to developing a new network that can achieve sufficient national reach to be attractive to national advertisers.

23. At present, mobility barriers protecting the major network strategic group result in an oligopoly of established networks where prices for network advertising will also depend on the number of networks. (Mobility barriers are barriers to entry that deter the movement of a firm within a given industry from shifting from one strategic group to another. Differed strategic groups will be defended by different mobility barriers that vary in the effectiveness in restricting entry into a

given strategic group. In general, firms protected by high mobility barriers will have greater profit potential than firms in other strategic groups protected by low mobility barriers.) In general, as the number of independently-owned networks in the strategic group decreases, the equilibrium price for network advertising will increase. Pricing and output behavior by the major networks may be conceptualized as Cournot competition in quantities. In other words, the networks by contractual arrangement with their affiliated stations produce capacity output at all times, representing the profit-maximizing quantity of programming that affiliated stations are expected to ''clear'' over all dayparts. As a result, each network in the strategic group is expected to maximize profit assuming that the quantity of output produced by its rival networks is not affected by its own output decisions.

24. *Economic Effects of Network Mergers.* So long as mobility barriers deter entry into the major network strategic group, the pricing of network advertising will be sensitive to the number of network competitors. Thus, horizontal mergers between the major networks will increase the unit price of network advertising, all other things remaining the same. (The merger may, of course, result in some scale economies as the post-merger network increases in size. The extent of such possible economies, if any, is not known.) Although network advertisers may be harmed by such mergers, viewers of network television may benefit if the duplication of similar types of network programming is reduced and more programming for specialized audiences is offered. Whether the welfare gains to viewers—if any—exceed the welfare loss to network advertisers is not known.

25. Given our analysis of the potential effects of a merger of networks in the major networks strategic group, the dual network rule as applied to the four major networks should not be relaxed until the mobility barriers defending the major network strategic group are lowered. An analysis by Commission staff suggests that economic concentration within the major network strategic group as measured by the Herfindahl-Hirschman Index (HHI) presently exceeds 2600, indicating a ''highly concentrated'' market. Any merger between or among the four major networks would exceed 100 points, suggesting that such a merger would enhance market power or facilitate its exercise. As noted above, the major barrier impeding entry into the broadcast networking industry is the availability of affiliated stations created by the amount of spectrum the Commission allocated to broadcast television. In the near future, we expect that deployment of digital television may lower barriers to new broadcast networks by enabling broadcast stations to carry multiple program streams. Our biennial reviews of the dual network rule will enable us to periodically evaluate the impact of DTV on existing barriers to new broadcast networks.

26. While retaining a prohibition on mergers between major broadcast networks, we believe a merger between an emerging network, such as WB or UPN, and a major network may produce net benefits. Such a merger may produce significant efficiencies by internalizing the contentious issue of program production risk-sharing within a vertical relationship. For example, an emerging network acquired by a major network provides the major network with an additional ''window'' for the distribution of network programming. In effect, this additional window allows the merged network to broadcast the same program in different time slots in the same market if both the major and emerging networks have affiliates in the same city. Alternatively, if the emerging and major network do not have affiliates in the same city, then the merged network entity will now reach more households than before the merger. In either case, the fixed costs of program production are spread over additional viewers in different time slots or additional cities. As a result, the effective program cost per viewer is reduced in either case. Similarly, a network program that fails, or is only marginally successful, on the major network's affiliated station might succeed, however, when broadcast to the niche audience reached by the affiliates of the emerging network. The risks of network program development are clearly attenuated for the merged networks as a consequence of reaching additional viewers at different times or in additional cities or with audience attributes that may differ from the mass audience ordinarily targetted by a major network. Moreover, since the emerging networks, such as WB, UPN, or Pax Net are *not* in the major network strategic group, there should be little or no adverse effect on the price for network television advertising as a result of such a merger. From an economic perspective, the emerging networks strategic group would include WB, UPN, Pax Net, Univision, Telemundo, and possibly some national syndicators. From a legal perspective, the 1996 Act restricted the membership of the emerging networks strategic group to include only WB and UPN. Accordingly, we are proposing to eliminate that portion of the dual network that would prohibit the merger of a network in the major network strategic group with the WB or UPN networks.

27. While we believe that relaxing the dual network rule will result in net benefits to both viewers and advertisers as shown by our economic analysis, such relaxation of the rule may adversely affect our goal of diversity in broadcasting. Clearly, the merger of an emerging network with a major network results in the loss of an independent network ''voice'' and thus diminishes source diversity. Such a result runs counter to the Commission's long-standing goal to foster the entry of additional broadcast television networks as a means of promoting diversity. So long as substitutes for network television remained limited, the entry of additional television networks was crucial to increasing viewer choices of diverse television programming. With the growth of cable television networks, direct broadcast satellite services, and the ongoing deployment of digital television, however, encouraging the entry of new, over-the-air broadcast networks may have diminished in importance relative to twenty years ago. In other words, rivalry between and among direct competitors (*i.e.,* the major networks), which still remain relatively few in number even after twenty years, has been augmented by the growth of partial substitutes, such as cable television and direct broadcast television, supplied by firms outside the major networks strategic group. This growth in partial substitutes dilutes to some degree the market power of major networks relative to their market power in the absence of such substitutes. Moreover, our local broadcast ownership rules will continue to ensure outlet diversity in local broadcasting markets. In short, circumstances may have so changed in broadcast markets that our diversity goals may no longer preclude the realization of the beneficial effects resulting from the relaxation of the dual network rule proposed in this *NPRM.* We seek comment on the possible effects of relaxing the dual network rule on our diversity goals and our tentative conclusion that such effects are outweighed by the benefits identified in our economic analysis.

28. We invite comment on any or all aspects of our economic analysis of the possible effects of relaxing the dual network rule to permit the merger of an emerging network with a major network. In particular, we seek comment on (1)

our analysis of the difficulties of negotiating long term contracts between a program supplier and a television network; (2) the likely benefits of vertical integration between program producers and networks for network advertisers and viewers; (3) our application of the concept of a major network strategic group; (4) the likely effects on the price of network advertising resulting from (a) a merger of incumbent networks within the major network strategic group and (b) a merger of a major network and an emerging network; and (5) the effects of the merger of an incumbent network and an emerging network on a viewer's choice of programming options (mass audience vs. niche audience programming) and the likely quality of such program options. Comments supplying empirical evidence that is consistent or inconsistent with our economic analysis will be especially useful. Theoretical analysis that further refines our economic analysis or identifies critical weaknesses will also be useful.

29. We also seek comment on possible merger conditions that might help safeguard our broadcast diversity goals while partially relaxing the dual network rule to achieve the potential net benefits identified in our economic analysis. Are there conditions that could maintain separation between the programming decisions of the two networks while still allowing them to achieve the efficiencies described in our economic analysis?

IV. Administrative Matters

30. *Comments and Reply Comments.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before September 1, 2000 and reply comments on or October 2, 2000. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (May 1, 1998).

31. Comments filed through ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html.* Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment via e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

32. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., TW–A325, Washington, DC 20554.

33. Parties who choose to file paper should also submit their comments on diskette. These diskettes should be addressed to: Wanda Hardy, Paralegal Specialist, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, 445 Twelfth Street, SW., 2–C221, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Word 97 or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case (MM Docket No. 00–108), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must sent diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 445 Twelfth Street, SW., CY–B402, Washington, DC 20554.

34. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 Twelfth Street, SW., CY–A257, Washington, DC 20554. Persons with disabilities who need assistance in the FCC Reference Center may contact Bill Cline at (202) 418–0270, (202) 418–2555 TTY, or *bcline@fcc.gov*. Comments and reply comments also will be available electronically at the Commission's Disabilities Issues Task Force web site: *www.fcc.gov/dtf.* Comments and reply comments are available electronically in ASCII text, Word 97, and Adobe Acrobat.

35. This document is available in alternative formats (computer diskette, large print, audio cassette, and Braille). Persons who need documents in such formats may contact Martha Contee at (202) 4810–0260, TTY (202) 418–2555, or *mcontee@fcc.gov.*

36. *Ex Parte Rules.* This proceeding will be treated as a ''permit-but-disclose'' proceeding, subject to the ''permit-but-disclose'' requirements under 47 CFR 1.1206(b), as revised. *Ex parte* presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, *ex parte* or otherwise, are generally prohibited. Persons making oral *ex parte* presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description or the views and arguments presented is generally required. See 47 CFR 1.1206(b)(2), as revised. Additional rules pertaining to oral and written presentations are set forth in 47 CFR 1.1206(b).

37. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act, see 5 U.S.C. 603, the Commission has prepared an IRFA of the possible economic impact on small entities of the proposals contained in this *NPRM.* Written public comments are requested on the IFRA. In order to fulfill the mandate of the Contract with America Advancement Act of 1996 regarding the Final Regulatory Flexibility Analysis, we ask a number of questions in our IRFA regarding the prevalence of small businesses in the television broadcasting industry. Comments on the IRFA must be filed in accordance with the same filing deadlines as comments on the *NPRM*, and must have a distinct heading designating them as a response to the IRFA. The Reference Information Center, Consumer Information Bureau, will send a copy of this *NPRM*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

38. As required by the Regulatory Flexibility Act (''RFA'') (5 U.S.C. 601 *et seq.*), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this *NPRM.* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *NPRM* provided above. The Commission will send a copy of the *NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a). In addition, the *NPRM* and the IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

39. Section 202(h) of the Telecom Act requires the Commission to review its broadcast ownership rules every two years, beginning in 1998, and to ''determine whether any of such rules are necessary in the public interest as the result of competition.'' It instructs the Commission to repeal or modify any regulation it determines to be no longer in the public interest. In its first Biennial Report, issued as a result of Section 202(h) of the Telecom Act, the Commission determined that the dual network rule, as it currently exists, appeared to no longer be in the public interest. Accordingly, in compliance with the provisions of Section 202(h) of the Telecom Act, the Commission is commencing this proceeding in order to modify § 73.658(g).

B. Legal Basis

40. This *NPRM* is adopted pursuant to sections 1, 2(a), 4(i), 303, 307, 309, 310, of the Communications Act, 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, and Section 202(h) of the Telecommunications Act of 1996.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

41. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The 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. 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.

42. 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 SBA 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**. A ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.'' As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities.

43. *Small TV Broadcast Stations.* The SBA defines small television broadcasting stations as television broadcasting stations with $10.5 million or less in annual receipts. According to Commission staff review of the BIA Publications, Inc., Master Access Television Analyzer Database, fewer than 800 commercial TV broadcast stations (65%) subject to our proposal have revenues of less than $10.5 million dollars. We note, however, that under SBA's definition, revenues of affiliates that are not television stations should be aggregated with the television station revenues in determining whether a concern is small. Therefore, our estimate may overstate the number of small entities since the revenue figure on which it is based does not include or aggregate revenues from non-television affiliated companies. It would appear that there would be no more than 800 entities affected.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

44. Currently, § 73.3613 of the Commission's rules requires TV broadcast licensees to file network affiliation contracts. The *NPRM* proposes no change to that requirement or any new recordkeeping or other compliance requirements.

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

45. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

46. As indicated above, the *NPRM* proposes to allow licensees to affiliate with a network entity that maintains two or more networks unless such multiple networks consist of more than one of the ''big four'' networks (NBC, ABC, CBS and Fox). This would eliminate the bar on affiliation with an entity that maintains one of the ''big four'' networks and the UPN and/or WB networks. All significant alternatives, *i.e.,* retention of the existing rule, modification of the existing rule, and elimination of the dual network rule altogether, were recently considered in the Commission's 1998 biennial review of its broadcast ownership rules (MM Docket No. 98–35). In that proceeding the Commission tentatively determined that elimination of the subject provision would be in the public interest. The Commission considered the results of this top-to-bottom review of the subject rule in its consideration of alternatives to the course proposed herein in the instant proceeding. The proposed action will provide television licensees, including those considered to be ''small businesses,'' to have increased flexibility with regard to the broadcast networks with which they may affiliate.

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

47. None.

48. *Initial Paperwork Reduction Act Analysis.* This *NPRM* proposes no new information collection requirements.

49. *Additional Information.* For additional information on this proceeding, please contact Roger Holberg, Policy and Rules Division, Mass Media Bureau, (202) 418–2130, or Dan Bring (202) 418–2164, (202) 418–1169 TTY.

V. Ordering Clauses

50. Accordingly, pursuant to the authority contained in sections 1, 2(a), 4(i), 303, 307, 309, and 310 of the Communications Act, as amended, 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, and 310, and Section 202(h) of the Telecommunications Act of 1996, this *Notice of*

51. *Proposed Rulemaking is adopted.*

52. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this *NPRM*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 73

Radio, television broadcasting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–16820 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1394; MM Docket No. 00–55; RM–9836]

Radio Broadcasting Services; Falconer and Fredonia, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: The Commission, at the request of North Country Broadcasting, Inc., licensee of Station WCQA, Fredonia, NY, dismisses its petition to reallot Channel 243A from Fredonia to Falconer, NY, and modify Station WCQA's license accordingly. *See* 65 FR 17618, April 4, 2000.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–55, adopted June 14, 2000, and released June 23, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–16868 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[MM Docket No. 00–105; FCC 00–203]

Broadcast Services; Radio Stations, Television Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to eliminate the Commission rule that prohibits an entity from controlling more than one experimental broadcast station license absent a showing of need. As a result of the preliminary determination in the Commission's biennial review proceeding that this rule is no longer necessary in the public interest as a result of competition, this document proposes to eliminate the subject provision.

DATES: Comments are due by September 1, 2000 , and reply comments are due by October 2, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Roger Holberg, Mass Media Bureau, Policy and Rules Division, (202) 418–2134.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Commission's Notice of Proposed Rule Making (NPRM)* in MM Docket No. 00–105, FCC 00–203, adopted June 5, 2000, and released June 20, 2000. The complete text of this *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. and may also be purchased from the Commission's copy contractor, International Transcription Service (202)857–3800, 445 12th Street, S.W., Room CY–B402, Washington, D.C. The *NPRM* is also available on the Internet at the Commission's website: *http://www.fcc.gov.*

Synopsis of Notice of Proposed Rule Making

1. By this *NPRM* the Commission proposes to eliminate the multiple ownership rule for experimental broadcast stations which now provides that no entity may control more than one experimental license absent a showing of need (47 CFR 74.134). We seek comment on whether this rule remains necessary to achieve goals of competition and diversity in the broadcast market. The Commission stated in the Biennial Review *Notice of Inquiry (Notice of Inquiry,* In the Matter of 1998 Biennial Regulatory Review, Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 13 F.C.C.R. 11276, 11293–94 (1998) (*NOI*)) a tentative belief that this rule has a negligible impact on these goals and sought comment on whether this rule remains necessary in the public interest. Accordingly, this *NPRM* seeks comment on the repeal of § 74.134. Commenters advocating less than the outright repeal of the rule are encouraged to propose alternatives to the current restriction.

I. Background

2. The multiple ownership rule for experimental broadcast stations was adopted in 1946 and generally limited ownership to one station. In 1963 this rule was redesignated as part 74 (74.134) with no changes. In 1984 the Commission combined parts 74 A (Experimental TV), 74 B (Experimental Facility) and 74 C (Developmental Broadcast Stations) into the present subpart 74 A (Experimental Broadcast Stations) without changing the ownership limit.

3. By Section 202(h) of the Telecommunications Act of 1996 (Public Law 104–104, 110 Stat. 56 (1996)), Congress directed the Commission to review its broadcast ownership rules as part of the biennial ownership review. That section requires the Commission to review its broadcast ownership rules biennially and to determine whether any of these rules are necessary in the public interest as the result of competition. Furthermore, it requires the Commission to ''repeal or modify any regulation it determines to be no longer in the public interest.''

4. Subpart A of part 74 of the Commission's Rules [1] sets forth the rules for licensing ''experimental broadcast stations,'' which are defined as stations ''licensed for experimental or developmental transmission of radio telephony, television, facsimile, or other types of telecommunication services intended for reception and use by the general public.'' Experimental broadcast facilities are used to carry on ''research and experimentation for the development and advancement of new broadcast technology, equipment, systems or services which are more extensive or require other modes of transmission than can be accomplished by using a licensed broadcast station under an experimental authorization.'' The rules governing experimental broadcast stations encourage innovation while protecting existing services from interference. Licensees are subject to operating and reporting requirements and are prohibited from using the experimental broadcast facility in a commercial manner.

5. Currently, § 74.134 states that ''[n]o persons (including all persons under common control) shall control, directly or indirectly, two or more experimental broadcast stations unless a showing is made that the program of research requires a licensing of two or more separate stations.'' This *NPRM* proposes

the repeal of this limitation on ownership.

II. Discussion

6. It appears that § 74.134 was intended to limit experimental licensees to the minimum spectrum use necessary and to prevent them from aggregating a sufficient number of stations under the guise of experimentation to enable them to operate a commercial service on these stations. We believe, however, that other rules and requirements will adequately assure these ends and that the ownership limitation may, therefore, no longer be necessary. Because licensees are prohibited from commercial use of experimental broadcast stations, such a licensee may not charge, directly or indirectly, for the production or transmission of any programming or information used for experimental broadcast purposes. Nor may it transmit program material unless it is necessary to the experiments being conducted, and no regular program service may be broadcast unless specifically authorized. Thus, repeal of the multiple ownership rule would not appear to affect the Commission's ability to ensure that experimental stations are used solely for *bona fide* experimental purposes. Furthermore, because a license for an experimental broadcast station does not grant the exclusive use of a frequency, no licensee is able to control multiple frequencies. The Commission believes that these other sections of our experimental broadcast station rules provide sufficient protection to prevent entities from operating on a commercial basis while functioning under the guise of an experimental authorization. Since experimental broadcast facilities do not exert influence on the competitive market we believe ownership limits are unduly restrictive. Allowing a party to have more than one experimental broadcast station license, however, may permit efficiencies to be realized in the operation of such stations, permitting resources to be devoted to research more efficiently. This will promote the Commission's statutory charge to ''[s]tudy new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest.''

7. In the only comment filed in response to our *NOI* with regard to the instant rule, the National Association of Broadcasters (NAB) recommended repeal of this rule. It contended that broadcast auxiliary facilities are facing regulatory change and dislocation and, accordingly, there is now an even greater need for responsible use of experimental stations to develop solutions to these problems. NAB supported elimination of what it characterized as an ''arbitrary restriction,'' and urged the Commission to ensure that such stations do not endanger the interference-free service provided by broadcasters. We tentatively agree with the NAB's assessment of § 74.134.

8. Accordingly, we tentatively conclude that elimination of § 74.134 will have no adverse impact on our diversity and competition goals. We also tentatively conclude that the protections afforded by our operations, non-interference, and reporting rules are sufficient to assure such stations are used for the purposes for which they are intended and use no more spectrum than needed. Accordingly, we believe that the multiple ownership rule governing experimental broadcast stations is no longer necessary in the public interest and propose its repeal. We invite comment on this matter.

III. Administrative Matters

11. *Comments and Reply Comments.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before September 1, 2000, and reply comments on or before October 2, 2000. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

12. Comments filed through ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html*. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment via e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

13. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., TW–A325, Washington, DC 20554.

14. Parties who choose to file paper should also submit their comments on diskette. These diskettes should be addressed to: Wanda Hardy, Paralegal Specialist, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, 445 Twelfth Street, SW., 2–C221, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Word 97 or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case (MM Docket No. 00–105), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 445 Twelfth Street, SW., CY–B402, Washington, DC 20554.

15. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 Twelfth Street, SW., CY–A257, Washington, DC 20554. Persons with disabilities who need assistance in the FCC Reference Center may contact Bill Cline at (202) 418–0270, (202) 418–2555 TTY, or *bcline@fcc.gov*. Comments and reply comments also will be available electronically at the Commission's Disabilities Issues Task Force web site: *www.fcc.gov/dtf*. Comments and reply comments are available electronically in ASCII text, Word 97, and Adobe Acrobat.

16. This document is available in alternative formats (computer diskette, large print, audio cassette, and Braille). Persons who need documents in such formats may contact Martha Contee at (202) 4810–0260, TTY (202) 418–2555, or *mcontee@fcc.gov.*

17. *Ex Parte Rules.* This proceeding will be treated as a ''permit-but-disclose'' proceeding, subject to the ''permit-but-disclose'' requirements under § 1.1206(b) of the rules. 47 CFR 1.1206(b), as revised. *Ex parte* presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, *ex parte* or otherwise, are generally prohibited. Persons making oral *ex parte* presentations are reminded that a memorandum summarizing a presentation must contain a summary of

the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description or the views and arguments presented is generally required. *See* 47 CFR 1.1206(b)(2), as revised. Additional rules pertaining to oral and written presentations are set forth in § 1.1206(b).

18. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act, *see* 5 U.S.C. 603, the Commission has prepared an IRFA of the possible economic impact on small entities of the proposals contained in this *NPRM.* Written public comments are requested on the IRFA. In order to fulfill the mandate of the Contract with America Advancement Act of 1996 regarding the Final Regulatory Flexibility Analysis, we ask a number of questions in our IRFA regarding the prevalence of small businesses in the television broadcasting industry. Comments on the IRFA must be filed in accordance with the same filing deadlines as comments on the *NPRM,* and must have a distinct heading designating them as a response to the IRFA. The Reference Information Center, Consumer Information Bureau, will send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

19. As required by the Regulatory Flexibility Act (''RFA''), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this *NPRM.* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *NPRM* provided in paragraph 11. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a). In addition, the *NPRM* and the IRFA (or summaries thereof) will be published in the **Federal Register**. *See id.*

A. Need for, and Objectives of, the Proposed Rules

20. Section 202(h) of the Telecom Act requires the Commission to review its broadcast ownership rules every two years, beginning in 1998, and to ''determine whether any of such rules are necessary in the public interest as the result of competition.'' It instructs the Commission to repeal or modify any regulation it determines to be no longer in the public interest. In its first Biennial Report, issued as a result of Section 202(h) of the Telecom Act, the Commission tentatively determined that the experimental broadcast multiple ownership rule appeared to no longer be in the public interest. Accordingly, in compliance with the provisions of Section 202(h) of the Telecom Act, the Commission is commencing this proceeding in order to repeal or to examine the need to retain § 74.134 of its rules.

B. Legal Basis

21. This *NPRM* is adopted pursuant to sections 1, 2(a), 4(i), 303, 307, 309, 310, of the Communications Act, 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, and Section 202(h) of the Telecommunications Act of 1996.

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

22. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The 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. 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.

23. 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 SBA 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**. A ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.'' As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities.

24. The Small Business Administration defines a radio broadcasting station that has $5 million or less in annual receipts as a small business. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial, religious, educational, and other radio stations. The 1992 Census indicates that 96 percent (5,861 of 6,127) radio station establishments produced less than $5 million in revenue in 1992. Official Commission records indicate that 11,334 individual radio stations were operating in 1992. As of September 30, 1999, Commission records indicate that 12,615 radio stations (both commercial and noncommercial) were operating of which 2,066 were noncommercial educational FM radio stations. Applying the 1992 percentage of station establishments producing less than $5 million in revenue (*i.e.,* 96 percent) to the number of radio stations in operation, (*i.e.,* 12,615) indicates that 12,109 of these radio stations would be considered ''small businesses'' or ''small organizations.''

25. The SBA defines small television broadcasting stations as television broadcasting stations with $10.5 million or less in annual receipts. There are currently 1,243 commercial television stations and 373 non-commercial educational television stations on the air. According to Commission staff review of the BIA Publications, Inc., Master Access Television Analyzer Database, fewer than 800 commercial TV broadcast stations (65%) have revenues of less than $10.5 million dollars. We note, however, that under SBA's definition, revenues of affiliates that are not television stations should be aggregated with the television station revenues in determining whether a concern is small. Our estimate may thus overstate the number of small entities since the revenue figure on which it is based does not include or aggregate revenues from non-television affiliated companies. Accordingly, it appears that the proposed revisions would affect no more than 800 television stations that might be considered ''small businesses'' or ''small organizations.''

26. The *NPRM* proposes to eliminate the bar on the ability of licensees to hold licenses for more than one experimental broadcast station. We seek comment and data regarding the number of small entities that may be affected by the proposed elimination of our experimental broadcast station multiple ownership.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

27. There currently are no recordkeeping or other compliance requirements associated with the subject rule. The *NPRM* proposes no new recordkeeping or other compliance requirements.

E. Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

28. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

29. As indicated above, the *NPRM* proposes to eliminate the subject rule and to allow licensees to have more than a single experimental broadcast license irrespective of their reason for seeking such multiple licenses. Significant alternatives were recently considered in the Commission's 1998 biennial review of its broadcast ownership rules (MM Docket No. 98–35). Those alternatives were: (1) Retention of the current rule; (2) modification of the current rule; (3) elimination of the current rule. In that proceeding the Commission determined that elimination of the subject provision would be in the public interest. The Commission considered the results of this top-to-bottom review of the subject rule in its consideration of alternatives to the course proposed herein in the instant proceeding. Under the proposal in this *NPRM,* small entities will be able to obtain multiple experimental broadcast station licenses, as will all broadcast licensees.

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

30. None.

31. *Initial Paperwork Reduction Act Analysis.* This *NPRM* may contain either proposed or modified information collections. As part of our continuing effort to reduce paperwork burdens, we invite the general public to take this opportunity to comment on the information collections contained in this *NPRM,* as required by the Paperwork Reduction Act of 1996. Public and agency comments are due at the same time as other comments on the *NPRM.* Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) ways to enhance the quality, utility, and clarity of the information collected; and (c) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 Twelfth Street, SW., Room C–1804, Washington, DC 20554, or via the Internet to *jboley@fcc.gov* and to Edward C. Springer, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to *Edward.Springer@omb.eop.gov.*

32. *Additional Information.* For additional information on this proceeding, please contact Roger Holberg, Policy and Rules Division, Mass Media Bureau, (202) 418–2134, (202) 418–1169 TTY.

IV. Ordering Clauses

33. Accordingly, pursuant to the authority contained in sections 1, 2(a), 4(i), 303, 307, 309, and 310 of the Communications Act, as amended, 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, and 310, and Section 202(h) of the Telecommunications Act of 1996, this *NPRM* is adopted.

34. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this *NPRM,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

List of Subjects in 47 CFR Part 74

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–16821 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF92; RIN 1018–AF95

Endangered and Threatened Wildlife and Plants; Extension of Comment Periods on Proposed Critical Habitat for the Spectacled Eider and Steller's Eider

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), provide notice that we are extending the comment periods on the proposed rules designating critical habitat for the spectacled eider (*Somateria fischeri*) and the Alaska-breeding population of the Steller's eider (*Polysticta stelleri*). We are extending these comment periods to allow the public the opportunity to comment simultaneously on the proposed rules and the associated economic analyses, which we anticipate will be available for public review in August 2000. All interested parties are invited to submit comments on these proposed rules.

DATES: The comment periods for the proposed rules concerning spectacled eiders and Steller's eiders, which previously closed on June 30, 2000, now close on August 31, 2000.

ADDRESSES: Submit written data or comments on the spectacled eider to the Field Supervisor, Ecological Services Field Office, Anchorage, U.S. Fish and Wildlife Service, 605 W. 4th Ave. Rm G–62, Anchorage, AK 99501; fax: 907/271–2786. Submit written data or comments on the Steller's eider to Ted Swem, Northern Alaska Ecological Services, 101 12th Ave., Rm 110, Fairbanks, AK 99701.

FOR FURTHER INFORMATION CONTACT: For the proposed rule concerning spectacled eiders, contact Ann G. Rappoport, Field Supervisor, Ecological Services Field Office, Anchorage (see **ADDRESSES** above), phone: 907/271–2787 or toll-free 800/272–4174; fax: 907/271–2786. For the proposed rule concerning Steller's eiders, contact Ted Swem, Endangered Species Branch, at Northern Alaska Ecological Services (see **ADDRESSES** above), phone: 907/456–0441; fax: 907/456–0208.

SUPPLEMENTARY INFORMATION:

Background

The spectacled eider is a large seaduck found in marine waters and

coastal areas from the Nushagak Peninsula of southwestern Alaska north to Barrow and east nearly to the Canadian Border. The species is threatened by habitat degradation, lead poisoning, increased predation rates, and hunting and other human disturbance. The Steller's eider is a seaduck found in coastal and marine waters from the eastern Aleutian Islands around the western and northern coasts of Alaska to the Canada border. The Alaska-breeding population of this species is thought to have decreased significantly, but the causes of the suspected decline are unknown. On February 8, 2000, the Service published a proposed rule (65 FR 6114) to designate critical habitat for the spectacled eider, and on March 13, 2000, the Service published a proposed rule (65 FR 13262) to designate critical habitat for the Alaska-breeding population of the Steller's eider.

The comment period for the proposed rule designating critical habitat for spectacled eiders originally closed on May 8, 2000. The comment period for the proposed rule designating critical habitat for Steller's eiders originally closed on May 12, 2000. We subsequently extended the comment periods for both species to June 30, 2000, in response to concerns expressed by several parties that the original comment periods did not allow adequate time for review and comment by affected individuals and communities. Additionally, we anticipated that the comment periods for the economic analyses associated with the proposed critical habitat designations would be open during June 2000, and we wished to solicit comments on the proposed rules and their respective economic analyses simultaneously. The development of the economic analyses for the proposed critical habitat designations was unexpectedly delayed, and we now anticipate that the economic analyses will be available for public review and comment during August 2000. Accordingly, to ensure simultaneous comment on proposed critical habitat and the associated economic analyses, the Service is extending the comment periods for both proposed rules until August 31, 2000. Written comments may be submitted to the appropriate Service office as specified in the **ADDRESSES** section.

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

The deadline for requesting public hearings on the proposed rule regarding critical habitat for the spectacled eider was March 24, 2000. The deadline for requesting public hearings for the proposed rule regarding critical habitat for Steller's eider was April 27, 2000. We have not extended these deadlines. In order to be considered valid, requests for public hearings must have been submitted in writing and received at the appropriate office by the relevant deadline.

Author: The primary author of this notice is Susan Detwiler, U.S. Fish and Wildlife Service, Division of Endangered Species, 1011 E. Tudor Rd., Anchorage, AK 99503.

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 27, 2000.

Gary Edwards,

Acting Regional Director, Region 7, Fish and Wildlife Service.

[FR Doc. 00–16923 Filed 7–3–00; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG17

Endangered and Threatened Wildlife and Plants; Proposed Determination of Critical Habitat for the Peninsular Bighorn Sheep

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose designation of critical habitat for the Peninsular bighorn sheep pursuant to the Endangered Species Act of 1973, as amended (Act). The proposed critical habitat boundary encompasses approximately 354,343 hectares (ha) (875,613 acres (ac)) of Peninsular bighorn sheep habitat in Riverside, San Diego, and Imperial Counties, California.

Critical habitat identifies specific areas that have physical and biological features that are essential to the conservation of a listed species, and that may require special management considerations or protection. The primary elements for the bighorn are those habitat components that are essential for the primary biological needs of feeding, sheltering, reproduction, dispersal, and genetic exchange.

If this proposed rule is made final, section 7 of the Act would prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency.

Section 4 of the Act requires us to consider economic and other impacts of specifying any particular area as critical habitat. We solicit data and comments from the public on all aspects of this proposal, including data on economic and other impacts of the designation. We may revise this proposal to incorporate or address new information received during the comment period.

DATES: Comments from all interested parties must be received by August 31, 2000. A public hearing is scheduled to be held on July 20, 2000, in Palm Springs, Riverside County, California (see **ADDRESSES** section below for details).

ADDRESSES:

Comments: You may submit your comments and materials concerning this proposal by any one of several methods.

1. You may mail written comments and information to the Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008.

2. You may hand-deliver written comments to our Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008.

3. You may send comments by electronic mail (e-mail) to FW1PBSH@fws.gov. Please submit comments in ASCII file format and avoid the use of special characters and encryption. Please include ''Attn: [RIN number]'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Carlsbad Fish and Wildlife Office at phone number 760–431–9440.

Public Hearings

We have scheduled two public hearings for Thursday, July 20, 2000, from 1 p.m. until 3 p.m. and from 6 p.m. until 8 p.m. at the Wyndham Palm Springs Hotel, 888 E. Tahquitz Canyon Way, Palm Springs, California.

Document Availability

Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the Carlsbad Fish and Wildlife Office.

FOR FURTHER INFORMATION CONTACT: Ken Berg, Field Supervisor, Carlsbad Fish and Wildlife Office, at the above address (telephone: 760/431–9440; facsimile 760/431–9624).

SUPPLEMENTARY INFORMATION:

Background

The bighorn sheep (*Ovis canadensis*) is a large mammal (family Bovidae) originally described by Shaw in 1804 (Wilson and Reeder 1993). Wild sheep became established in North America after crossing the Bering land bridge from Eurasia during the late Pleistocene (Geist 1971), and their range has since spread to include desert habitats as far south as northern Mexico (Manville 1980). In North America, two species of wild sheep currently are recognized: the thinhorn sheep (*Ovis dalli*) and the bighorn sheep (*Ovis canadensis*).

Peninsular bighorn sheep were once divided into seven recognized subspecies based on differences in skull measurements (Cowan 1940, Buechner 1960, Shackleton 1985). These subspecies included Audubon bighorn sheep (*Ovis canadensis auduboni*), Peninsular bighorn sheep (*Ovis canadensis cremnobates)*, Nelson bighorn sheep (*Ovis canadensis nelsoni*), Mexican bighorn sheep (*Ovis canadensis mexicana*), Weems bighorn sheep (*Ovis canadensis weemsi*), California bighorn sheep (*Ovis canadensis californiana*), and Rocky Mountain bighorn sheep (*Ovis canadensis canadensis*). Audubon bighorn sheep are now extinct. As described below, this taxonomy has since been revised.

The term ''desert bighorn'' is used to describe bighorn sheep that inhabit dry and relatively barren desert environments and typically includes bighorn sheep subspecies that have, to date, been classified as *nelsoni, mexicana, cremnobates,* and *weemsi* (Manville 1980). The validity of these subspecies delineations has been questioned and reassessed. Based on morphometric and genetic analyses, Wehausen and Ramey (1993) synonymized Peninsular bighorn with the subspecies *nelsoni*, which is the current taxonomy.

Bighorn sheep (*Ovis canadensis*) are found along the Peninsular Mountain Ranges from the San Jacinto Mountains of southern California south into the Volcan Tres Virgenes Mountains near Santa Rosalia, Baja California, Mexico, a total distance of approximately 800 kilometers (km) (500 miles (mi)). The area occupied by the distinct vertebrate population segment covered herein coincides with the range of the former subspecies *Ovis canadensis* cremnobates in California. The California Fish and Game Commission listed *Ovis canadensis* cremnobates as ''rare'' in 1971. The designation was changed to ''threatened'' by the California Department of Fish and Game (CDFG) to conform with terminology of the amended California Endangered Species Act.

The Peninsular bighorn sheep is similar in appearance to other desert bighorn sheep. The coat is pale brown, and the permanent horns, which become rough and scarred with age, vary in color from yellowish-brown to dark brown. The horns are massive and coiled in males; in females, they are smaller and not coiled. In comparison to other desert bighorn sheep, the Peninsular bighorn sheep is generally described as having paler coloration and having horns with very heavy bases (Cowan 1940).

The Peninsular bighorn sheep occurs on steep, open slopes, canyons, and washes in hot and dry desert regions where the land is rough, rocky, and sparsely vegetated. Most of these sheep live between 91 and 1,219 meters (m) (300 and 4,000 feet (ft)) in elevation, where average annual precipitation is less than 10 centimeters (cm) (4 inches (in)) and daily high temperatures average 104° Fahrenheit in the summer. Caves and other forms of shelter (*e.g.,* rock outcrops) are used during inclement weather. Lambing areas are associated with ridge benches or canyon rims adjacent to steep slopes or escarpments. Alluvial fans (sloping masses of gravel, sand, clay, and other sediments that widen out like fans at the base of canyons and washes) are also used for breeding, feeding, and movement.

Peninsular bighorn sheep use a wide variety of plant species as their food source (Turner 1976, Scott 1986). Cunningham (1982) determined that the bighorn sheep diet in Carrizo Canyon (at the south end of the U.S. Peninsular Ranges) consisted of 57 percent shrubs, 32 percent herbaceous annuals and perennials, 8 percent cacti, and 2 percent grasses. Scott (1986) and Turner (1976) reported similar diet compositions at the north end of the range. Diet composition varied among seasons (Cunningham 1982, Scott 1986), presumably because of variability in forage availability, selection of specific plant species during different times of the year (Scott 1986), and seasonal movements of bighorn sheep. As with water sources, forage resources near escape terrain may be most valuable to bighorn sheep, especially ewes (Bleich *et al.* 1997).

Peninsular bighorn sheep typically produce only one lamb per year. In the Peninsular Ranges, ewes estimated to be between 2 and 16 years of age have been documented to produce lambs (Ostermann *et al.* in prep., Rubin *et al.* in prep.). Rams are believed to be capable of successful breeding as early as 6 months of age (Turner and Hansen 1980). Lambs are born after a gestation of approximately 174 days (Shackleton *et al.* 1984). Lambing occurs from January through August (Service 1999); however, most lambs are born between February and April. Ewes and lambs frequently occupy steep terrain that provides escape cover and shelter from excessive heat; they tend to congregate near dependable water sources during the summer. Lambs are able to eat native grass within 2 weeks of their birth and are weaned between 4 and 6 months of age.

Bighorn ewes exhibit a high degree of site fidelity to their home range; this behavior is learned by their offspring (Geist 1971). By following older animals, young bighorn sheep gather knowledge regarding escape terrain, water sources, and lambing habitat (Geist 1971). Ewes that share portions of a range are likely to be more closely related to each other than they are to other ewes (Festa-Bianchet 1991, Boyce *et al.* 1999); and are referred to as ''ewe groups'' in this proposal. Rams do not show the same level of site fidelity and tend to range more widely, often moving among ewe groups. As young rams reach 2 to 4 years of age, they follow older rams away from their birth group during the fall breeding period, or rut, and often return after this period (Geist 1971, Festa-Bianchet 1991).

From May through October, Peninsular bighorn sheep are dependent on permanent sources of water and are typically more localized in distribution. Bighorn sheep populations aggregate during this period due to a combination of breeding activities and diminishing water sources. Summer concentration areas are associated primarily with

dependable water sources, and ideally provide a diversity of vegetation to meet the forage requirements of bighorn sheep.

Bighorn sheep are primarily diurnal (Krausman *et al.* 1985) but may be active at any time of day or night (Miller *et al.* 1984). Their daily activity pattern includes feeding and resting periods. As bighorn sheep rely on vigilance to detect predators; they benefit from gregariousness and group alertness (Geist 1971, Berger 1978). Within each ewe group, ewes appear to associate with other ewes based on their availability rather than on their matrilineal (descent through the mother) relationships (Festa-Bianchet 1991, Boyce *et al.* 1999). These subgroups are dynamic; that is, they may split, reform, or change membership on a daily or hourly basis as animals move through their home ranges.

The decline of the Peninsular bighorn sheep is attributed to a combination of factors, including: (1) The effects of disease and parasitism (Buechner 1960, DeForge and Scott 1982, DeForge *et al.* 1982, Jessup 1985, Wehausen *et al.* 1987, Elliott *et al.* 1994); (2) low lamb recruitment (DeForge *et al.* 1982, Wehausen *et al.* 1987, DeForge *et al.* 1995); (3) habitat loss, degradation, and fragmentation (Service 1999); and (4) predation (DeForge *et al.* 1997, Hayes *et al.* in prep.).

Disease has been identified as one of the factors responsible for population declines in the Peninsular Ranges and elsewhere. Analysis of exposure to disease-causing agents between 1978 and 1990 showed that Peninsular bighorn sheep populations and surrounding populations in southern California have higher levels of pathogen exposure than other populations of bighorn sheep in the State (Elliott *et al.* 1994). However, tests of exposure to pathogens have revealed the presence of antibodies to several infectious disease agents in healthy as well as clinically ill animals (Clark *et al.* 1993, Elliott *et al.* 1994; DeForge *et al.* 1997), and essentially all of the viruses, bacteria, and parasites that have been reported from Peninsular St. sheep appear to be widespread among desert big horn sheep in the western United States (Jessup *et al.* 1990). All evidence indicates that the influence of disease in the Peninsular Ranges has subsided in more recent years. For example, examinations of big horn sheep throughout the range indicate that most animals are clinically normal (DeForge *et al.* 1997, Borjesson *et al.* 2000). The reduced influence of disease on Peninsular big horn sheep (at the same time they are in decline) suggests that other factors, such as predation, habitat loss and modification, and human-related disturbance, currently limit the population.

In the Peninsular Ranges, a growing human population and increased activity adjacent to and within big horn sheep habitat are adversely affecting big horn sheep. Human development impacts sheep through habitat loss, fragmentation, or other modification; impacts also extend into big horn sheep habitat beyond the urban edge. These include increased noise, predator attraction, and an increased number of humans and their pets that venture into sheep habitat. Numerous researchers have expressed concern over the impact that human activity in big horn sheep habitat has on big horn sheep (*e.g.*, Jorgensen and Turner 1973, Hicks 1978, Leech 1979, Graham 1980, Cunningham 1982, DeForge and Scott 1982, Gross 1987, Smith and Krausman 1988, Sanchez *et al.* 1988). Although cases have been cited in which big horn sheep populations did not appear to be impacted by human activity (*e.g.*, Hicks and Elder 1979, Hamilton *et al.* 1982), numerous researchers, including the previous authors, have documented altered big horn sheep behavior in response to human-related disturbance. In addition to development, a variety of other human activities, such as hiking, mountain biking, horseback riding, camping, hunting, livestock grazing, and use of aircraft and off-road-vehicles, have the potential to disrupt normal big horn sheep social behaviors. Big Horn sheep may also alter their use of essential resources resulting in physiological effects or abandon traditional habitat as a result of human disturbance (McQuivey 1978, MacArthur *et al.* 1979, Leech 1979, Leslie and Douglas 1980, Graham 1980, MacArthur *et al.* 1982, Bates and Workman 1983, Miller and Smith 1985, Krausman and Leopold 1986, Krausman *et al.* 1989, Papouchis *et al.* 1999).

Mountain lion predation is an apparent limiting factor to some ewe groups in the Peninsular Ranges (Hayes *et al.* In prep.). Reported incidents of lion predation were not common in the past and predation was not considered to be a serious risk to big horn sheep (Weaver and Mensch 1970, Jorgensen and Turner 1975, Cunningham 1982), but the increase in the number of radio-collared big horn sheep since 1993 has increased the detection of such mortalities. Such observations need to be interpreted carefully, however, because it is possible that changes in other causes of mortality (such as diseases) have altered the proportion of mortalities attributed to lion predation. Although predation by other species such as coyotes and bobcats could reduce lamb recruitment, its impact is not well understood.

The Peninsular big horn sheep in the United States declined from an estimated 1,171 individuals in 1971 to about 570 individuals in 1991 (Bleach *et al.* 1992). Recent estimates now number the population at approximately 335 in about eight ewe groups in the wild in the United States

There are also two captive populations of Peninsular bighorn sheep. The Living Desert Museum, an educational and zoo facility in Palm Desert, California, maintains a small group (seven adult females and two adult males). The Bighorn Institute, also in Palm Desert, maintains a small captive herd of approximately 15 to 20 animals. This private, nonprofit organization, established in 1982 through a Memorandum of Understanding with the California Department of Fish and Game, conducts research and maintains a breeding herd at its facility. Since 1985, 77 animals from this herd have been released into the wild. Releases have occurred in the northern Santa Rosa Mountains (seventy-four releases from 1985 to 1998) and in the San Jacinto Mountains (3 during 1997) (Ostermann *et al.* in prep.).

The habitat still remaining for the Peninsular bighorn sheep in the United States is managed by: the California Department of Parks and Recreation (416,398 ac or 47 percent); California Department of Fish and Game (25,613 ac or 3 percent), Bureau of Land Management (BLM) (228,568 ac or 26 percent), private landowners (149,906 ac or 17 percent), Trust (20,462 ac or 2 percent) (tribal and allotted lands), U.S. Forest Service (23,073 ac or 3 percent), and other State and local entities (11,593 ac or 1 percent).

The Santa Rosa Mountains National Monument has been proposed in the Santa Rosa and San Jacinto Mountains. Since the proposed monument boundaries have not been finalized, we do not know how much of the monument will be within proposed Peninsular bighorn sheep critical habitat. The preliminary proposed monument configuration encompasses a variety of BLM, U.S. Forest Serivce, State, and private lands. Approximately 35% of the proposed critical habitat for Peninsular bighorn sheep overlaps this configuration.

Previous Federal Action

On September 18, 1985, the Service designated the Peninsular bighorn sheep as a category 2 candidate and solicited

status information (50 FR 37958). Category 2 included taxa for which the Service had information indicating that proposing to list as endangered or threatened was possibly appropriate, but for which sufficient data on biological vulnerability and threats were not currently available to support a proposed rule. In the January 6, 1989 (54 FR 554), Notice of Review, the Peninsular bighorn sheep was retained in category 2. In 1990, we initiated an internal status review of category 2 species. We completed this review in the spring of 1991; Peninsular bighorn sheep were changed from category 2 to category 1. Category 1 were those taxa for which we had sufficient information on biological vulnerability and threats to support proposals to list them as endangered or threatened. However, we inadvertently omitted this change to category 1 in the November 21, 1991, Animal Notice of Review (56 FR 58804), and the Peninsular bighorn sheep retained category 2 status. Beginning with our February 28, 1996, Notice of Review (61 FR 235), we discontinued the designation of multiple categories of candidates, and we now consider only taxa that meet the definition of former category 1 taxa as candidates for listing.

On July 15, 1991, we received a petition from the San Gorgonio Chapter of the Sierra Club to list the Peninsular bighorn sheep as an endangered species. The petition requested that the Service list, through emergency or normal procedures, the Peninsular bighorn sheep throughout its entire range. Alternatively, the petition requested the listing in at least the Santa Rosa and San Jacinto mountains of southern California. The Service used information from the status review and the July 15, 1991, petition to determine that substantial information existed indicating that the Peninsular bighorn sheep may be in danger of extinction throughout all or a significant portion of its range. This finding was made on December 30, 1991, pursuant to section 4(b)(3)(A) of the Act and was published in the **Federal Register** on May 8, 1992, as a proposed rule to list the Peninsular bighorn sheep as endangered (57 FR 19837). The proposed rule constituted the 1-year finding for the July 15, 1991, petitioned action. The proposed listing status was cited in the subsequent November 15, 1994 (59 FR 58982), and February 28, 1996 (61 FR 7596), Notices of Review. On February 14, 1995, the Sierra Club Legal Defense Fund (plaintiff) filed suit in Federal District Court for the Eastern District of California to compel the Secretary of the Interior and the Director of the Service to make a final determination to list the Peninsular bighorn sheep as an endangered or threatened species.

On April 10, 1995, Congress enacted a moratorium prohibiting work on listing actions (Public Law 104–6), thus preventing the Service from taking final listing action on the Peninsular bighorn sheep. The moratorium was lifted on April 26, 1996, by means of a Presidential waiver, at which time limited funding for listing actions was made available through the Omnibus Appropriations Act (Pub. L. No. 104–134, 100 Stat. 1321, 1996). The Service published guidance for restarting the listing program on May 16, 1996 (61 FR 24722).

In response to the Sierra Club Legal Defense suit, the District Court issued a stay order on April 10, 1996. On October 15, 1996, the plaintiff asked the Court to lift the stay and require the final Peninsular bighorn sheep listing decision within 30 days. On November 26, 1996, the District Court entered an order denying the plaintiff's request to lift the stay, but certified the issue underlying that denial for interlocutory (temporary) appeal.

Due to new information becoming available during the lapse between the original comment period (November 4, 1992) and lifting the listing moratorium, the Service reopened the public comment period on April 7, 1997, for 30 days (62 FR 16518). Because of additional requests, the Service reopened the public comment period again on June 17, 1997, for an additional 15 days (62 FR 32733).

To acquire additional information on the status, distribution, and management of bighorn sheep in Baja California, Mexico, the public comment period was reopened on October 27, 1997 (62 FR 55563), for another 15 days. During this third and last comment period extension, the Mexican Government submitted information that they had instituted a new conservation program for bighorn sheep. Due in part to the implementation of this conservation program, the southern boundary of the distinct vertebrate population segment was re-delineated at the United States/Mexico International Border.

On March 18, 1998, the bighorn sheep occupying the Peninsular Ranges of southern California were listed as endangered (63 FR 13134) pursuant to the Act. At the time of the listing, we concluded that designation of critical habitat was not prudent. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist: (1) The identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species. We concluded that critical habitat designation for the Peninsular bighorn sheep was not prudent because both of the described situations existed. We were concerned that publishing detailed maps of bighorn habitat would encourage human disturbance in sensitive areas, such as lambing habitat, rutting areas, and water sources, and result in increased disruption of bighorn sheep. We cited the rapidly growing human population in the Coachella Valley and the increasing recreational interest within bighorn habitat. We also concluded that designation of critical habitat did not add an additional regulatory benefit to bighorn sheep due to the limited Federal regulatory jurisdiction, through section 7 of the Act, for the majority of habitat necessary for conservation of the species. Therefore, we concluded that designation of critical habitat could increase the degree of threats to the species and would not provide any additional protection beyond existing regulatory mechanisms.

On December 18, 1998, the Southwest Center for Biological Diversity (Center) and Desert Survivors filed a complaint against the Service alleging that our ''not prudent'' findings were unsubstantiated. On September 17, 1999, we entered into a Settlement Agreement with the Center and Desert Survivors that stipulated a schedule for reviewing our prudency determination and publishing a Recovery Plan for Peninsular bighorn sheep. The schedule included the following dates—draft Recovery Plan, December 31, 1999; new proposed critical habitat determination, June 30, 2000; final Recovery Plan, October 31, 2000; and final determination of critical habitat as not prudent, September 30, 2000, or final critical habitat, by December 31, 2000. On December 31, 1999, we published the draft Recovery Plan for the Bighorn Sheep in the Peninsular Ranges (Service 1999).

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon

a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures that are necessary to bring an endangered or a threatened species to the point at which listing under the Act is no longer necessary.

We have reconsidered our previous prudency determination regarding the threats posed by a potential increase in disturbance of especially sensitive bighorn areas, such as lambing areas. Peninsular bighorn sheep distribution is not solely dependent on isolated habitat features, but requires a continuum of essential resources that allows the species to adapt to natural and unnatural environmental processes. Though bighorn sheep exhibit a high degree of site fidelity to their home range, their distributions are continually changing in response to changes in the environment. Peninsular bighorn sheep are considered a metapopulation, which is a group of smaller populations that occasionally exchange individuals and/or genetic material, usually through ram movement. As in any metapopulation, habitat restriction and fragmentation can impede dispersal and recolonization potential, thereby degrading the ability of the sub populations to interact. This is particularly true for large mammals that range widely to locate and exploit unpredictably changing sources of food, water, and shelter. Accordingly, we have used an ecosystem approach to delineate critical habitat that includes all of the essential habitat components, and does not highlight localized bighorn areas. Consequently, we conclude that designating critical habitat is not expected to increase the degree of threat from human activities.

Furthermore, we have determined that the limited section 7 nexus for the majority of Peninsular bighorn habitat, as discussed in the final listing rule, is not, by itself, an adequate basis for making a ''not prudent'' finding. Designation of critical habitat will also provide some educational benefit by identifying the range-wide habitat essential to the conservation of the species, and help provide a focus for interagency recovery efforts. Therefore, we now conclude that the benefits of designating critical habitat outweigh the potential negative impacts.

Critical habitat receives protection under the Act through the prohibition against destruction or adverse modification of critical habitat as set forth under section 7 of the Act with regard to actions carried out, funded, or authorized by a Federal agency. Section 7 also requires conferences on Federal actions that are likely to result in the adverse modification or destruction of proposed critical habitat. Aside from the protection that may be provided under section 7, the Act does not provide other forms of protection to lands designated as critical habitat. Critical habitat designation would not afford any protection under the Act to activities on private or other non-Federal lands that do not involve a Federal action.

Designating critical habitat does not, in itself, lead to recovery of a listed species. Designation does not create a management plan, set aside areas as preserves, establish numerical population goals, prescribe specific management actions (inside or outside of critical habitat), or directly affect areas not designated as critical habitat. Critical habitat identifies specific areas that have features that are essential to the conservation of a listed species and that may require special management considerations or protection. Specific management recommendations for areas designated as critical habitat are most appropriately addressed in recovery plans and management plans, and through section 7 consultation and section 10 permits.

Methods

In identifying areas that are essential to conserve the Peninsular bighorn sheep, we used the best scientific and commercial data available. This included data from research and survey observations published in peer-reviewed articles; recovery criteria and habitat analyses outlined in the draft Recovery Plan; discussions with, and data made available through, the Peninsular Bighorn Sheep Recovery Team; and regional Geographic Information System (GIS) coverages.

Primary Constituent Elements

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat, we are required to consider those physical and biological features (primary constituent elements) that are essential to the conservation of the species. These include, but are not limited to, space for individual and population growth, and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction and rearing of offspring; and habitats that are protected from disturbance or are representative of the historic geographical and ecological distribution of a species.

The areas that we are proposing to designate as critical habitat for Peninsular bighorn sheep provide some or all of those habitat components essential for the primary biological needs of feeding, resting, reproduction and population recruitment, dispersal, connectivity between ewe groups, and isolation from detrimental human disturbance. The primary biological and physical constituent elements that are essential to the conservation of Peninsular bighorn sheep include space for the normal behavior of groups and individuals; protection from disturbance; availability of a variety of native desert vegetation, including alluvial habitat that provides essential seasonal forage; a range of habitats that provide forage during periods of environmental stress, such as drought or predation; steep, remote habitat for lambing, rearing of young, and escape from disturbance and/or predation; water sources; suitable corridors allowing individual bighorn to move freely between ewe groups; and space and the essential habitat components to accommodate a recovered population. Areas with these primary constituent elements support or have the potential to support native forage elements, and provide, or could provide, connectivity between or within ewe groups.

Criteria Used To Identify Critical Habitat

The criteria for delineating Peninsular bighorn habitat was based on biological information in pertinent literature and the expert opinion of those most familiar with bighorn sheep in the Peninsular Ranges (*i.e.,* the recovery team). We used a quarter-section grid based on the Public Land Survey township, section, range coordinate system to delineate those areas identified in the draft recovery plan that contain the primary constituent elements. A small area of San Diego County within the Valle de San Felipe Land Grant was defined using Universal Transverse Mercator (UTM) coordinates.

We did not map critical habitat in sufficient detail to exclude all developed areas, such as scattered residential housing in sparsely inhabited regions, that do not contain primary constituent elements essential for bighorn conservation. Within the delineated critical habitat boundary, only lands supporting one or more constituent elements are considered critical habitat. Road and railroad rights-of-way and flood control facilities that must be traversed to maintain connectivity between sub-populations, or otherwise may provide food, water, or cover for Peninsular bighorn sheep are considered to support primary constituent elements.

We excluded habitat that is not considered essential to bighorn recovery from the proposed critical habitat boundary. This includes areas such as those that were historically used for migration between other mountain ranges but have been eliminated as migration areas due to development. While bighorn have been documented to use areas outside of proposed critical habitat, these areas are considered to be non-essential, largely due to fragmentation and/or proximity to development.

All proposed critical habitat is currently occupied and necessary to maintain connectivity between ewe groups. Maintaining connectivity between ewe groups and access to changing resource availability in a variable environment is a necessary component for continued viability of the metapopulations and to achieve recovery of Peninsular bighorn. Bighorn sheep are wide-ranging large animals that often move great distances. Thus we consider all critical habitat to be occupied by the species.

Proposed Critical Habitat Designation

The approximate area of proposed critical habitat by county and land ownership is shown in Table 1.

TABLE 1.—APPROXIMATE PROPOSED CRITICAL HABITAT AREA (HECTARES (ACRES)) BY COUNTY AND LAND OWNERSHIP

County	Federal*	Trust (tribal and allotted lands)	Local/State	Private	Total
Riverside	39,713 ha (98,135 ac)	6,594 ha (16,293 ac)	17,725 ha (43,081 ac)	35,256 ha (87,121 ac)	99,288 ha (245,350 ac)
San Diego	20,112 ha (49,699 ac)	0 ha (0 ac)	152,839 ha (377,677 ac)	16,245 ha (40,143 ac)	189,196 ha (467,519 ac)
Imperial	42,009 ha (103,808 ac)	1,687 ha (4,168 ac)	13,001 ha (32,126 ac)	9,163 ha (22,642 ac)	65,859 ha (162,744 ac)
Total	101,834 ha (251,642 ac)	8,281 ha (20,461 ac)	183,565 ha (453,604 ac)	60,664 ha (149,906 ac)	354,343 ha (875,613 ac)

*Federal lands include Bureau of Land Management and National Forest (U.S. Forest Service) lands.

Proposed critical habitat includes bighorn habitat in Riverside, San Diego, and Imperial Counties, California. Lands proposed are under private, Local/State, Trust (tribal and allotted lands), and Federal ownership, with Federal lands including those lands managed by the Bureau of Land Management (BLM) and U.S. Forest Service.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a) of the Act requires Federal agencies to ensure that actions they fund, authorize, or carry out do not destroy or adversely modify critical habitat to the extent that the action appreciably diminishes the value of the critical habitat for the survival and recovery of the species. Individuals, organizations, States, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding.

Section 7(a) of the Act requires Federal agencies, including the Service, to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory. We may issue a formal conference report if requested by a Federal agency. Formal conference reports on proposed critical habitat contain a biological opinion that is prepared according to 50 CFR 402.14, as if critical habitat were designated. We may adopt the formal conference report as the biological opinion when the critical habitat is designated, if no significant new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

If a species is listed or critical habitat is designated, section 7(a)(2) requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Through this consultation we ensure that the permitted actions do not destroy or adversely modify critical habitat.

When we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we also provide reasonable and prudent alternatives to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid destruction or adverse modification of critical habitat. Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where critical habitat is subsequently designated and the Federal agency has retained discretionary involvement or control over the action or such discretionary involvement or control is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation or conferencing with us on actions for which formal consultation has been completed if those actions may affect designated critical habitat or adversely modify or destroy proposed critical habitat.

Activities on Federal lands that may affect the Peninsular bighorn sheep or its critical habitat will require section 7 consultation. Activities on private or State lands requiring a permit from a Federal agency, such as a permit from the Corps under section 404 of the Clean Water Act, or some other Federal action, including funding (e.g., Federal Highway Administration, Federal Aviation Administration, or Federal Emergency Management Agency funding), will also be subject to the section 7 consultation process. Federal actions not affecting listed species or critical habitat and actions on non-Federal lands that are not federally funded or permitted do not require section 7 consultation.

Section 4(b)(8) of the Act requires us to evaluate briefly, in any proposed or final regulation that designates critical habitat, those activities involving a Federal action that may adversely modify such habitat or that may be affected by such designation. Activities that may destroy or adversely modify critical habitat include those that alter the primary constituent elements to an extent that the value of critical habitat for both the survival and recovery of the bighorn is appreciably reduced. We note that such activities may also jeopardize the continued existence of the species. Activities that, when carried out, funded, or authorized by a Federal agency, may directly or indirectly adversely affect critical habitat include, but are not limited to:

(1) Unauthorized destruction or degradation of habitat (as defined in the primary constituent elements discussion), including, but not limited to, clearing vegetation, bulldozing terrain, overgrazing, construction, road building, mining, and disturbing natural hydrology; and

(2) Appreciably decreasing habitat value or quality through indirect effects (*e.g.,* noise, edge effects, low-flying aircraft, invasion of exotic plants or animals, or fragmentation).

To properly portray the effects of critical habitat designation, we must first compare the section 7 requirements for actions that may affect critical habitat with the requirements for actions that may affect a listed species. Section 7 prohibits actions funded, authorized, or carried out by Federal agencies from jeopardizing the continued existence of a listed species or destroying or adversely modifying the listed species' critical habitat. Actions likely to ''jeopardize the continued existence'' of a species are those that would appreciably reduce the likelihood of the species survival and recovery. Actions likely to ''destroy or adversely modify'' critical habitat are those that would appreciably reduce the value of critical habitat for the survival and recovery of the listed species.

Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species. Given the similarity of these definitions, actions likely to destroy or adversely modify critical habitat would almost always result in jeopardy to the species concerned, particularly when the area of the proposed action is occupied by the species concerned. In those cases, the ramifications of designation of critical habitat are few or none. However, if occupied habitat becomes unoccupied in the future, there is a potential benefit to designation of critical habitat in such areas.

Federal agencies already consult with us on activities in areas currently occupied by the species to ensure that their actions do not jeopardize the continued existence of the species. These actions include, but are not limited to:

(1) Regulation of activities affecting waters of the United States by the Army Corps of Engineers under section 404 of the Clean Water Act;

(2) Regulation of water flows, damming, diversion, and channelization by Federal agencies;

(3) Regulation of grazing, mining, and recreation by the Bureau of Land Management and U.S. Forest Service;

(4) Road construction and maintenance, right-of-way designation, and regulation of agricultural activities by Federal agencies;

(5) Regulation of airspace and flight plans within the Federal Aviation Administration jurisdiction;

(6) Military training, maneuvers, and flights on applicable Department of Defense lands;

(7) Construction of roads and fences along the international border with Mexico, and associated immigration enforcement activities by the Immigration and Naturalization Service;

(8) Hazard mitigation and post-disaster repairs funded by the Federal Emergency Management Agency;

(9) Construction of communication sites licensed by the Federal Communications Commission; and

(10) Activities funded by the U.S. Environmental Protection Agency, U.S. Department of Energy, or any other Federal agency.

All proposed critical habitat is currently occupied and necessary to maintain connectivity between ewe groups. Bighorn sheep are wide-ranging large animals that often move great distances. Thus we consider all critical habitat to be occupied by the species. As Federal agencies already consult with us on activities in these areas that may affect the species to ensure that their actions do not jeopardize the continued existence of the species; we do not anticipate that additional regulatory protection will result from critical habitat designation.

Relationship to Habitat Conservation Plans

We expect that critical habitat may be used as a tool to identify those areas essential for the conservation of the species, and we will encourage development of Habitat Conservation Plans (HCPs) for such areas on non-Federal lands. Habitat conservation plans currently under development are intended to provide for protection and management of habitat areas essential for the conservation of the Peninsular bighorn sheep, while directing development and habitat modification to nonessential areas of lower habitat value. The HCP development process provides an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by the Peninsular bighorn sheep. The process also enables us to conduct detailed evaluations of the importance of such lands to the long-term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks.

The Coachella Valley Multiple Species Habitat Conservation Plan, currently under preparation, proposes coverage for Peninsular bighorn sheep. This effort represents an important opportunity to address the long-term conservation needs of Peninsular bighorn sheep throughout the private lands under city and county jurisdiction in Riverside County, and to integrate management with intermixed public lands. Within Imperial and San Diego Counties, Federal land ownership patterns, Federal funding and permitting, and extensive habitat protection on State lands, limit the prospects for HCPs that would include Peninsular bighorn sheep. We fully expect that HCPs undertaken by local jurisdictions (*e.g.,* counties, cities) and other parties will identify, protect, and provide appropriate management for those specific lands within the boundaries of the plans that are essential for the long-term conservation of the species. We believe and fully expect that our analyses of proposed HCPs and proposed projects under section 7 will show that covered activities carried out in accordance with the provisions of the HCPs and biological opinions will not result in

destruction or adverse modification of critical habitat.

We provide technical assistance and work closely with applicants throughout the development of HCPs to identify lands essential for the long-term conservation of the Peninsular bighorn sheep and appropriate conservation and management actions. Several HCP efforts are currently under way that address listed and nonlisted species in areas within the range of the Peninsular bighorn sheep and in areas we propose as critical habitat. These HCPs, which will incorporate appropriate adaptive management, should provide for the conservation of the species. We are soliciting comments on whether future approval of HCPs and issuance of section 10(a)(1)(B) permits for the Peninsular bighorn sheep should trigger revision of designated critical habitat to exclude lands within the HCP area and, if so, by what mechanism (see Public Comments Solicited section).

If you have questions regarding whether specific activities will constitute adverse modification of critical habitat, contact the Field Supervisor, Carlsbad Fish and Wildlife Offices (see **ADDRESSES** section). Requests for copies of the regulations on listed wildlife, and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Branch of Endangered Species, 911 N.E. 11th Ave, Portland, OR 97232 (telephone 503/231–2063; facsimile 503/231–6243).

Economic Analysis

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial data available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of designating these areas as critical habitat. We cannot exclude areas from critical habitat when the exclusion will result in the extinction of the species. We will conduct an analysis of the economic impacts of designating these areas as critical habitat prior to making a final determination. When completed, we will announce the availability of the draft economic analysis with a notice in the **Federal Register**, and we will open a 30-day comment period at that time.

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) The reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the benefits of designation will outweigh any benefits of exclusion;

(2) Specific information on the amount and distribution of Peninsular bighorn sheep habitat, and what habitat is essential to the conservation of the species, and why;

(3) Land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic or other impacts resulting from the proposed designation of critical habitat, in particular, any impacts on small entities or families; and,

(5) Economic and other values associated with designating critical habitat for the Peninsular bighorn sheep, such as those derived from nonconsumptive uses (*e.g.* enhanced watershed protection, increased soil retention, ''existence values,'' and reductions in administrative costs).

There are conservation-planning efforts now under way in areas we are proposing as critical habitat for the Peninsular bighorn sheep. We believe that areas covered by an approved HCP for the species would provide the long-term commitments necessary for the conservation of the species and would not meet the definition of critical habitat because they would not need special management consideration or protections. However, these HCPs are still being developed. Here we are proposing to designate critical habitat for areas that we believe are essential to the conservation of the species and need special management or protection.

We invite comments on the following, or other alternative approaches, for addressing critical habitat within the boundaries of future approved HCPs upon issuance of section 10(a)(1)(B) permits for the Peninsular bighorn sheep:

(1) Retain critical habitat designation within the HCP boundaries and use the section 7 consultation process on the issuance of the incidental take permit to ensure that any take we authorize will not destroy or adversely modify critical habitat;

(2) Revise the critical habitat designation upon approval of the HCP and issuance of the section 10(a)(1)(B) permit to retain only preserve areas, on the premise that they encompass areas essential for the conservation of the species within the HCP area and require special management and protection in the future. Assuming that we conclude, at the time an HCP is approved and the associated incidental take permit is issued, that the plan protects those areas essential to the conservation of the Peninsular bighorn sheep, we would revise the critical habitat designation to exclude areas outside any reserves, preserves, or other conservation lands established under the plan. Consistent with our listing program priorities, we would publish a proposed rule in the **Federal Register** to revise the critical habitat boundaries;

(3) As in (2) above, retain only preserve lands within the critical habitat designation, on the premise that they encompass areas essential for conservation of the species within the HCP area and require special management and protection in the future. However, under this approach, the exclusion of areas outside the preserve lands from critical habitat would occur automatically upon issuance of the incidental take permit. The public would be notified and have the opportunity to comment on the boundaries of the preserve lands and the revision of designated critical habitat during the public review and comment process for HCP approval and permitting;

(4) Remove designated critical habitat entirely from within the boundaries of an HCP when the plan is approved (including preserve lands), on the premise that the HCP establishes long-term commitments to conserve the species, and no additional special management or protection is required. This exclusion from critical habitat would occur automatically upon issuance of the incidental take permit. The public would be notified and have the opportunity to comment on the revision of designated critical habitat during the public notification process for HCP approval and permitting; or

(5) Remove designated critical habitat entirely from within the boundaries of an HCP when the plan is approved (including preserve lands), on the premise that the HCP establishes long-term commitments to conserve the species, and no further special management or protection is required. Consistent with our listing program priorities, we would publish a proposed rule in the **Federal Register** to revise the critical habitat boundaries.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours.

Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we will seek the expert opinions of at least three appropriate and independent specialists regarding this proposed rule. The purpose of such review is to ensure decisions are based on scientifically sound data, assumptions, and analyses. We will send these peer reviewers copies of this proposed rule immediately following publication in the **Federal Register**. We will invite these peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed designation of critical habitat.

We will consider all comments and data received during the 60-day comment period on this proposed rule during preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

Public Hearings

The Act provides for one or more public hearings on this proposal. Given the large geographic area covered by this proposal, the likelihood of requests, and the need to publish the final determination by December 31, 2000, we have scheduled two public hearings. The hearings are scheduled to be held on Thursday, July 20, 2000, from 1 p.m. until 3 p.m. and from 6 p.m. until 8 p.m. at the Wyndham Palm Springs Hotel, 888 E. Tahquitz Canyon Way, Palm Springs, California. Written comments submitted during the comment period will receive equal consideration as comments presented at the public hearing. For additional information on the public hearing see the **ADDRESSES** section.

Clarity of the Rule

Executive Order 12866 requires each agency to write regulations/notices that are easy to understand. We invite your comments on how to make proposed rules easier to understand including answers to questions such as the following: (1) Are the requirements in the document clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with the clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Is the description of the proposed rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? (5) What else could we do to make the proposed rule easier to understand?

Required Determinations

Regulatory Planning and Review

In accordance with Executive Order 12866, this document is a significant rule and has been reviewed by the Office of Management and Budget (OMB), under Executive Order 12866.

(a) In the economic analysis, we will determine if this rule will have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. The Peninsular bighorn sheep was listed as an endangered species in 1998. In fiscal years 1998 through 2000 we have conducted three formal section 7 consultations with other Federal agencies to ensure that their actions would not jeopardize the continued existence of the species.

Under the Act, critical habitat may not be adversely modified by a Federal agency action; critical habitat does not impose any restrictions on non-Federal persons unless they are conducting activities funded or otherwise sponsored or permitted by a Federal agency (see Table 2 below).

TABLE 2.—IMPACTS OF PENINSULAR BIGHORN SHEEP LISTING AND CRITICAL HABITAT DESIGNATION

Categories of activities	Activities potentially affected by species listing only	Additional activities potentially affected by critical habitat designation
Federal activities potentially affected.	Activities such as those affecting U.S. waters by the Army Corps of Engineers under section 404 of the Clean Water Act; Regulation of water flows, damming, diversion, and channelization by Federal agencies; Regulation of grazing, mining, and recreation by the Bureau of Land Management and U.S. Forest Service; Road construction and maintenance, right-of-way designation, and regulation of agricultural activities; Regulation of airspace and flight plans within the Federal Aviation Administration jurisdiction; Military training, maneuvers, and flights on applicable Department of the Defense lands; Construction of roads and fences along the international border with Mexico, and associated immigration enforcement activities by the Immigration and Naturalization Service; Hazard mitigation and post-disaster repairs funded by the Federal Emergency Management Agency; Construction of communication sites licensed by the Federal Communications Commission; and Activities funded by the U.S. Environmental Protection Agency, U.S. Department of Energy, or any other Federal agency.	None.
Private or other non-Federal Activities potentially affected.	Activities that destroy bighorn whether directly (*e.g.* grading, overgrazing, construction, road building, mining, etc.) or through indirect effects (*e.g.* noise, edge effects, invasion of exotic species, or fragmentation) that require a Federal action (permit, authorization, or funding).	None.

Section 7 requires Federal agencies to ensure that they do not jeopardize the continued existence of the species. Based upon our experience with the species and its needs, we conclude that any Federal action or authorized action that could potentially cause an adverse modification of the proposed critical habitat would currently be considered as ''jeopardy'' under the Act. Accordingly, the designation of critical habitat does not have any incremental

impacts above the listing on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding. Non-Federal persons that do not have any Federal involvement with their actions are not restricted by the designation of critical habitat, however, they continue to be bound by the provisions of the Act concerning ''take'' of the species.

(b) This rule will not create inconsistencies with other agencies' actions. As discussed above, Federal agencies have been required to ensure that their actions do not jeopardize the continued existence of the Peninsular bighorn sheep since the listing in 1998. The prohibition against adverse modification of critical habitat is not expected to impose any additional restrictions to those that currently exist in occupied areas of proposed critical habitat. Because of the potential for impacts on other Federal agency activities, we will continue to review this proposed action for any inconsistencies with other Federal agency actions.

(c) This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies are currently required to ensure that their activities do not jeopardize the continued existence of the species, and as discussed above, we do not anticipate that the adverse modification prohibition (resulting from critical habitat designation) will have any incremental effects.

(d) This rule will not raise novel legal or policy issues. The proposed rule follows the requirements for determining critical habitat contained in the Endangered Species Act.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

In the economic analysis (under section 4 of the Act), we will determine whether designation of critical habitat will have a significant effect on a substantial number of small entities. As discussed under the Regulatory Planning and Review section, this rule is not expected to result in any restrictions in addition to those currently in existence. As indicated on Table 1 (see Proposed Critical Habitat Designation section) we have designated critical habitat on property owned by Federal, State, Tribal, and local governments, and private property.

Within these areas, the types of Federal actions or authorized activities that we have identified as potential concerns are:

(1) Regulation of activities affecting waters of the United States by the Army Corps of Engineers under section 404 of the Clean Water Act;

(2) Regulation of water flows, damming, diversion, and channelization by Federal agencies;

(3) Regulation of grazing, mining, and recreation by the Bureau of Land Management and U.S. Forest Service;

(4) Road construction and maintenance, right-of-way designation, and regulation of agricultural activities by Federal agencies;

(5) Regulation of airspace and flight plans within the Federal Aviation Administration jurisdiction;

(6) Military training, maneuvers, and flights by Department of Defense lands;

(7) Construction of roads and fences along the International Border with Mexico, and associated immigration enforcement activities by the Immigration and Naturalization Service;

(8) Hazard mitigation and post-disaster repairs funded by the Federal Emergency Management Agency;

(9) Construction of communication sites licensed by the Federal Communications Commission; and,

(10) Activities funded by the U.S. Environmental Protection Agency, U.S. Department of Energy, or any other Federal agency.

Many of these activities sponsored by Federal agencies within the proposed critical habitat areas are carried out by small entities (as defined by the Regulatory Flexibility Act) through contract, grant, permit, or other Federal authorization. As discussed above, these actions are currently required to comply with the listing protections of the Act, and the designation of critical habitat is not anticipated to have any additional effects on these activities.

For actions on non-Federal property that do not have a Federal nexus (such as funding or authorization), the current restrictions concerning ''take'' of the species remain in effect, and this rule will have no additional restrictions.

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

In the economic analysis, we will determine whether designation of critical habitat will cause (a) any effect on the economy of $100 million or more, (b) any increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions in the economic analysis, or (c) any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(a) This rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. Small governments will only be affected to the extent that any programs having Federal funds, permits or other authorized activities must ensure that their actions will not adversely affect the critical habitat. However, as discussed above, these actions are currently subject to equivalent restrictions through the listing protections of the species, and no further restrictions are anticipated.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year, that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications. A takings implication assessment is not required. As discussed above, the designation of critical habitat affects only Federal agency actions. The rule will not increase or decrease the current restrictions on private property concerning take of the Peninsular bighorn sheep. Due to current public knowledge of the species protection, the prohibition against take of the species both within and outside of the designated areas, and the fact that critical habitat provides no incremental restrictions, we do not anticipate that property values will be affected by the critical habitat designation. Additionally, critical habitat designation does not preclude development of habitat conservation plans and issuance of incidental take permits. Landowners in areas that are included in the designated critical habitat will continue to have opportunity to utilize their property in ways consistent with the survival of the bighorn.

Federalism

In accordance with Executive Order 13132, the rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of the Interior and Department of Commerce policy, the Service requested information from, and coordinated development of this critical

habitat proposal with, appropriate State resource agencies in California, as well as during the listing process. The designation of critical habitat for Peninsular bighorn sheep imposes no additional restrictions to those currently in place, and, therefore, has little incremental impact on State and local governments and their activities. The designation may have some benefit to these governments in that the areas essential to the conservation of the species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While making this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long-range planning (rather than waiting for case-by-case section 7 consultations to occur) and may lead to quicker recovery of the species.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. We designate critical habitat in accordance with the provisions of the Act and plan public hearings on the proposed designation during the comment period. The rule uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the Peninsular bighorn sheep.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any information collection requirements for which Office of Management and Budget approval under the Paperwork Reduction Act is required.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

We have determined that there are Tribal Trust lands essential for the conservation of the Peninsular bighorn sheep because they contain the primary constituent elements that support Peninsular bighorn sheep populations, and provide essential linkages between ewe groups in the Peninsular Ranges metapopulation. Therefore, we are proposing to designate critical habitat for the bighorn on Trust lands of the Morongo Band of Mission Indians, Aqua Caliente Band of Cahuilla Indians, and Torres-Martinez Desert Cahuilla Indians. Subsequent to this proposal, we will consult with the Tribes before making a final determination as to whether any Tribal lands should be included as critical habitat for the Peninsular bighorn sheep. We will consider whether these Tribal lands require special management considerations or protection; we may also exclude some or all of these lands from critical habitat upon a determination that the benefits of excluding them outweighs the benefits of designating these areas as critical habitat, as provided under section 4(b)(2) of the Act. This consultation will take place under the auspices of Secretarial Order 3206 and the Presidential Memorandum of April 29, 1994, which require us to coordinate with federally recognized Tribes on a Government-to-Government basis.

Lands within the Aqua Caliente Reservation necessary to the survival and recovery of Peninsular bighorn sheep occur within the current home range of the San Jacinto Mountains ewe group and provide a dispersal linkage to the northern Santa Rosa Mountains ewe group. The Tribe and Service are coordinating on the development of a habitat management plan that would protect Peninsular bighorn sheep and more clearly define how Indian lands would contribute to regional conservation planning and the overall recovery program for Peninsular bighorn sheep. This management plan will be considered in our final decision on critical habitat designation.

On the Torres-Martinez Reservation, the Tribe and Service are coordinating on a habitat analysis and will complete a management plan, if appropriate, prior to making a decision on the value of Reservation lands to conservation of bighorn sheep.

References Cited

A complete list of all references cited in this proposed rule is available upon request from the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

Author

The primary authors of this notice are the Carlsbad Fish and Wildlife Office staff (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

For the reasons given in the preamble, we propose to amend 50 CFR part 17 as set forth below:

PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat 3500; unless otherwise noted.

2. In § 17.11(h) revise the entry for ''Sheep, bighorn'' under ''MAMMALS'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*		*
Sheep, bighorn	*Ovis canadensis*	U.S.A. (western conterminous States), Canada (southwestern), Mexico (northern).	U.S.A., (CA) Peninsular Ranges.	E	634	17.95(a)	NA
*	*	*	*	*	*		*

3. In § 17.95 add critical habitat for the bighorn sheep (Peninsular Ranges) (*Ovis canadensis*) under paragraph (a) in the same alphabetical order as this species occurs in § 17.11(h), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

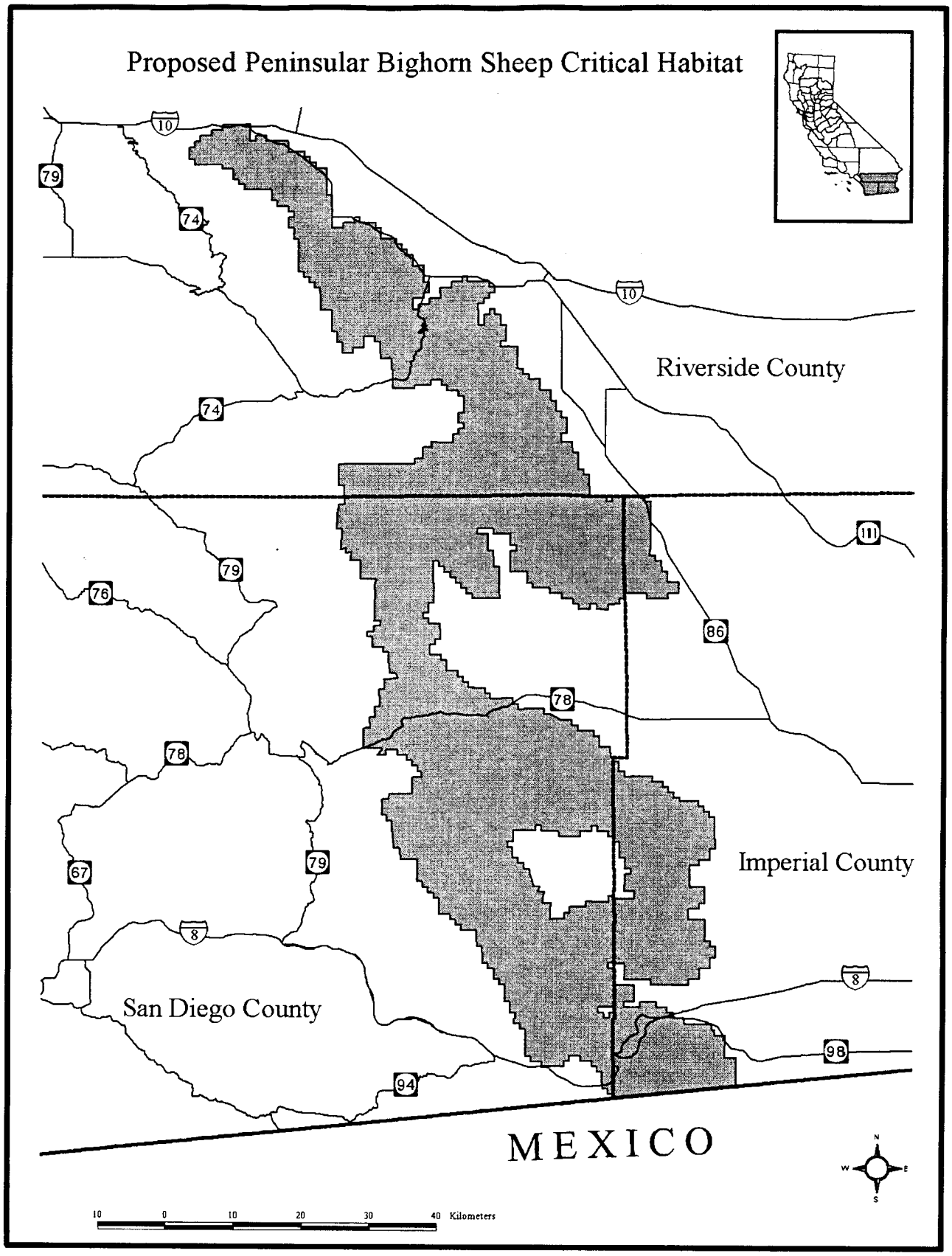
(a) *Mammals.*

* * * * *

Bighorn sheep (Peninsular Ranges) (*Ovis canadensis*)

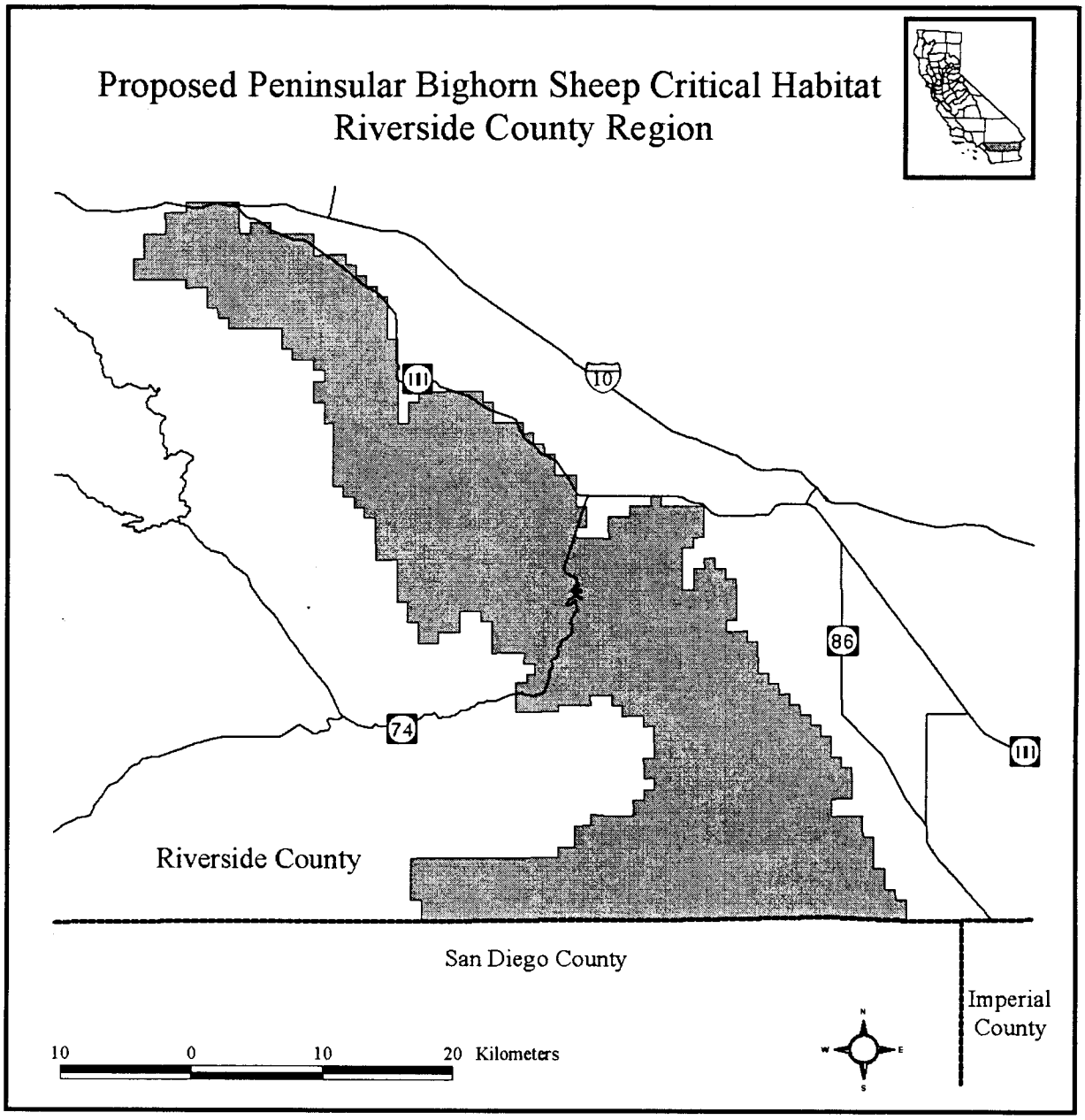
1. Critical habitat is depicted for Riverside, San Diego, and Imperial Counties, California, on the maps below.

BILLING CODE 4310–55–P

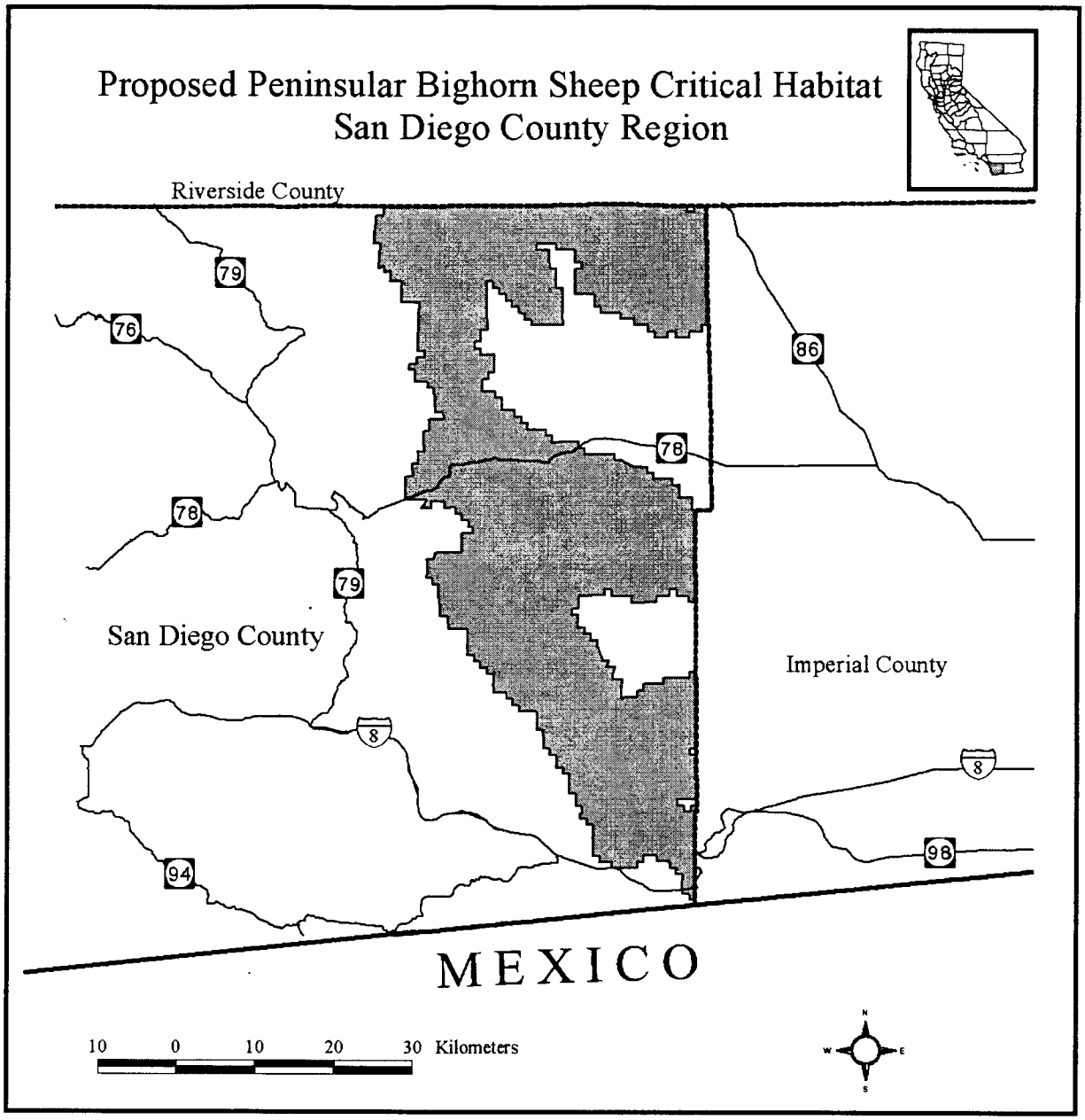

Proposed Peninsular Bighorn Sheep Critical Habitat
Riverside County
Imperial County
San Diego County
MEXICO
10
79
74
111
76
86
78
67
8
98
94
N
W
E
S
10 0 10 20 30 40 Kilometers

2. Within these areas, the primary constituent elements for Peninsular bighorn sheep are those habitat components that are essential for the primary biological needs of feeding, resting, reproduction and population recruitment, dispersal, connectivity between ewe groups, and isolation from detrimental human disturbance. The principal biological and physical constituent elements that are essential to the conservation of Peninsular bighorn sheep includes space for the normal behavior of groups and individuals; protection from disturbance; availability of a variety of native desert vegetation, including alluvial habitat that provides essential seasonal forage; the ability to utilize a range of habitats during periods of environmental stress, such as drought or predation; steep, remote habitat for lambing, rearing of young, and escape from disturbance and/or predation; water sources; the ability of individual bighorn to move freely between ewe groups; space and the essential habitat components to accommodate a recovered population. Primary constituent elements exist in areas that support, or have the potential to support, native forage elements and provide, or could provide, connectivity between or within ewe groups. These areas and associated habitat that provide the variety of necessary habitat components and connectivity were used to identify critical habitat.

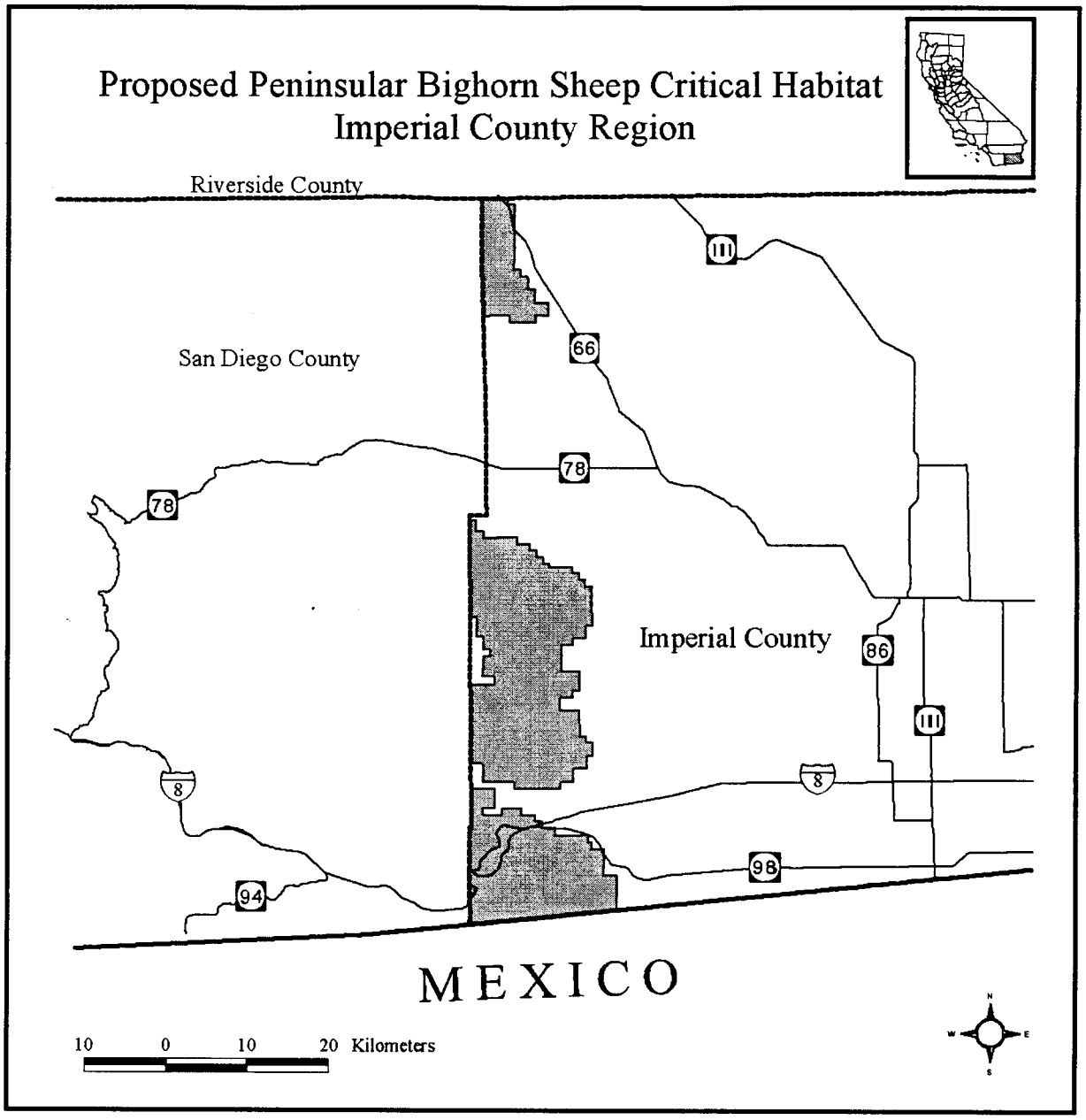
Map Unit 1: Riverside County, California. From USGS 1:100,000 quadrangle maps Borrego Valley (1982), and Palm Springs (1982), California. Lands within T3S, R2E, S13; T3S, R2E, S14SE; T3S, R2E, S14NE; T3S, R2E, S23–S26; T3S, R2E, S27NE; T3S, R2E, S27SE; T3S, R3E, S7SE; T3S, R3E, S7SW; T3S, R3E, S8SE; T3S, R3E, S8SW; T3S, R3E, S9SW; T3S, R3E, S15SE; T3S, R3E, S15SW; T3S, R3E, S16NW; T3S, R3E, S16SW; T3S, R3E, S17–S30; T3S, R3E, S31NW; T3S, R3E, S31NE; T3S, R3E, S32–S36; T3S, R4E, S29NW; T3S, R4E, S29SW; T3S, R4E, S29SE; T3S, R4E, S30–S32; T3S, R4E, S33NW; T3S, R4E, S33SW; T3S, R4E, S33SE; T4S, R3E, S1–S4; T4S, R3E, S5NW; T4S, R3E, S5NE; T4S, R3E, S5SE; T4S, R3E, S9NE; T4S, R3E, S9NW; T4S, R3E, S10NW; T4S, R3E, S10NE; T4S, R3E, S11NW; T4S, R3E, S11NE; T4S, R3E, S11SE; T4S, R3E, S12–S13; T4S, R3E, S14NE; T4S, R4E, S3NW; T4S, R4E, S3SW; T4S, R4E, S4–S9; T4S, R4E, S10NW; T4S, R4E, S10SW; T4S, R4E, S15–S18; T4S, R4E, S19NW; T4S, R4E, S19NE; T4S, R4E, S19SE; T4S, R4E, S20–S22; T4S, R4E, S25SW; T4S, R4E, S25SE; T4S, R4E, S27–S30; T4S, R4E, S31NE; T4S, R4E, S31SE; T4S, R4E, S32–34; T4S, R4E, S35SE; T4S, R4E, S35NE; T4S, R4E, S36; T4S, R5E, S29SE; T4S, R5E, S29SW; T4S, R5E, S30NW; T4S, R5E, S30SW; T4S, R5E, S30SE; T4S, R5E, S31–S32; T4S, R5E, S33NW; T4S, R5E, S33SW; T5S, R4E, S1–S5; T5S, R4E, S8–S17; T5S, R4E, S20NE; T5S, R4E, S21–S27; T5S, R4E, S28NE; T5S, R4E, S34–S36; T5S, R5E, S2SW; T5S, R5E, S3–S11; T5S, R5E, S12SW; T5S, R5E, S13NW; T5S, R5E, S13SW; T5S, R5E, S13SE; T5S, R5E, S14–35; T5S, R5E, S36NW; T5S, R5E, S36NE; T5S, R5E, S36SW; T5S, R6E, S18SW; T5S, R6E, S19NW; T5S, R6E, S19SW; T5S, R6E, S23SW; T5S, R6E, S25–S27; T5S, R6E, S28SW; T5S, R6E, S28SE; T5S, R6E, S30; T5S, R6E, S31NW; T5S, R6E, S31SE; T5S, R6E, 32SW; T5S, R6E, S32SE; T5S, R6E, S33–S36; T5S, R7E, S30NW; T5S, R7E, S30SW; T5S, R7E, S31NW; T6S, R4E, S1–S2; T6S, R4E, S3NW; T6S, R4E, S3NE; T6S, R4E, S11–S13; T6S, R4E, S14NW; T6S, R4E, S14NE; T6S, R4E, S14SE; T6S, R4E, S23NE; T6S, R4E, S24; T6S, R4E, S25NW; T6S, R4E, S25NE; T6S, R5E, S1NW; T6S, R5E, S1SW; T6S, R5E, S1SE; T6S, R5E, S2–S19; T6S, R5E, S21NW; T6S, R5E, S21NE; T6S, R5E, S21SE; T6S, R5E, S22–S27; T6S, R5E, S28NE; T6S, R5E, S28SE; T6S, R5E, S35NW; T6S, R5E, S35NE; T6S, R5E, S35SE; T6S, R5E, S36; T6S, R6E, S1NW; T6S, R6E, S1SW; T6S, R6E, S2–S5; T6S, R6E, S6NE; T6S, R6E, S6SE; T6S, R6E, S6SW; T6S, R6E, S7–S11; T6S, R6E, S12NW; T6S, R6E, S12SW; T6S, R6E, S13–S36; T6S, R7E, S6SE; T6S, R7E, S7; T6S, R7E, S8SW; T6S, R7E, S8SE; T6S, R7E, S17–S19; T6S, R7E, S20NW; T6S, R7E, S20NE; T6S, R7E, S20SW; T6S, R7E, S28NW; T6S, R7E, S28SW; T6S, R7E, S28SE; T6S, R7E, S29–S33; T7S, R5E, S1; T7S, R5E, S2NE; T7S, R5E, S2SE; T7S, R5E, S2SW; T7S, R5E, S11–S12; T7S, R6E, S1–S6; T7S, R6E, S7NW; T7S, R6E, S7NE; T7S, R6E, S9NE; T7S, R6E, S9NW; T7S, R6E, S9SE; T7S, R6E, S10–S14; T7S, R6E, S15NE; T7S, R6E, S23–S26; T7S, R6E, S27NE; T7S, R6E, S27SE; T7S, R6E, S34SE; T7S, R6E, S35–S36; T7S, R7E, S3NW; T7S, R7E, S3SW; T7S, R7E, S3SE; T7S, R7E, S4–S10; T7S, R7E, S11NW; T7S, R7E, S11SE; T7S, R7E, S11SW; T7S, R7E, S13NW; T7S, R7E, S13SE; T7S, R7E, S13SW; T7S, R7E, S14–S36; T7S, R8E, S19NW; T7S, R8E, S19SW; T7S, R8E, S29SW; T7S, R8E, S30–S31; T7S, R8E, S32NW; T7S, R8E, S32SW; T8S, R4E, S24–S25; T8S, R4E, S36NE; T8S, R4E, S36SE; T8S, R5E, S19–S36; T8S, R6E, S1–S3; T8S, R6E, S7SE; T8S, R6E, S8–S17; T8S, R6E, S18NE; T8S, R6E, S18SE; T8S, R6E, S18SW; T8S, R6E, S19–S36; T8S, R7E, S1–S36; T8S, R8E, S6NW; T8S, R8E, S6SW; T8S, R8E, S7–S8; T8S, R8E, S16NW; T8S, R8E, S16SW; T8S, R8E, S17–S20; T8S, R8E, S21NW; T8S, R8E, S21SE; T8S, R8E, S21SW; T8S, R8E, S27SW; T8S, R8E, S28–S34.


Proposed Peninsular Bighorn Sheep Critical Habitat
Riverside County Region
111
10
86
74
111
Riverside County
San Diego County
Imperial County
10 0 10 20 Kilometers
N
W
E
S

Map Unit 2: San Diego County, California. From USGS 1:100,000 quadrangle maps Borrego Valley (1982) and El Cajon (1979), California. Lands within T9S, R4E, S1; T9S, R4E, S2SE; T9S, R4E, S11NE; T9S, R4E, S11SE; T9S, R4E, S12–S13; T9S, R4E, S14NE; T9S, R4E, S24; T9S, R4E, S25NW; T9S, R4E, S25NE; T9S, R4E, S25SE; T9S, R5E, S1–S36; T9S, R6E, S1–13; T9S, R6E, S14NW; T9S, R6E, S14NE; T9S, R6E, S15–S23; T9S, R6E, S24SW; T9S, R6E, S24SE; T9S, R6E, S25–S36; T9S, R7E, S1–S18; T9S, R7E, S19NE; T9S, R7E, S20NW; T9S, R7E, S20NE; T9S, R7E, S21–S27; T9S, R7E, S28NW; T9S, R7E, S28NE; T9S, R7E, S28SE; T9S, R7E, S31NW; T9S, R7E, S31SW; T9S, R7E, S33–S36; T9S, R8E, S1NE; T9S, R8E, S1SE; T9S, R8E, S1SW; T9S, R8E, S2NW; T9S, R8E, S2SW; T9S, R8E, S2SE; T9S, R8E, S3–S36; T10S, R5E, S1–S5; T10S, R5E, S8NW; T10S, R5E, S8NE; T10S, R5E, S9–S28; T10S, R5E, S33NE; T10S, R5E, S33NW; T10S, R5E, S33SE; T10S, R5E, S34–S36; T10S, R6E, S1–S4; T10S, R6E, S5NE; T10S, R6E, S6–S7; T10S, R6E, S9NE; T10S, R6E, S10–S14; T10S, R6E, S15NE; T10S, R6E, S18–S19; T10S, R6E, S23NE; T10S, R6E, S24NW; T10S, R6E, S24NE; T10S, R6E, S30NW; T10S, R6E, S30SW; T10S, R7E, S1–S4; T10S, R7E, S6NW; T10S, R7E, S6SW; T10S, R7E, S6SE; T10S, R7E, S7; T10S, R7E, S10NE; T10S, R7E, S10SE; T10S, R7E, S11–S12; T10S, R7E, S13NW; T10S, R7E, S13NE; T10S, R7E, S13SE; T10S, R7E, S14NW; T10S, R7E, S14NE; T10S, R7E, S18; T10S, R7E, S19NW; T10S, R7E, S19NE; T10S, R8E, S1–S18; T10S, R8E, S19NE; T10S, R8E, S20NE; T10S, R8E, S20NW; T10S, R8E, S20SE; T10S, R8E, S21–S23; T10S, R8E, S24NW; T10S, R8E, S24NE; T10S, R8E, S24SW; T10S, R8E, S26NW; T10S, R8E, S27NE; T10S, R8E, S28NW; T10S, R8E, S28NE; T11S, R5E, S1–S4; T11S, R5E, S5SE; T11S, R5E, S9–S14; T11S, R5E, S15NE; T11S, R5E, S15NW; T11S, R5E, S15SE; T11S, R5E, S22NE; T11S, R5E, S22SE; T11S, R5E, S23–S26; T11S, R5E, S27NE; T11S, R5E, S34–S36; T11S, R6E, S5NW; T11S, R6E, S5SW; T11S, R6E, S6–S7; T11S, R6E, S18NW; T11S, R6E, S18SW; T11S, R6E, S19; T11S, R6E, S20NW; T11S, R6E, S20SW; T11S, R6E, S20SE; T11S, R6E, S28SW; T11S, R6E, S28SE; T11S, R6E, S29–S33; T11S, R6E, S34NW; T11S, R6E, S34SW; T11S, R6E, S34SE; T12S, R5E, S1–S3; T12S, R5E, S4NE; T12S, R5E, S4SE; T12S, R5E, S9NE; T12S, R5E, S9SE; T12S, R5E, S9SW; T12S, R5E, S10–S16; T12S, R5E, S17SE; T12S, R5E, S20NE; T12S, R5E, S20SE; T12S, R5E, S20SW; T12S, R5E, S21–S33; T12S, R5E, S34NE; T12S, R5E, S34NW; T12S, R5E, S35–S36; T12S, R6E, S1NW; T12S, R6E, S1SW; T12S, R6E, S1SE; T12S, R6E, S2–S36; T12S, R7E, S7–S8; T12S, R7E, S9SW; T12S, R7E, S13SE; T12S, R7E, S13SW; T12S, R7E, S14SW; T12S, R7E, S15–S36; T12S, R8E, S18SE; T12S, R8E, S18SW; T12S, R8E, S19; T12S, R8E, S20NW; T12S, R8E, S20SW; T12S, R8E, S20SE; T12S, R8E, S21SW; T12S, R8E, S21SE; T12S, R8E, S27SW; T12S, R8E, S28–S34; T12S, R8E, S35NW; T12S, R8E, S35SW; T13S, R5E, S1NW; T13S, R5E, S1NE; T13S, R5E, S1SE; T13S, R5E, S13SE; T13S, R5E, S13NE; T13S, R5E, S22SE; T13S, R5E, S23SW; T13S, R5E, S23SE; T13S, R5E, S24NE; T13S, R5E, S24SW; T13S, R5E, S24SE; T13S, R5E, S25–S27; T13S, R5E, S34NW; T13S, R5E, S34NE; T13S, R5E, S34SE; T13S, R5E, S35–S36; T13S, R6E, S1–S6; T13S, R6E, S7NW; T13S, R6E, S7NE; T13S, R6E, S7SE; T13S, R6E, S8–S36; T13S, R7E, S1–S36; T13S, R8E, S1–S36; T14S, R5E, S1–S2; T14S, R5E, S11–S13; T14S, R5E, S14NW; T14S, R5E, S14NE; T14S, R5E, S14SE; T14S, R5E, S23NE; T14S, R5E, S24NE; T14S, R5E, S24NW; T14S, R6E, S1–S30; T14S, R6E, S31NW; T14S, R6E, S31NE; T14S, R6E, S31SE; T14S, R6E, S32–S36; T14S, R7E, S1NW; T14S, R7E, S1NE; T14S, R7E, S1SE; T14S, R7E, S2–S9; T14S, R7E, S16NW; T14S, R7E, S16SE; T14S, R7E, S16SW; T14S, R7E, S17–S21; T14S, R7E, S22SW; T14S, R7E, S26SW; T14S, R7E, S27–S34; T14S, R7E, S35NW; T14S, R7E, S35SW; T14S, R8E, S1; T14S, R8E, S2NE; T14S, R8E, S2NW; T14S, R8E, S2SE; T14S, R8E, S3–S6; T14S, R8E, S8NW; T14S, R8E, S8NE; T14S, R8E, S9NW; T14S, R8E, S9NE; T14S, R8E, S12NE; T15S, R6E, S1–S4; T15S, R6E, S5NW; T15S, R6E, S5NE; T15S, R6E, S5SE; T15S, R6E, S9–S15; T15S, R6E, S16NW; T15S, R6E, S16NE; T15S, R6E, S22NE; T15S, R6E, S23–S24; T15S, R6E, S25NE; T15S, R6E, S25SE; T15S, R6E, S36NE; T15S, R7E, S1SW; T15S, R7E, S2–S11; T15S, R7E, S12NW; T15S, R7E, S12SW; T15S, R7E, S12SE; T15S, R7E, S13–S36; T15S, R8E, S10SE; T15S, R8E, S11SW; T15S, R8E, S11SE; T15S, R8E, S12NE; T15S, R8E, S12SW; T15S, R8E, S12SE; T15S, R8E, S13–S16; T15S, R8E, S17SE; T15S, R8E, S19–S36; T16S, R7E, S1–S6; T16S, R7E, S7NE; T16S, R7E, S8–S16; T16S, R7E, S17NW; T16S, R7E, S17NE; T16S, R7E, S17SE; T16S, R7E, S21–S27; T16S, R7E, S28NW; T16S, R7E, S28NE; T16S, R7E, S28SE; T16S, R7E, S33NE; T16S, R7E, S34–36; T16S, R8E, S1–S34; T16S, R8E, S35NW; T16S, R8E, S35SW; T16S, R8E, S35SE; T16S, R8E, S36SE; T17S, R7E, S1–S2; T17S, R7E, S3NE; T17S, R7E, S3NW; T17S, R7E, S3SE; T17S, R7E, S11–S14; T17S, R7E, S23NW; T17S, R7E, S23NE; T17S, R7E, S23SE; T17S, R7E, S24; T17S, R7E, S25NE; T17S, R8E, S1–S20; T17S, R8E, S21NW; T17S, R8E, S21NE; T17S, R8E, S22–S25; T17S, R8E, S26NW; T17S, R8E, S26NE; T17S, R8E, S26SE; T17S, R8E, S29NW; T17S, R8E, S30NW; T17S, R8E, S30NE; T17S, R8E, S36; T18S, R8E, S1NW; T18S, R8E, S1NE; T18S, R8E, S1SE. The following lands within the Valle de San Felipe Land Grant bounded by UTM zone 11, NAD27 coordinates (X, Y): 547000, 3664000; 548000, 3664000; 548000, 3663000; 552000, 3663000; 552000, 3662000; 551000, 3662000; 551000, 3661000; 547000, 3661000; 547000, 3664000.


Proposed Peninsular Bighorn Sheep Critical Habitat
San Diego County Region
Riverside County
79
76
86
78
78
79
San Diego County
Imperial County
8
8
94
98
MEXICO
10 0 10 20 30 Kilometers
N
W
E
S

Map Unit 3: Imperial County, California. From USGS 1:100,000 quadrangle maps Borrego Valley (1982), El Cajon (1979), Salton Sea (1982), and El Centro (1982), California. Lands within T9S, R9E, S5SW; T9S, R9E, S6–S8; T9S, R9E, S9SW; T9S, R9E, S16NW; T9S, R9E, S16SW; T9S, R9E, S17–S20; T9S, R9E, S21NW; T9S, R9E, S21SW; T9S, R9E, S28NW; T9S, R9E, S28SW; T9S, R9E, S29–S32; T9S, R9E, S33NW; T9S, R9E, S33SE; T9S, R9E, S33SW; T10S, R9E, S3NW; T10S, R9E, S3SW; T10S, R9E, S4–S9; T10S, R9E, S10NW; T10S, R9E, S10SE; T10S, R9E, S10SW; T10S, R9E, S14–S18; T10S, R9E, S21NE; T10S, R9E, S21NW; T10S, R9E, S22NE; T10S, R9E, S22NW; T13S, R9E, S6SW; T13S, R9E, S7NW; T13S, R9E, S7SE; T13S, R9E, S7SW; T13S, R9E, S14SW; T13S, R9E, S15NW; T13S, R9E, S15SE; T13S, R9E, S15SW; T13S, R9E, S16–S23; T13S, R9E, S24SW; T13S, R9E, S25–S36; T13S, R10E, S29SW; T13S, R10E, S30–S32; T13S, R10E, S33SW; T14S, R9E, S1–S17; T14S, R9E, S18NE; T14S, R9E, S18SE; T14S, R9E, S19NE; T14S, R9E, S20–S28; T14S, R9E, S29NE; T14S, R9E, S29NW; T14S, R9E, S29SE; T14S, R9E, S32–S36; T14S, R10E, S4NW; T14S, R10E, S4SW; T14S, R10E, S5–S8; T14S, R10E, S9NW; T14S, R10E, S9SW; T14S, R10E, S16NW; T14S, R10E, S17–S19; T14S, R10E, S20NE; T14S, R10E, S20NW; T14S, R10E, S30NW; T14S, R10E, S30SW; T14S, R10E, S31NW; T14S, R10E, S31SW; T15S, R9E, S1–S5; T15S, R9E, S6NE; T15S, R9E, S7–S36; T15S, R10E, S5SW; T15S, R10E, S6–S7; T15S, R10E, S8NW; T15S, R10E, S19; T15S, R10E, S20SW; T15S, R10E, S29NW; T15S, R10E, S29SW; T15S, R10E, S30–S33; T16.5S, R9.5E, S1NW; T16.5S, R9.5E, S1SE; T16.5S, R9.5E, S1SW; T16.5S, R9.5E, S2; T16.5S, R10E, S4SE; T16.5S, R10E, S4SW; T16.5S, R10E, S5SE; T16.5S, R10E, S5SW; T16.5S, R10E, S6SE; T16.5S, R10E, S6SW; T16S, R9E, S1–S14; T16S, R9E, S15NE; T16S, R9E, S15NW; T16S, R9E, S15SE; T16S, R9E, S16NE; T16S, R9E, S16NW; T16S, R9E, S17NE; T16S, R9E, S17NW; T16S, R9E, S18NE; T16S, R9E, S19; T16S, R9E, S28SE; T16S, R9E, S28SW; T16S, R9E, S30NE; T16S, R9E, S30NW; T16S, R9E, S30SW; T16S, R9E, S31–S34; T16S, R9E, S35SW; T16S, R10E, S4–S7; T16S, R10E, S8NE; T16S, R10E, S8NW; T16S, R10E, S18NE; T16S, R10E, S18NW; T17S, R9E, S1–S36; T17S, R10E, S2–S10; T17S, R10E, S11NW; T17S, R10E, S11NE; T17S, R10E, S11SW; T17S, R10E, S13SW; T17S, R10E, S14NW; T17S, R10E, S14SW; T17S, R10E, S14SE; T17S, R10E, S15–S23; T17S, R10E, S24NW; T17S, R10E, S24SW; T17S, R10E, S25NW; T17S, R10E, S25SW; T17S, R10E, S26–S35; T17S, R10E, S36NW; T17S, R10E, S36SW; T18S, R9E, S1–S6; T18S, R9E, S7NE; T18S, R9E, S7SE; T18S, R9E, S7NW; T18S, R9E, S8–S11.


Proposed Peninsular Bighorn Sheep Critical Habitat
Imperial County Region
Riverside County
San Diego County
Imperial County
MEXICO
111
66
78
78
86
111
8
8
98
94
10 0 10 20 Kilometers

Dated: June 28, 2000.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–16925 Filed 7–3–00; 8:45 am]

BILLING CODE 4310–55–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000622191–0191–01; I.D. 041700D]

RIN 0648–AO35

Fisheries off West Coast States and in the Western Pacific; Pelagics Fisheries; Measures To Reduce the Incidental Catch of Seabirds in the Hawaii Pelagic Longline Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS proposes a rule under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP) that would require operators of vessels registered for use under Hawaii pelagic longline limited access permits to use two or more of six specific bird mitigation techniques when fishing with pelagic longline gear north of 25° N. lat.; annually attend a protected species workshop conducted by NMFS; and release all hooked or entangled sea birds in a manner that maximizes their post-release survival. This proposed rule would reduce fishery impacts on black-footed and Laysan albatrosses that are accidentally hooked or entangled and killed by Hawaii pelagic longliners during the setting and hauling of longline gear. This proposed rule would also reduce the potential for interactions between pelagic longline fishing vessels and endangered short-tailed albatrosses, which are known to occasionally visit the Northwestern Hawaiian Islands.

DATES: Comments on this proposed rule must be received at the appropriate address or fax number, (see **ADDRESSES**) no later than 5 p.m., Hawaiian standard time, on August 21, 2000.

ADDRESSES: Written comments on this proposed rule must be sent to Kathy Cousins, NMFS Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd. Suite 1101, Honolulu HI 96822; or sent via facsimile (fax) to 808–973–2941. Comments will not be accepted if submitted via e-mail or Internet. Copies of a background document on the proposed regulatory action, including an environmental assessment (EA) and initial regulatory flexibility analysis (IRFA), are available from Kitty Simonds, Executive Director, Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kathy Cousins, 808–973–2937, fax 808–973–2941, e-mail kathy.cousins@noaa.gov.

SUPPLEMENTARY INFORMATION: The Hawaii-based domestic pelagic longline fishery operates under a limited access regime with a maximum of 164 transferable permits. The number of active vessels in the fishery has ranged from 110 to 120; in 1998, there were 114 active vessels. Data on Hawaii-based pelagic longline interactions with seabirds have been collected by NMFS observers since 1994. Estimated annual black-footed albatross mortalities caused by pelagic longline gear range from a 1996 low of 1,568, to a 1994 high of 1,994; there were 1,963 mortalities estimated to have taken place in 1998. Laysan albatross estimated annual mortalities caused by pelagic longline gear range from a low in 1996 of 1,047 to a high in 1994 of 1,828, with 1,479 mortalities estimated to have occurred in 1998. There have been no observed fishery interactions with short-tailed albatrosses, although two short-tail albatrosses have been sighted near Hawaii pelagic longline operations at sea on separate occasions. In response to concerns expressed by the U.S. Fish and Wildlife Service (FWS), researchers, and conservationists about these fishery-related impacts on albatross populations, the Council has proposed regulatory changes under FMP framework procedures. These proposed changes were developed by the Council's Pelagics Plan Team, Advisory Panel, and Scientific and Statistical Committee. The Council discussed various alternative sea bird mitigation measures at its June 1999 meeting and again at its October 1999 meeting, when final action was taken to recommend to NMFS the measures set forth in this proposed rule.

The first proposed measure would require operators of vessels registered for use with Hawaii pelagic longline limited access permits to employ 2 or more of 6 specific bird take mitigation techniques when longlining north of 25° N. lat. Individual pelagic longline vessel operators would choose which 2 or more of the 6 mitigation methods to employ based on their vessel operations and at-sea conditions. The six mitigation methods approved by the Council are: (1) discharge offal strategically from the side of the vessel opposite the gear while the vessel is setting or hauling pelagic longline gear; (2) begin to set pelagic longline gear at least 1 hour after sunset and complete the setting operation at least 1 hour before sunrise using only such lighting necessary for crew safety; (3) use only completely thawed bait which has been dyed blue; (4) tow a buoy or tori (bird) line, meeting the specifications proposed under 50 CFR 660.33(b)(4) while the longline gear is being set and hauled; (5) attach weights of at least 45 grams to branch lines within 1 meter of each hook; and, (6) set the line using a line setting machine with weights of at least 45 grams attached to branch lines within 1 meter of each hook. These techniques have been tested individually and were found to mitigate 71 to 98 percent of seabird interactions as compared to normal Hawaii pelagic longline operations.

Two geographical management options were investigated and the management area (north of 25° N. lat.) was selected by the Council because it encompasses the area with 95 percent of the fleet's annual average incidental seabird catch and impacts 33 percent of the average annual fleet effort. The second management area option (north of 23° N. lat.) was rejected because it would impact an additional 11 percent of fishing effort without significantly reducing incidental seabird catch.

A no action alternative was rejected because it would not meet the seabird conservation objective. A second rejected alternative would have required similar mitigation techniques, however, the choice of which 2 seabird take mitigation measures to use would have been made by the Council for all vessels fishing north of 25° N. lat. This alternative would have required all pelagic longline fishing vessels to use seabird mitigation methods without regard to particular vessel operating patterns and at-sea conditions. This rejected alternative would likely have resulted in unduly burdensome impacts on fishing operations. A third rejected alternative would have prohibited longline fishing within the exclusive economic zone (EEZ) around Hawaii north of 23° N. lat. This alternative was rejected because it would have potentially reduced seabird interactions by a maximum of only 62 percent.

The second proposed measure would require all owners and operators of longline vessels holding Hawaii longline limited access permits to attend

annual protected species workshops conducted by NMFS. These workshops would educate Hawaii-based pelagic longline fishery participants on fishery impacts on populations of seabirds, sea turtles, and other protected resources, provide information on protected species identification, answer questions concerning the most effective ways to deploy required mitigation measures, and provide information on additional voluntary modifications to fishing operations to further minimize interactions with protected marine species. These workshops would also provide an ongoing forum for vessel operators to express their concerns and observations to NMFS concerning the incidental take of protected species.

The third proposed measure would require Hawaii pelagic longline vessel operators to release all hooked or entangled birds in a manner that maximizes their chances of post-release survival. Vessel operators would be required to: (1) stop the vessel (to remove line tension) when a bird is hooked or entangled; (2) bring hooked or entangled birds on board using dip nets (which are required in separate regulations at 65 FR 16436 that were published on March 28, 2000, and effective on April 27, 2000, for retrieving incidentally caught sea turtles); (3) remove externally embedded hooks; and, (4) cut the line as close as possible to ingested hooks that cannot be safely removed.

Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an EA that discusses the environmental impacts that may result from implementation of this proposed rule. A copy of the EA is available from the Council (see **ADDRESSES**).

NMFS prepared an IRFA that describes the economic impact that this proposed rule, if adopted, would have on small entities. A complete copy of this analysis is available from the Council (see **ADDRESSES**). In the IRFA analysis NMFS considered a variety of seabird take mitigation alternatives that had a range of economic impacts on HI pelagic longline vessel owners and operators.

This proposed rule would potentially affect all 164 Hawaii pelagic longline fishery limited entry permit holders (114 of which were active in 1998). The proposed measures are expected to have at least a minor economic impact on vessel operators or owners because of the requirement for vessel operators to use seabird mitigation measures, including the requirement to carry and have ready dip nets, bolt cutters, pliers, and small knives. The actual economic impacts to individual permit holders for the entire range of proposed management measures is uncertain; it would depend on individual fishing vessel operating patterns, which seabird take mitigation measures are employed, and how vessel operators respond to the proposed new regulations. Direct costs to individual vessels for the range of fishery operational seabird take mitigation measures in the preferred alternative range from zero for night setting to $4,800 per year for the purchase and maintenance of towed deterrents. The non-operational measures (workshop attendance and careful release of live seabirds) are not anticipated to have significant economic impacts on fishery participants.

The preferred alternative would mitigate sea bird take and minimize economic impacts on vessel operators by: (1) keeping all fishing areas open and (2) allowing vessel operators to choose which 2 seabird take mitigation methods to use when fishing north of 25° N. lat. based on their individual fishing vessel operations and at-sea conditions. Under this alternative it is likely that those vessels that already set at night (primarily pelagic longline vessels targeting swordfish) would adopt night setting as one of their 2 required seabird mitigation measures, while those vessels that already use line-setting machines (primarily pelagic longline vessels targeting tuna) would employ line setters and weighted branch lines as one of their 2 required seabird mitigation measures. In this manner, negative economic impacts that result from requirements to use seabird mitigation measures would be avoided and impacts on vessel operations and catch rates minimized.

There were 3 rejected alternatives. The first, a no action alternative, was rejected because it failed to meet the management objective of mitigating seabird takes in the pelagic longline fishery.

The second rejected alternative, in which the Council would specify which two or more seabird take mitigation measures would be employed by all HI pelagic longline vessels, was rejected because it did not allow fishermen flexibility to choose the most effective measures based on individual vessel operating conditions and at-sea conditions. The economic impacts would vary depending on which 2 specific mitigation methods the Council required. Night setting would have uneven revenue impacts (due to changes in catch rates) depending on the type of fish the vessel is targeting, while the other mitigation measures have unpredictable revenue impacts due to a lack of data. Direct costs to the pelagic longline fishery for the range of mitigation measures considered vary from zero (night setting) to $4,800 per year for the purchase and maintenance of towed deterrents.

The third rejected alternative, a prohibition on all pelagic longline fishing within the EEZ around Hawaii north of 23° N. lat., was rejected because it would have reduced seabird interactions by a maximum of only 62 percent. The economic impact would, at maximum, be the ex-vessel revenue forgone resulting from the prohibition on longline fishing in the closed area. This is estimated to average $6.4 million annually (1994–1998). It is likely that some of this lost revenue would be made up by displacement of longline effort to other areas; however, the result of such changes is difficult to predict or quantify.

Consultation under section 7 of the Endangered Species Act (ESA) was initiated within NMFS for these measures to determine whether the effect of the proposed action on threatened and endangered sea turtles and marine mammals is likely to be adverse. This consultation is expected to conclude soon. Formal consultation under section 7 of the ESA between NMFS and FWS is ongoing to examine whether the fishery, as managed under the proposed measures, is likely to jeopardize the continued existence of the endangered short-tailed albatross.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: June 28, 2000.

Andrew A. Rosenberg,

Deputy Assistant Administratorfor Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.22, new paragraphs (ee), (ff), and (gg) are added to read as follows:

§ 660.22 Prohibitions.

* * * * *

(ee) Fish for Pacific pelagic management unit species using pelagic longline gear with a vessel registered for use under a Hawaii pelagic longline limited access permit north of 25° N. lat. without employing two or more of the seabird mitigation measures described in § 660.33(b).

(ff) Fail to release seabirds that are caught by pelagic longline gear in a manner that maximizes their long-term survival as described in § 660.33(a).

(gg) Operate a vessel used to fish for Pacific pelagic management unit species using pelagic longline gear with a vessel registered for use under a Hawaii pelagic longline limited access permit after September 30, 2000, without a certificate showing completion of a NMFS workshop on protected species as described in § 660.34.

3. A new § 660.33 is added to subpart C to read as follows:

§ 660.33 Pelagic longline seabird mitigation measures.

The operator of a vessel registered for use under a Hawaii pelagic longline limited access permit and engaged in fishing for Pacific pelagic management unit species using pelagic longline gear north of 25° N. lat. must:

(a) Release seabirds that are caught by pelagic longline gear in a manner that maximizes their long-term survival. The vessel operator must have on board the vessel a long-handled dip net, bolt cutters, pliers, and a knife. If a seabird is hooked, the operator must stop the vessel to reduce the tension on the line and bring the seabird on board the vessel using a dip net. Vessel crew must work in pairs to remove hooks from seabirds. The vessel operator must ensure that hooks are not removed backward, as this will cause further damage to the seabird. The vessel operator must ensure that the line is cut as close as possible to the hook, that the hook barb is pushed out point first through a small knife incision and then cut off using bolt cutters, and that the hook shank is removed. If an ingested hook is in the bird's stomach and cannot be removed, the vessel operator must ensure that the line is cut as close as possible to the hook. After removing entangled lines or hooks from seabirds, the vessel operator must ensure that the birds are left to recover on board the vessel for a short period before being released; and

(b) Use at least two of the following six seabird mitigation methods:

(1) *Discharge offal strategically*. While pelagic longline gear is being set or hauled, fish, fish parts, or bait must be discharged on the opposite side of the vessel from where the longline is being set or hauled. Sufficient quantities of offal must be retained between sets for this purpose;

(2) *Night setting*. Begin setting pelagic longline gear at least 1 hour after local sunset and complete the setting process at least 1 hour before local sunrise, utilizing only enough deck lighting to ensure safety;

(3) *Blue-dyed bait*. Thaw, and dye blue, all bait used. The color intensity of the blue-dyed bait must conform to a level specified by a color quality control card issued by NMFS;

(4) *Towed deterrent*. While setting and hauling the gear, employ a tori (bird) line or towed buoy that meets the specifications of this paragraph. The point of attachment between the tori line, or towing line for the towed buoy, and the towing pole to which it is attached must be 4 to 8 m above the sea surface. The tori line or towing line for the towed buoy must be constructed of material that is between 5 mm and 8 mm in diameter. The tori line must be a minimum of 150 m in length and be weighted at the end so that it streams directly over the pelagic longline gear, even in cross winds. If a towed buoy is used, it must be an inflatable type rubber buoy at least 50 in. (127 cm) in circumference. The buoy must be attached to the towing pole by a line which is at least 175 ft (53.3 m) long, and must be towed to maintain a distance of approximately 150 ft (45.7 m) behind the vessel during setting and approximately 90 ft (27.4 m) during hauling operations. For both types of deterrents, swivels must be placed every 20 m along the line to reduce twisting. A total of 7–10 pairs of streamers must be attached to the line at 5 m intervals beginning 10 m from the point of attachment to the towing pole. The streamers must be made of a heavy, flexible material which allows them to move freely and be attached to the line using three-way swivels or adjustable snaps. The tori line, or towing line for the buoy, must be attached to a towing pole at the stern of the vessel that is positioned such that it is directly above the baited hooks as they are deployed or hauled back. The streamers must be constructed and deployed in a manner such that they each skim the water's surface in the area where the gear is being set and hauled;

(5) *Weighted branch lines*. Attach a weight of at least 45 g to each branch line within 1 m of each hook; or

(6) *Line-setting machine with weighted branch lines*. Set the mainline using a line-setting machine (e.g. Lindgren-Pitman model LS–4) operating at least 1.3 times the average setting speed of the vessel. A weight of at least 45 g must be attached to each branch line within 1 m of the hook.

4. A new § 660.34 is added to subpart C to read as follows:

§ 660.34 Annual protected species workshops.

The owner and operator of a vessel registered for use under a Hawaii pelagic longline limited access permit and engaged in fishing for Pacific pelagic management unit species using pelagic longline gear must annually attend a NMFS workshop on protected species and receive a protected species workshop certificate before commencing fishing each fishing season. For the years 2000 and 2001, all vessel owners and operators must have attended a protected species workshop by September 30, 2000. The vessel owner must ensure the vessel operator is certified. An owner or operator must maintain proficiency sufficient to perform the procedures required by relevant protected species regulations of NMFS, and must attend and satisfactorily complete a formal training session approved by the Administrator of PIAO, in order to obtain his or her protected species workshop certificate. Owners and operators may be required to attend additional formal training sessions if there are substantial changes in the fishery, fishing gear, or mitigation techniques. Additional training may be required for any owner or operator who is found by the Administrator of PIAO, to lack proficiency in the application of mitigation techniques presented at the workshop. NMFS may waive the requirement to attend these workshops by notice to all vessel owners and operators.

[FR Doc. 00–16939 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000504124–0124–01; I.D. 011900B]

RIN 0648–AK11

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Prohibition on the Use of Set Net Fishing Gear

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: NMFS reopens the public comment period on a proposed rule to prohibit the use of setnet (gillnet and trammel nets) fishing gear to take groundfish species in portions of the exclusive economic zone (EEZ) adjacent to state waters at four areas off California. NMFS is reopening the comment period to ensure that affected fishers are aware of the proposed changes and have an opportunity to provide comments. This action is intended to avoid unnecessary bycatch and is expected to promote consistent conservation of groundfish stocks and species managed by California throughout their range.

DATES: Comments must be received on or before August 3, 2000.

ADDRESSES: Comments on the proposed rule should be sent to Rodney R. McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 562–980–4040.

SUPPLEMENTARY INFORMATION: The proposed rule that would prohibit the use of set nets in portions of the EEZ was published in the **Federal Register** on May 19, 2000 (65 FR 31871). Groundfish fisheries on the west coast are managed under the authority of the Fishery Management Plan for Groundfish Fisheries off Washington, Oregon, and California. California has jurisdiction over fishing for groundfish and other species within State waters and, with respect to State registered vessels, in the EEZ off California as long as State regulations are not in conflict with Federal regulations. This action would achieve consistency between regulations governing waters under California's jurisdiction and those of the EEZ. NMFS is reopening the comment period to ensure that affected fishers are aware of the proposed changes and have an opportunity to provide comments.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 29, 2000.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–16934 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 65, No. 129

Wednesday, July 5, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Commodity Credit Corporation's (CCC) intention to request an extension for a currently approved information collection in support of the CCC Facility Guarantee Program (FGP) based on re-estimates.

DATES: Comments on this notice must be received by September 5, 2000 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Merle Brown, Director, Program Administration Division, Foreign Agricultural Service, U.S. Department of Agriculture, AgStop 1031, Washington, DC 20250–1031, telephone (202) 720–3573.

SUPPLEMENTARY INFORMATION:

Title: CCC Facility Guarantee Program (FGP).

OMB Number: 0551–0032.

Expiration Date of Approval: February 28, 2001.

Type of Request: Extension of a currently approved information collection.

Abstract: The primary objective of the FGP is to expand U.S. agricultural exports by improving agricultural infrastructure in importing countries. The FGP makes available export credit guarantees to encourage U.S. private sector financing of foreign purchases of U.S. goods and services on credit terms. The CCC currently offers the FGP for exports to at least 3 countries and 7 country regions. The FGP information collection is similar to those for the Export Credit Guarantee Program (GSM–102) and the Intermediate Export Credit Guarantee Program (GSM–103) (OMB control number 0551–004). The information collection for the FGP differs primarily as follows:

(1) The applicant, in order to receive a payment guarantee, provides information evidencing that the exported goods and services used to develop improved infrastructure will primarily benefit exports of U.S. agricultural commodities and products;

(2) The applicant is required to certify that the value of non-U.S. components of good and services is less than 50 percent of the contract value covered under the payment guarantee.

In addition, each exporter and exporter's assignee (U.S. financial institution) must maintain records on all information submitted to CCC and in connection with sales made under the FGP. The information collected is used by CCC to manage, plan, evaluate and account for government resources. The reports and records are required to ensure the proper and judicious use of public funds.

Estimate of Burden: The public reporting burden of these collections is estimated to average 3.88 hours per response.

Respondents: Exporters of U.S. agricultural commodities, banks or other financial institutions, producer associations, export trade associations, and U.S. Government agencies.

Estimated Number of Respondents: 58 per annum.

Estimated Number of Responses per Respondent: 1.14 per annum.

Estimated Total Annual Burden of Respondents: 256 hours.

Copies of this information collection can be obtained from Kimberly Chisley, the Agency Information Collection Coordinator, at (202) 720–2568.

Request for Comments: Send comments regarding (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Merle Brown, Director, Program Administration Division, Foreign Agricultural Service, U.S. Department of Agriculture, AgStop 1031, Washington, DC 20250–1031, or to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TDD).

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Signed at Washington, D.C. on June 28, 2000.

Richard Fritz,

General Sales Manager, Foreign Agricultural Service.

[FR Doc. 00–16891 Filed 7–3–00; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Draft EIS, Fernow Experimental Forest, Implementation of New Research Studies, Monongahela National Forest Land and Resource Management Plan, Tucker County, WV

AGENCY: Forest Service, USDA.

ACTION: Notice of correction and extension of comment period.

SUMMARY: The agency published a notice of availability for a draft environmental impact statement (EIS No. 000185) for the Fernow Experimental Forest on June 16, 2000, in the **Federal Register** (65 FR 37780). The comment due date in the notice was listed as July 31, 2000. Prior to the publication of the notice in the **Federal Register** the agency had sent a copy of the draft EIS to interested parties on June 7, 2000, but had listed the comment due date as August 2, 2000. To avoid confusion about the date the comments are due, the Forest Service is

extending the comment period to August 7, 2000.

DATES: Written comments are due by August 7, 2000.

ADDRESSES: Forest Service, USDA, Timber and Watershed Laboratory, P.O. Box 404, Parsons, WV 26287–0404

FOR FURTHER INFORMATION CONTACT: Mary Beth Adams, Project Leader, at (304) 478–2000.

Dated: June 28, 2000.

Barbara C. Weber,

Associate Deputy Chief for Research and Development.

[FR Doc. 00–16855 Filed 7–3–00; 8:45 am]

BILLING CODE 3410–11–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

Date and Time: July 11, 2000; 9:30 A.M.–5 P.M. July 12, 2000; 9 A.M.–11 A.M.

Place: Cohen Building, Room 3321, 330 Independence Ave., SW., Washington, DC 20237.

Closed Meeting: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded nonmilitary international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c) (2) and (6))

Contact Person for More Information: Persons interested in obtaining more information should contact either Brenda Hardnett or John Lindburg at (202) 401–3736.

Dated: June 30, 2000.

John A. Lindburg,

Legal Counsel.

[FR Doc. 00–17103 Filed 6–30–00; 2:48 am]

BILLING CODE 8230–01–M

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Census Advisory Committees

AGENCY: Economics and Statistics Administration, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, (Pub. L. 92–463, as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a joint meeting of the 2000 Census Advisory Committee (CAC), the CAC of Professional Associations, the CAC on the African American Population, the CAC on the American Indian and Alaska Native Populations, the CAC on the Asian Population, the CAC on the Native Hawaiian and Other Pacific Islander Populations, and the CAC on the Hispanic Population. The meeting will be primarily an informational meeting focusing on the American Community Survey and planning for the 2010 decennial census. Participants also will discuss the status of Census 2000 activities and share their experiences as they relate to the American Community Survey (ACS) and 2010 census planning. Last minute changes to the schedule are possible, and they could prevent us from giving advance notice.

DATES: On Friday, July 28, 2000, the meeting will begin at 8:30 a.m. and adjourn at approximately 5:15 p.m.

ADDRESSES: The meeting will take place at the Doubletree Hotel, 300 Army Navy Drive, Arlington, VA.

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

SUPPLEMENTARY INFORMATION: The CACs on the African American Population, American Indian and Alaska Native Populations, the Asian Population, the Native Hawaiian and Other Pacific Islander Populations, and the Hispanic Population are composed of nine members each, appointed by the Secretary of Commerce. The Committees provide an organized and continuing channel of communication between the communities they represent and the Bureau of the Census on its effort to reduce the differential undercount for Census 2000, and on research, technological, and policy issues related to the 2010 decennial census, the ACS, and related programs.

The CAC of Professional Associations is composed of 36 members appointed by the Presidents of the American Economic Association, the American Statistical Association, the Population Association of America, and the Chairman of the Board of the American Marketing Association. The Committee advises the Director, Bureau of the Census, on the full range of Census Bureau programs and activities in relation to its area of expertise.

The 2000 Census Advisory Committee is composed of a Chair, Vice Chair, and up to 40 member organizations, all appointed by the Secretary of Commerce. The Advisory Committee considers the goals of Census 2000 and user needs for information provided by that census. The Committee provides an outside user perspective about how operational planning and implementation methods for Census 2000 are realizing the overall goals of achieving an accurate count during Census 2000. The Advisory Committee considers all aspects of Census 2000 and advises the Secretary of Commerce on its findings.

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

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

Dated: June 27, 2000.

Robert J. Shapiro,

Under Secretary for Economic Affairs, Economics and Statistics Administration.

[FR Doc. 00–16806 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Notice of Meeting With Interested Public To Discuss Sanctions Easing for North Korea

The Bureau of Export Administration (BXA), in conjunction with other federal agencies, will brief companies and interested organizations on recent changes in North Korea that have led to easing of trade sanctions. U.S. officials will provide information on the new rules for doing business with North Korea.

The meeting will be held July 6, 2000, at 9:30 a.m., at the Department of Commerce, Herbert C. Hoover Building, Room 6802, 14th Street between Pennsylvania Avenue and Constitution Avenue, NW, Washington, DC.

If you plan to attend, please fax your name and company or organization affiliation to ATTN: NORTH KOREA BRIEFING, at (202) 482–6088. For further information contact Frank Ruggiero in BXA at (202) 482–1926 or 482–4252. Interested parties requiring special accommodations should also contact BXA in advance.

Background

On June 19, 2000, BXA published regulations easing sanctions on North Korea. This implemented the Administration's September 1999 decision to ease sanctions provided North Korea maintains its moratorium on testing long-range ballistic missiles. U.S. exporters may now export the vast majority of U.S. consumer products to North Korea without a license, including agricultural, medical, and low-level industrial goods and services. The Administration's sanctions easing program continues to require a license for items on the Commerce Control List (CCL), including additional items added to the CCL on June 19. Items on the CCL include multilaterally controlled items, as well as a range of lower-level products and technologies controlled for anti-terrorism and non-proliferation reasons.

Other Federal agencies took related measures. The Transportation Department published a rule lifting the ban on U.S. ships and aircraft transporting goods or traveling to North Korea. Previously, U.S. registered ships and aircraft were prohibited from engaging in such activities. The Treasury Department published rules allowing new financial, trade and other transactions with North Korea and its nationals. Treasury will require a notification and approval process for all imports from North Korea.

BXA has scheduled a meeting for July 6 to more fully explain to industry and other organizations the new rules for conducting business with North Korea.

James A. Lewis,

Director, Office of Strategic Trade.

[FR Doc. 00–16886 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 32–2000]

Foreign-Trade Zone 112—Colorado; Springs, CO; Application for Expansion and Request for Manufacturing Authority (Data Storage Systems)

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Colorado Springs Foreign-Trade Zone, Inc., grantee of FTZ 112, requesting authority to reorganize and expand its existing zone space to include three new sites in Colorado Springs, Colorado, and requesting, on behalf of the Quantum Corporation and its subsidiaries (Quantum), authority to manufacture data storage drives under zone procedures within FTZ 112 (Colorado Springs Customs Service Station). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended, (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 27, 2000.

FTZ 112 was approved on November 1, 1984 (Board Order 281, 49 FR 44936, 11/13/84). The zone currently consists of one site (2,270 acres) within the Colorado Centre industrial and commercial community on Drennan Road, in El Paso County, adjacent to the Colorado Springs Municipal Airport.

The applicant is now requesting authority to transfer 1017.22 acres from the current site to three proposed sites. The area to be removed from the zone is located within the current Site 1, the Colorado Centre and is north of Fontaine Boulevard, east of Powers Boulevard, south of Bradley Road, and west of Meridian Road. The expansion would include the following new sites: proposed *Site 2:* (55.84 acres) Arrowswest Business and Industrial Park, located along the Garden of the Gods High-Tech Corridor, Colorado Springs, Colorado; proposed *Site 3:* (202.94 acres) InterQuest Business and Industrial Park, located at the intersection of I–25 and InterQuest Parkway; and proposed *Site 4:* (1023.6 acres) Colorado Springs Airport, located at the intersection of Powers Boulevard and Drennan Road. The proposed expansion would add 265.48 acres to the zone.

The application also requests authority on behalf of Quantum to manufacture data storage systems within FTZ 112 (within the proposed expansion area). Quantum currently operates in three buildings (392,688 square feet) within proposed Site 3. The Quantum facilities are used for the manufacturing of DLTtape™ drives, solid state disk drives, ATL Products (DLTtape™ libraries) and Snap! Systems (file servers) (HTS 8471, duty free). Components and materials sourced from abroad (representing about 60% of all parts consumed in manufacturing) include: vulcanized rubber, packing materials of wood, plastic and paper, springs, data processing machines and parts, gaskets, electric motors and parts, electrical transformers, bearings, primary cells and batteries, prepared unrecorded media, insulated wire, measuring instruments and electrical apparatuses for switching electrical circuits (HTS 3923, 3926, 4016, 4819, 4821, 7320, 8471, 8473, 8484, 8485, 8501, 8503, 8504, 8506, 8523, 8536, 8544, and 9031, duty rate ranges from duty-free to 10.7%).

FTZ procedures would exempt Quantum from Customs duty payments on the foreign components used in export production. Some 27 percent of the plant's shipments are exported. On its domestic sales, Quantum would be able to choose the duty rates during Customs entry procedures that apply to finished data storage drives (duty-free) for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 5, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 18, 2000).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 1625 Broadway, Suite 680, Denver, CO 80202

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, D.C. 20230

Dated: June 28, 2000.

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. 00–16957 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China; Final Results of Expedited Sunset Review of Antidumping Duty Order

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

ACTION: Notice of final results of expedited sunset review: Certain cased pencils from the People's Republic of China.

SUMMARY: On December 1, 1999, the Department of Commerce (''the Department'') published the notice of initiation of sunset review of the antidumping duty order on certain cased pencils from the People's Republic of China (''PRC'') (64 FR 67247), pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and adequate substantive response filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, we determined to conduct an expedited sunset review. Based on our analysis of the comments received, we find that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels listed below in the section entitled Final Results of the Review.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Eun W. Cho or James Meader, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1698 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (Sunset Policy Bulletin).

Background

On December 1, 1999, the Department published the notice of initiation of sunset review of the antidumping duty order on certain cased pencils from the PRC (64 FR 67247). We invited interested parties to comment. On the basis of a notice of intent to participate and adequate substantive response filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited sunset review. The Department is conducting this sunset review in accordance with sections 751 and 752 of the Act.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(C)(ii) of the Act. Therefore, on April 6, 2000, the Department determined that the sunset review of the antidumping duty order on certain cased pencils from the PRC is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than June 28, 2000, in accordance with section 751(c)(5)(B) of the Act.[1]

Scope of Review

The products covered by this investigation are certain cased pencils of any shape or dimension which are writing and/or drawing instruments that feature cores of graphite or other materials, encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (*e.g.,* with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to this investigation are classified under subheading 9609.10.00 of the Harmonized Tariff Schedules of the United States (''HTSUS'').

Specifically excluded from the scope of this investigation are mechanical pencils, cosmetic pencils, pens, non-cased crayons (wax), pastels, charcoals, and chalks.[2]

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in substantive responses by parties to this sunset review are addressed in the Issues and Decision Memorandum (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 28, 2000, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099, the Central Records Unit, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at ia.doc.gov/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporter	Margin (percent)
China First	8.60
Shanghai Lansheng Corp	19.36
Shanghai Foreign Trade Corp	11.15
Guangdong Stationery/Three Star Stationery [1]	0.00
Guangdong Stationery/all other producers [2]	53.65
PRC-wide	53.65

[1] Exported by Guangdong Stationery and produced by Three Star.

[2] Exported by Guangdong Stationery and produced by all other producers.

This notice also serves as the only reminder to parties subject to

[1] See Extension of Time Limit for Final Results of Five-year Reviews, 65 FR 18058 (April 6, 2000).

[2] See Notice of Scope Rulings, 62 FR 62288 (November 21, 1997) (the Department determined that a plastic, quasi-mechanical pencil known as the Bensia pencil is outside the scope of the order); and Notice of Scope Rulings, 63 FR 29700 (June 1, 1998) (Naturally Pretty, a young girl's 10 piece dress-up vanity set, including two 3-inch pencils, is outside the scope of the order).

administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(c), 752, and 777(i) of the Act.

Dated: June 28, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16955 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China; Final Results of Expedited Sunset Review of Antidumping Duty Order

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

ACTION: Notice of final results of expedited sunset review: fresh garlic from the People's Republic of China.

SUMMARY: On December 1, 1999, the Department of Commerce (''the Department'') published the notice of initiation of sunset review of the antidumping duty order on fresh garlic from the People's Republic of China (''PRC'') (64 FR 67247), pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and adequate substantive response filed on behalf of domestic interested parties and inadequate responses from respondent interested parties, we determined to conduct an expedited sunset review. Based on our analysis of the comments received, we find that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels listed below in the section entitled Final Results of the Review.

EFFECTIVE DATE: July 5, 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 Avenue, NW., Washington, DC 20230; telephone: (202) 482–1698 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (Sunset Policy Bulletin).

Background

On December 1, 1999, the Department published the notice of initiation of sunset review of the antidumping duty order on fresh garlic from the PRC (64 FR 67247). We invited parties to comment. On the basis of a notice of intent to participate and adequate substantive response filed on behalf of domestic interested parties and inadequate substantive responses from respondent interested parties, we determined to conduct an expedited sunset review. The Department is conducting this sunset review in accordance with sections 751 and 752 of the Act.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(C)(ii) of the Act. Therefore, on April 6, 2000, the Department determined that the sunset review of the antidumping duty order on fresh garlic from the PRC is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than June 28, 2000, in accordance with section 751(c)(5)(B) of the Act.[1]

[1] See Extension of Time Limit for Final Results of Five-Year Reviews, 65 FR 18058 (April 6, 2000).

Scope of Review

The products subject to this antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay. The scope of this order does not include the following: (a) Garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non-fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed. The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0000, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9500 of the Harmonized Tariff Schedule of the United States (''HTSUS'').

In order to be excluded from the antidumping duty order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non-fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to the Customs Service to that effect.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in substantive responses by parties to this sunset review are addressed in the Issues and Decision Memorandum (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated March 30, 2000, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099, the Central Records Unit, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at ia.doc.gov/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporter	Margin (percent)
PRC-wide	376.67

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections section 751(c), 752, and 777(i) of the Act.

Dated: June 28, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16954 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–811; A–588–831]

Grain-Oriented Electrical Steel From Italy and Japan; Final Results of Expedited Sunset Reviews of Antidumping Duty Orders

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

ACTION: Notice of final results of expedited sunset reviews: grain-oriented electrical steel from Italy and Japan.

SUMMARY: On December 1, 1999, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty orders on grain-oriented electrical steel (''GOES'') from Italy and Japan (64 FR 67247) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of notices of intent to participate and adequate substantive responses filed on behalf of domestic interested parties and inadequate response from respondent interested parties (in these cases, no response), the Department determined to conduct expedited reviews. As a result of these reviews, the Department finds that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Reviews section of this notice.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1930 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope of Reviews

The scope of these reviews includes GOES, which is a flat-rolled alloy steel product containing by weight at least 0.6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, of a thickness of no more than 0.56 millimeters, in coils of any width, or in straight lengths which are of a width measuring at least 10 times the thickness, as currently classifiable in the Harmonized Tariff Schedule of the United States (''HTS'') under item numbers 7225.10.0030, 7226.10.1030, 7226.10.5015, and 7226.10.5056. Although the HTS subheadings are provided for convenience and customs purposes, our written descriptions of the scope of these proceedings are dispositive.

Background

On December 1, 1999, the Department initiated the sunset reviews of the antidumping duty orders on GOES from Italy and Japan (64 FR 67247), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate in these cases on behalf of Allegheny Ludlum Corporation (''Allegheny Ludlum''), AK Steel Corporation (''AK Steel''), Butler Armco Independent Union, the United Steelworkers of America AFL-CIO/CLC, and the Zanesville Armco Independent Union (collectively, ''domestic interested parties''), within the applicable deadline (December 16, 1999) specified in 19 CFR 351.218(d)(1)(i). Additionally, on December 16, 1999, Acciai Speciali Terni S.p.A. and Acciai Speciali Terni USA Inc. (together, ''AST'') submitted an entry of appearance in the Italian proceeding and, pursuant to 19 CFR 351.305(b), an application for access to business proprietary information under administrative protect order.

Allegheny Ludlum and AK Steel claimed interested-party status under section 771(9)(C) of the Act, as U.S. producers of a domestic like product. The unions listed above are interested parties, pursuant to 771(9)(D), because they are certified or recognized unions or groups of workers representative of the industry engaged in the manufacture, production, or wholesale in the United States of the domestic like product.

Domestic interested parties state that Allegheney Ludlum, Armco Inc. (''Armco''), United Steel Workers of America, Butler Armco Independent Union, and Zanesville Armco Independent Union were the petitioners in the initial investigation of GOES from Italy and participated in the only completed administrative review of the Italian order (*see* January 3, 2000, substantive response of domestic interested parties at 5). Armco was not a petitioner in the case concerning GOES from Japan because Armco had certain technical relationships with a Japanese producer of GOES at the time that it wanted to preserve. However, the relationship terminated prior to AK Steel's acquisition of Armco, on September 30, 1999, when it assumed control of Armco's production of GOES. *Id.* Accordingly, AK Steel, as the successor of Armco, has replaced Armco as a domestic interested party for purposes of these sunset reviews and all other administrative reviews. *Id.*

On January 3, 2000, we received a complete substantive response from domestic interested parties, within the 30-day deadline specified in the *Sunset Regulations* under 19 CFR 351.218(d)(3)(i). Although we received an entry of appearance from AST in the Italian review, AST did not submit a substantive response. Therefore, without a substantive response from respondent interested parties in the Italian and Japanese reviews, the Department, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), determined to conduct expedited, 120-day reviews of these orders. On February 9, 2000, we received domestic interested parties' comments in support of the Department's decision to conduct expedited reviews of the antidumping duty orders on GOES from Italy and Japan (*see* February 9, 2000, domestic interested parties' comments on adequacy at 3).

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). These reviews concern transition orders within the meaning of section 751(c)(6)(C)(ii) of the Act. Accordingly, on April 6, 2000, the Department determined that the sunset reviews of GOES from Italy and Japan are extraordinarily complicated, and extended the time limit for completion of the final results of these reviews until not later than June 28, 2000 (65 FR 18058), in accordance with section 751(c)(5)(B) of the Act.

Analysis of Comments Received

All issues raised in the substantive responses by parties to these sunset reviews are addressed in the Issues and Decision Memorandum (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 28, 2000, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were these orders revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Reviews

As a result of these reviews, we determine that revocation of the antidumping duty orders on GOES from Italy and Japan would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Margin (percent)
Italy:	
ILVA S.p.A	60.79
Acciai Speciali Terni, S.r.l	60.79
All Others	60.79
Japan:	
Kawasaki Steel Corporation	31.08
Nippon Steel Corporation	31.08
All Others	31.08

This notice also serves as the only reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These reviews and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 22, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16951 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–703]

Internal Combustion Forklift Trucks From Japan; Corrected Final Results of Expedited Sunset Review and Continuation of Antidumping Order

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

ACTION: Notice of Correction to Final Results of Expedited Sunset Review and Continuation of Antidumping Order: Internal Combustion Forklift Trucks from Japan.

SUMMARY: On August 5, 1999, the Department of Commerce (the ''Department'') published in the **Federal Register** the final results of the expedited sunset review of the antidumping duty order on internal combustion forklift trucks from Japan (64 FR 30962). On June 2, 2000, the Department published the notice of continuation of this order (65 FR 35323). Subsequent to the publication of these notices, we identified an inadvertent error in the ''Scope'' section of the notices. Therefore, we are correcting and clarifying these inadvertent errors.

The error lies in the first sentence of the scope section of each notice: ''The merchandise subject to this antidumping duty order is internal combustion industrial forklift trucks, with a lifting capacity of 2,000 to 5,000 pounds, from Japan.'' This sentence should be replaced with: ''The merchandise subject to this antidumping duty order is internal combustion industrial forklift trucks, with a lifting capacity of 2,000 to 15,000 pounds, from Japan.''

EFFECTIVE DATE: April 17, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230: telephone (202) 482–1930 and (202) 482–3330, respectively.

This correction is issued and published in accordance with sections 751(h) and 777(i) of the Act.

Dated: June 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16950 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–826]

Paper Clips From the People's Republic of China; Final Results of Expedited Sunset Review of Antidumping Duty Order

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

ACTION: Notice of final results of expedited sunset review: paper clips from the People's Republic of China

SUMMARY: On December 1, 1999, the Department of Commerce (''the Department'') published the notice of initiation of sunset review of the antidumping duty order on paper clips from the People's Republic of China (''PRC'') (64 FR 67247), pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and adequate substantive response filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, we determined to conduct an expedited sunset review. Based on our analysis of the comments received, we find that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels listed below in the section entitled Final Results of the Review.

EFFECTIVE DATE: July 5, 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 Avenue, NW., Washington, DC 20230; telephone: (202) 482–1698 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (Sunset Policy Bulletin).

Background

On December 1, 1999, the Department published the notice of initiation of sunset review of the antidumping duty order on paper clips from the PRC (64 FR 67247). We invited parties to comment. On the basis of a notice of intent to participate and adequate substantive response filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited sunset review. The Department is conducting this sunset review in accordance with sections 751 and 752 of the Act.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(C)(ii) of the Act. Therefore, on April 6, 2000, the Department determined that the sunset review of the antidumping duty order on paper clips from the PRC is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than June 28, 2000, in accordance with section 751(c)(5)(B) of the Act.[1]

Scope of Review

The products covered by this order are certain paper clips, wholly of wire of base metal, whether or not galvanized, whether or not plated with nickel or other base metal (*e.g.,* copper), with a wire diameter between 0.025 inches and 0.075 inches (0.64 to 1.91 millimeters), regardless of physical configuration, except as specifically excluded. The products subject to this order may have rectangular or ring-like shape and include, but are not limited to, clips commercially referred to as No. 1 clips, No. 3 clips, Jumbo or Giant clips, Gem clips, Frictioned clips, Perfect Gems, Marcel Gems, Universal clips, Nifty clips, Peerless clips, Ring clips, and Glide-On clips.

Specifically excluded from the scope of this order are plastic and vinyl covered paper clips, butterfly clips, binder clips, or other paper fasteners that are not made wholly of wire of base metal and are covered under a separate subheading of the Harmonized Tariff Schedule of the United States (''HTSUS'').

The products subject to this order are currently classifiable under subheading 8305.90.3010 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in substantive responses by parties to this sunset review are addressed in the Issues and Decision Memorandum (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 28, 2000, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099, the Central Records Unit, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at ia.doc.gov/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporter	Margin (percent)
Lansheng	57.64
Zhejiang Light	46.01
Zhejiang Machinery	60.70
PRC-wide	126.94

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections section 751(c), 752, and 777(i) of the Act.

Dated: June 28, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16953 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

[1] See Extension of Time Limit for Final Results of Five-Year Reviews, 65 FR 18058 (April 6, 2000).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–814]

Pure Magnesium From Canada; Final Results of Full Sunset Review

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

ACTION: Notice of Final Results of Full Sunset Review: Pure Magnesium from Canada.

SUMMARY: On August 2, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on pure magnesium from Canada (64 FR 41915) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate filed on behalf of domestic interested parties and adequate substantive comments filed on behalf of domestic and respondent interested parties, the Department determined to conduct a full review. As a result of this review, the Department finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders, 63 FR 13516 (March 20, 1998) (''Sunset Regulations'') and 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (''Sunset Policy Bulletin'').

Background

On February 29, 2000, the Department published the preliminary results of the sunset review of the antidumping duty order on pure magnesium from Canada (65 FR 10768). In the preliminary results, the Department determined that it is likely that dumping of the subject merchandise would continue or recur if the order were revoked because imports of the subject merchandise decreased by more than 97 percent in the year following the issuance of the order. In addition, imports of pure magnesium from Canada have consistently remained at less than 10 percent of their pre-order levels. Therefore, consistent with section II.A.3 of the Department's Sunset Policy Bulletin, and with the Statement of Administrative Action at 889–90, and the House Report at 63 (H.R. Rep. No. 103–826, pt.1 (1994), at 63)), we preliminarily determined that although dumping was eliminated by Norsk Hydro Canada Inc. (''NHCI'')(the only respondent participating in this sunset review) export volumes by NHCI have declined significantly since the issuance of the order.[1] As a result, we determined that Canadian imports of pure magnesium would likely continue or recur if the order were revoked at the weighted-average dumping margin assessed in the original investigation.

On April 19, 2000, we received a case brief on behalf of NHCI.[2] On April 20, 2000, we received rebuttal comments from Magnesium Corporation of America (''Magcorp'') in response to NHCI's case brief.

Scope of Review

The merchandise subject to this antidumping duty order is pure magnesium from Canada. Pure magnesium is currently classifiable under item number 8104.11.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Granular and secondary magnesium are excluded from the scope of this review. Although the HTSUS subheading is provided for convenience and customs purposes, the written description remains dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 27, 2000, which is hereby adopted and incorporated by reference into this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn/, under the heading ''Canada.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order on pure magnesium from Canada would be likely to lead to continuation or recurrence of dumping at the following weighted-average margins:

Manufacturer/Exporter	Margin (percent)
Norsk Hydro Canada Inc.	21.00
Timminco Limited	([1])
All Others	21.00

[1] Excluded.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act. This notice serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations

[1] On August 4, 1999, the Government of Quebec (''GOQ'') entered an appearance in this sunset review as an interested party in accordance with 19 CFR 351.102(b). The GOQ also submitted application for access to business proprietary information under an administrative protection order and, pursuant to 19 CFR 351.305(b), the appropriate certification. However, the GOQ did not file any written comments.

[2] On April 10, 2000, NHCI submitted its case brief in response to the Department's preliminary determination. However, because NHCI's case brief contained new factual information, the Department removed NHCI's case brief from the record. The Department granted NHCI until close of business day (''COB''), Wednesday, April 19, 2000, to amend and re-file its case brief. Therefore, the new date for the filing of rebuttal briefs was COB, Thursday, April 20, 2000.

and the terms of an APO is a sanctionable violation.

Dated: June 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16946 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–841]

Notice of Final Determination of Sales at Less Than Fair Value: Structural Steel Beams From South Korea

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

SUMMARY: The Department of Commerce (''the Department'') determines that structural steel beams from South Korea are being, or are likely to be, sold in the United States at less than fair value.

Based on our analysis of the comments received, we have made changes to our analysis. Therefore, this final determination differs from the preliminary determination. The final weighted-average dumping margins are listed below in the section entitled ''Continuation of Suspension of Liquidation.''

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita (Kangwon), Brandon Farlander (Inchon) or Rick Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–4243, (202) 482–0182, or 482–3818, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to provisions of the Tariff Act of 1930 (''the Act'') as amended by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations refer to the regulations codified at 19 CFR Part 351 (April 1999).

Background

On February 11, 2000, the Department published in the **Federal Register** (65 FR 6984) the *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Structural Steel Beams from South Korea (''Preliminary Determination*''). We invited parties to comment on our preliminary determination. We verified Inchon's sales and cost questionnaire responses from March 6–18, 2000. We verified Kangwon's sales and cost questionnaire responses from March 6–10, 2000, and March 13–17, 2000, respectively. We verified Hyundai U.S.A., the U.S. affiliate of Inchon, on April 12–13, 2000. On May 4, 2000, we solicited further information from Inchon regarding the merger between Inchon and Kangwon. On May 17, 2000, we received case briefs from interested parties, and on May 22, 2000, we received rebuttal briefs. On June 1 and 2, 2000, we verified Inchon's information concerning the merger. On June 6, we issued our successorship verification report. On June 9, 2000, we received case briefs on successorship from Inchon and petitioners and, on June 14, 2000, we received rebuttal briefs on successorship from Inchon and petitioners. At the request of petitioners, we held a public hearing on June 16, 2000.

Scope of Investigation

The products covered by this investigation are doubly-symmetric shapes, whether hot- or cold-rolled, drawn, extruded, formed or finished, having at least one dimension of at least 80 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated or clad. These products include, but are not limited to, wide-flange beams (''W'' shapes), bearing piles (''HP'' shapes), standard beams (''S'' or ''I'' shapes), and M-shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of this investigation unless otherwise excluded. The following products, are outside and/or specifically excluded from the scope of this investigation: structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings: 7216.32.0000, 7216.33.0030, 7216.33.0060, 7216.33.0090, 7216.50.0000, 7216.61,0000, 7216.69.0000, 7216.91.0000, 7216.99.0000, 7228.70.3040, 7228.70.6000. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

Use of Facts Available

For a discussion of our application of facts available, see the ''Facts Available'' section of the *Issues and Decision Memorandum for the Investigation of Structural Steel Beams from South Korea from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration* (''Decision Memo''), dated June 26, 2000, which is on file in the Central Records Unit, room B–099 of the main Department building, and on the Web at: *http://ia.ita.doc.gov/frn.*

Fair Value Comparisons

To determine whether sales of beams from South Korea to the United States were made at less than fair value, we compared the export price (''EP'') and constructed export price (''CEP'') to comparison market prices or CV, as described in the ''Export Price,'' ''Constructed Export Price,'' and ''Normal Value'' sections below. Our calculations followed the methodologies described in the *Preliminary Determination,* except as noted below and in the company-specific calculation memoranda dated June 26, 2000, which have been placed in the file in Room B–099. For detailed discussions relating to the issues described below, *see* Decision Memo.

Export Price

For Kangwon's sales to all U.S. customers, and Inchon's direct sales and sales through Hyundai Corporation (Channels 2 and 3) to U.S. customers, we used EP as defined in section 772 of the Act. We calculated EP based on the same methodology described in the *Preliminary Determination,* with the following exceptions:

Inchon

a. Based on verification findings, we deducted bank charges and negotiation fees as a direct selling expense for all U.S. sales. *See* Decision Memo, Comment 31.

b. We disregarded all of Inchon's U.S. Channel 3 sales to a particular customer. *See* Decision Memo, Comment 11.

c. We applied additional expenses for all Inchon's U.S. sales to account for various additional movement fees, excluding U.S. marine insurance, incurred on certain U.S. sales. *See* Decision Memo, Comment 13.

d. We adjusted Hyundai Corporation's indirect selling expenses for U.S. sales. *See* Decision Memo, Comment 14.

e. We adjusted Inchon's reported packing expenses for all U.S. sales. *See* Decision Memo, Comment 19.

f. Based on verification findings with regard to U.S. marine insurance, because record evidence indicates that Inchon's expenses reported from affiliates were slightly lower, in terms of the dollar amount per metric ton, than from non-affiliates, we have applied, as facts available, the percentage difference between these two to reported U.S. marine insurance expenses for all U.S. sales. *See Final Analysis Memo: Inchon.*

Kangwon

a. Based on verification findings, we deducted bank charges/fees as a direct selling expense for all U.S. sales. *See* Decision Memo, Comment 31.

Constructed Export Price

As discussed in Comment 28 of the Decision Memo, we now determine that Inchon's sales through Hyundai U.S.A. are CEP sales. For Inchon's sales to U.S. customers via Hyundai U.S.A. (Channel 1), we used CEP as defined section 772 of the Act. We calculated CEP, in accordance with subsections 772(b), (c), and (d) of the Act, for those sales to the first unaffiliated purchaser that took place after importation into the United States. We based CEP on the packed, delivered, duty paid or delivered prices to unaffiliated purchasers in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act; these included, where appropriate, foreign inland freight from the plant to the port of export, foreign wharfage, international freight, marine insurance, U.S. warehousing expenses, U.S. loading expenses, U.S. custom duty, U.S. wharfage expenses and U.S. brokerage expenses. In accordance with section 772(d)(1) of the Act, we deducted those selling expenses associated with economic activities occurring in the United States, including direct selling expenses (imputed credit expenses) and indirect selling expenses. For CEP sales, we also made an adjustment for profit in accordance with section 772(d)(3) of the Act. Additionally, we added to the U.S. price an amount for duty drawback pursuant to section 772(c)(1)(B) of the Act. For a further discussion of this issue, *see Final Analysis Memo: Inchon.* Additionally, we made the following adjustments:

a. We applied additional expenses for all of Inchon's U.S. sales to account for various additional movement fees, excluding U.S. marine insurance, incurred on certain U.S. sales. *See* Decision Memo, Comment 13.

b. Based on verification findings, we deducted bank charges and negotiation fees as a direct selling expense for all U.S. sales. *See* Decision Memo, Comment 31.

c. We adjusted Hyundai Corporation's indirect selling expenses for U.S. sales. *See* Decision Memo, Comment 14.

d. We adjusted Inchon's reported packing expenses for all U.S. sales. *See* Decision Memo, Comment 19.

e. Based on our verification findings from the Hyundai U.S.A. verification, we are deducting U.S. brokerage expenses on a per invoice basis. *See Final Analysis Memo: Inchon.*

f. We deducted other discounts (which Inchon reported in its December 10, 1999, supplemental questionnaire response), where applicable, from the U.S. prices. *See Final Analysis Memo: Inchon.*

g. Based on verification findings with regard to U.S. marine insurance, because record evidence indicates that Inchon's expenses reported from affiliates were slightly lower, in terms of the dollar amount per metric ton, than from non-affiliates, we have applied, as facts available, the percentage difference between these two to reported U.S. marine insurance expenses for all U.S. sales. *See Final Analysis Memo: Inchon.*

Normal Value

We used the same methodology to calculate NV as that described in the *Preliminary Determination,* with the following exceptions:

1. Cost of Production Analysis

Inchon

a. We increased Inchon's direct materials costs to account for materials supplied by affiliated parties. *See* Decision Memo, Comment 1.

b. We revised Inchon's reported depreciation expenses to account for machinery and equipment supplied by affiliated parties. *See* Decision Memo, Comment 3.

c. We revised Inchon's reported repairs and maintenance expenses to account for services supplied by affiliated parties. *See* Decision Memo, Comment 4.

d. We revised Inchon's reported R&D expenses. *See* Decision Memo, Comment 6.

e. We revised Inchon's reported interest expenses. *See* Decision Memo, Comment 9.

Kangwon

a. We adjusted Kangwon's interest expense to account for the disallowance of the gain on debt restructure. *See* Decision Memo, Comment 26.

b. We recalculated the foreign exchange gains and losses included in the interest expense calculation by using Kangwon's historical method of amortizing these amounts over the life of the related debt.

c. We adjusted Kangwon's G&A expense rate computation for various miscellaneous income and expense items. *See* Decision Memo, Comment 27.

2. Calculation of NV Based on Comparison Market Prices

We performed price-to-price comparisons where there were sales of comparable merchandise in the comparison market that did not fail the cost test using the same methodology described in the *Preliminary Determination,* with the following exception: For Inchon, we revised the customer relationship for one customer to indicate its affiliation with Inchon. *See* Decision Memo, Comment 15.

3. Calculation of NV Based on Constructed Value

We calculated CV in the same way as in the *Preliminary Determination* with the same exceptions noted above for COP.

Level of Trade

We have made the same level of trade determinations described in the *Preliminary Determination.*

Currency Conversions

We made currency conversions in accordance with section 773A of the Act in the same manner as in the *Preliminary Determination.*

Verification

As provided in section 782(i)(1) of the act, we verified the information submitted by the respondents for use in our final determination. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by the respondents.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the Decision Memo dated June 26, 2000, which is hereby adopted. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in Room B–099. In addition, a complete version of the Decision Memo can be accessed directly on the Web at

www.ita.doc.gov/import–admin/records/frn/. The paper copy and electronic version of the Decision Memo are identical in content.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(A) of the Act, we are directing the U.S. Customs Service (''Customs'') to suspend liquidation of all imports of the subject merchandise from South Korea that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Customs shall require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP and CEP as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Article VI.5 of the General Agreement on Tariffs and Trade (GATT 1994) provides that ''[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization.'' This provision is implemented in section 772(c)(1)(C) of the Tariff Act. Since antidumping duties cannot be assessed on the portion of the margin attributed to export subsidies there is no reason to require a cash deposit or bond for that amount. The Department has determined in its concurrent countervailing duty investigation for structural steel beams from Korea that the product under investigation benefitted from export subsidies. Normally, where the product under investigation is also subject to a concurrent countervailing duty investigation, we instruct the Customs Service to require a cash deposit or posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated below, minus the amount determined to constitute an export subsidy. *See, e.g. Notice of Antidumping Duty Order: Stainless Steel Wire Rod From Italy,* 63 FR 49327 (September 15, 1998). Accordingly, for cash deposit purposes we are subtracting from Kangwon's cash deposit rate that portion of the rate attributable to the export subsidies found in the countervailing duty investigation involving Kangwon(*i.e.,* 0.09 percent). We have made the same adjustment to the ''All Others'' cash deposit rate by subtracting the rate attributable to export subsidies found in the countervailing duty investigation of Kangwon.

We will instruct the Customs Service to require a cash deposit or the posting of a bond for each entry equal to the weighted-average amount by which the NV exceeds the EP or CEP, adjusting for the export subsidy rate, as indicated below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

[In percent]

Exporter/manufacturer	Weighted-average margin	Bonding/cash deposit rate
Inchon	25.51	25.51
Kangwon	49.73	49.64
All others	37.72	37.67

The rate for all other producers and exporters applies to all entries of the subject merchandise except for entries from exporters that are identified individually above.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (''ITC'') of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: June 26, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

APPENDIX

List of Comments and Issues in the Decision Memo

I. Issues Specific to Inchon Iron & Steel Co., Ltd.

A. Cost of Production/Constructed Value Issues
- Comment 1: Applicant of Major Input Rule
- Comment 2: Application of Major Input Rule to Other Affiliated-Party Transactions
- Comment 3: Description
- Comment 4: Overhead
- Comment 5: SG&A Expenses
- Comment 6: R&D Expenses
- Comment 7: Interest Expense (Securities)
- Comment 8: Interest Expense (Sales-Related Activities)
- Comment 9: Loan Guarantees
- Comment 10: Affiliated-Party Services for an Input

B. Sales and General Issues
- Comment 11: Sales Price and Adjustments for U.S. Channel 3
- Comment 12: Billing Adjustments for U.S. Channel 2 sales
- Comment 13: U.S. Movement Expenses
- Comment 14: Recalculation of Home Market and U.S. Indirect Selling Expenses
- Comment 15: Home Market Sales to an Affiliated Customer
- Comment 16: Fees to a Home Market Customer
- Comment 17: Home Market Inland Freight
- Comment 18: Application of Total Adverse Facts Available
- Comment 19: Packing Expenses for U.S. Sales
- Comment 20: Clarification of Home Market and U.S. Verification Reports

II. Issues Specific to Kangwon Industries Ltd.

A. Sales and General Issues
- Comment 21: Commissions
- Comment 22: Duty Drawback
- Comment 23: Home Market Freight
- Comment 24: Corrections to Kangwon's Response
- Comment 25: Over- and Under-Reporting of Home Market Sales

B. Cost of Production/Constructed Value Issues
- Comment 26: Gain on Exemption of Debt
- Comment 27: G&A Expenses

III. Issues Applicable to Both Respondents

- Comment 28: EP vs. CEP Sales
- Comment 29: Cash Deposit Rate/Successorship
- Comment 30: Home Market Sales of ASTM-Grade Merchandise
- Comment 31: Banking Negotiation Fees

[FR Doc. 00–16952 Filed 7–3–00; 8:45 am]
BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–802]

Uranium From Russia; Final Results of Full Sunset Review of Suspended Antidumping Duty Investigation

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

ACTION: Notice of final results of full sunset review: Uranium from Russia.

SUMMARY: On February 28, 2000, the Department of Commerce (''the Department'') published a notice of preliminary results of the full sunset review of the antidumping duty suspension agreement on uranium from Russia (65 FR 10473) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results. We received comments from both domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the antidumping duty suspension agreement would likely lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1930 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) (*Sunset Regulations*) and in CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (*''Sunset Policy Bulletin''*).

Background

On February 28, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** a notice of preliminary results of the full sunset review of the suspended antidumping duty investigation on uranium from Russia (65 FR 10473) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). In our preliminary results, we found that termination of the agreement suspending the antidumping duty investigation would likely result in continuation or recurrence of dumping at a weighted-average margin of 115.82 percent for all producers/exporters of uranium from Russia.

On March 15, 2000, we received a request from the Ministry of the Russian Federation for Atomic Energy (''Minatom''), AO Technsnabexport (''Tenex''), and Globe Nuclear Services and Supply GNSS, Limited (''GNSS'') (collectively, ''respondent interested parties'') for an extension of time for filing rebuttal comments to case briefs until April 17, 2000. The Department agreed to extend the deadline to April 17, 2000.[1]

On March 29, 2000, the Ad Hoc Committee of Domestic Uranium Producers (the ''Ad Hoc Committee''), including Rio Algom Mining Corporation (''Rio Algom'') and Uranium Resources Inc. (''URI''), and USEC, Inc., and its subsidiary, United States Enrichment Corporation (together, ''USEC''), each requested a hearing in this review.

On April 10, 2000, we received a case brief on behalf of the Ad Hoc Committee and USEC. We also received a case brief on behalf of the Ad Hoc Utilities Group (''AHUG''),[2] and respondent interested parties.

On April 14, 2000, the Ad Hoc Committee formally withdrew its March 29, 2000, request for a hearing in this review. On April 18, 2000, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from the Ad Hoc Committee, USEC, AHUG, and respondent interested parties. In its rebuttal, USEC also withdrew its March 29, 2000, request for a hearing. Therefore, the Department canceled the public hearing. We have addressed the comments received below.

Scope of Review

According to the June 3, 1992, preliminary determination, the suspended investigation encompassed one class or kind of merchandise.[3] The merchandise included natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing natural uranium or natural uranium compound; uranium enriched in U^{235} and its compounds; alloys dispersions (including cermets), ceramic products and mixtures containing uranium enriched in U^{235} or compounds or uranium enriched in U^{235}; and any other forms of uranium within the same class or kind. The uranium subject to these investigations was provided for under subheadings 2612.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50, 2844.20.00.10, 2844.20.00.20, 2844.20.00.30, and 2844.20.00.50 of the Harmonized Tariff Schedule of the United States (''HTSUS'').[4] In addition, the Department preliminarily determined that highly-enriched uranium (''HEU'') is not within the scope of the investigation.

On October 30, 1992, the Department issued a suspension of the antidumping duty investigation of uranium from Russia and an amendment of the preliminary determination.[5] The notice amended the scope of the investigation to include HEU.[6] The merchandise covered by the agreement suspending the antidumping investigation on uranium from the Russian Federation included natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing natural uranium or natural uranium compound; uranium enriched in U^{235} and its compounds; alloys dispersions (including cermets), ceramic products and mixtures containing uranium enriched in U^{235} or compounds or uranium enriched in U^{235}; and any other forms of uranium within the same class or kind.

In addition, Section III of the suspension agreement provides that uranium ore from Russia that is milled into U_3O_8 and/or converted into UF_6 in

[1] *See* Letter from Jeffrey A. May, Director, Office of Policy, to Mark D. Herlach, Sutherland, Asbill & Brennan, granting an extension for time for filing rebuttal comments to the case briefs.

[2] AHUG consists of industrial users Ameren UE, Baltimore Gas and Electric Co., Carolina Power and Light Co., Commonwealth Edison Co., Consumers Energy, Duke Power Co., Entergy Services, Ins., FirstEnergy Nuclear Operating Co., Florida Power and Light Co., Northern States Power Co., PECO Energy Co., Southern Nuclear Operating Co., Texas Utilities Electric Co., and Virginia Power.

[3] The Department based its analysis of the comments on class or kind submitted during the proceeding and determined that the product under investigation constitutes a single class or kind of merchandise. The Department based its analysis on the ''Diversified'' criteria (*see Diversified Products Corp.* v. *United States*, 6 CIT 1555 (1983)) and case precedent) (57 FR 23380, 23382, June 3, 1992).

[4] *See Preliminary Determination of Sales at Less Than Fair Value: Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine and Uzbekistan; and Preliminary Determination of Sales at Not Less Than Fair Value: Uranium from Armenia, Azerbaijan, Byelarus, Georgia, Moldova and Turkmenistan*, 57 FR 23380, 23381 (June 3, 1992).

[5] *See Antidumping; Uranium from Kazakhstan, Kyrgyszstan, Russia, Tajikistan, Ukraine, and Uzbekistan; Suspension of Investigations and Amendment of Preliminary Determinations*, 57 FR 49220 (October 30, 1992).

[6] Id. at 49235.

another country prior to direct and/or indirect importation into the United States is considered uranium from Russia and is subject to the terms of the Russian agreement, regardless of any subsequent modification or blending.[7] Uranium enriched in U^{235} in another country prior to direct and/or indirect importation into the United States is not considered uranium from the Russian Federation and is not subject to the terms of the Russian agreement.

Under the terms of suspension agreement HEU is within the scope of this investigation, and HEU is covered by this Russian suspension agreement. (HEU means uranium enriched to 20 percent or greater in the isotope uranium-235.) Imports of uranium ores and concentrates, natural uranium compounds, and all other forms of enriched uranium were classifiable under HTSUS subheadings 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds were classifiable under HTSUS subheadings 2844.10.10 and 2844.10.50. *Id.*

In addition, Section M.1 of the Russian suspension agreement in no way prevents the Russian Federation from selling directly or indirectly any or all of the HEU in existence at the time of the signing of the agreement and/or LEU produced in Russia from HEU to the Department of Energy (''DOE''), its governmental successor, its contractors, assigns, or U.S. private parties acting in association with DOE or the USEC and in a manner not inconsistent with the Agreement between the United States of America and the Russian Federation concerning the disposition of HEU resulting from the dismantlement of nuclear weapons in Russia.

There were three amendments to the Agreement suspending the antidumping duty investigation on Russian uranium. In particular, the second amendment to the Russian suspension agreement, on November 4, 1996, permitted, among other things, the sale in the United States of Russian low-enriched uranium (''LEU'') derived from HEU and included within the scope of the suspension agreement Russian uranium which has been enriched in a third country prior to importation into the United States.[8] According to the amendment, these modifications would remain in effect until October 3, 1998.[9]

[7] *Id.* at 49235.

[8] *See Amendments to the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation*, 61 FR 56665 (November 4, 1996).

[9] *Id.* 61 FR at 56667.

On August 6, 1999, USEC, Inc. and its subsidiary, United States Enrichment Corporation (collectively, ''USEC'') requested that the Department issue a scope ruling to clarify that enriched uranium located in Kazakstan at the time of the dissolution of the Soviet Union is within the scope of the Russian suspension agreement. Respondent interested parties filed an opposition to the scope request on August 27, 1999. That scope request is pending before the Department at this time.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 27, 2000, which is hereby adopted by this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the suspension investigation terminated. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn/, under the heading ''Russia.'' The paper copy and electronic version of the memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty suspension agreement on uranium from Russia would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margin:

Manufacturer/exporters	Margin (percent)
All Russian manufacturers/exporters	115.82

This notice serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16948 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–844–802]

Uranium From Uzbekistan; Final Results of Full Sunset Review of Suspended Antidumping Duty Investigation

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

ACTION: Notice of final results of full sunset review: Uranium from Uzbekistan.

SUMMARY: On February 28, 2000, the Department of Commerce (''the Department'') published a notice of preliminary results of the full sunset review of the antidumping duty suspension agreement on uranium from Uzbekistan (65 FR 10471) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results. We received comments from both domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the antidumping duty suspension agreement would likely lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1930 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the

conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''Sunset Regulations'') and in CFR part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

On February 28, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** a notice of preliminary results of the full sunset review of the antidumping duty investigation on uranium from Uzbekistan (65 FR 10471) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). In our preliminary results, we found that termination of the agreement suspending the antidumping duty investigation would likely result in continuation or recurrence of dumping at a weighted-average margin of 115.82 percent for all producers/exporters from Uzbekistan.

On March 24, 2000, we received a request from Navoi Mining and Metallurgical Combinat (''Navoi'') and the Government of Uzbekistan (''GOU'') (together, ''respondent interested parties'') for an extension of time for filing rebuttal comments to case briefs until April 18, 2000. The Department agreed to extend the deadline to April 18, 2000.[1]

On March 29, 2000, the Ad Hoc Committee of Domestic Uranium Producers (the ''Ad Hoc Committee''), requested a hearing in this review. On April 14, 2000, the Ad Hoc Committee formally withdrew its March 29, 2000, request for a hearing in this review; therefore, the Department canceled the public hearing.

On April 10, 2000, we received case briefs on behalf of the Ad Hoc Committee, the Ad Hoc Utilities Group (''AHUG''),[2] and respondent interested parties. On April 18, 2000, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from the Ad Hoc Committee and respondent interested parties.

Scope of Review

According to the June 3, 1992, preliminary determination the suspended investigation included natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing natural uranium or natural uranium compound; uranium enriched in U^{235} and its compounds; alloys dispersions (including cermets), ceramic products and mixtures containing uranium enriched in U^{235} or compounds or uranium enriched in U^{235}; and any other forms of uranium within the same class or kind. The uranium subject to these investigations was provided for under subheadings 2612.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50, 2844.20.00.10, 2844.20.00.20, 2844.20.00.30, and 2844.20.00.50 of the Harmonized Tariff Schedule of the United States (''HTSUS'').[3] In addition, the Department preliminarily determined that highly-enriched uranium (''HEU'') was not covered within the scope of the investigation, and that the subject merchandise constituted a single class or kind of merchandise.

On October 30, 1992, the Department issued a suspension of the antidumping duty investigation of uranium from Uzbekistan and an amendment of the preliminary determination.[4] The notice amended the scope of the investigation to include HEU.[5] The suspension agreement provided that uranium ore from Uzbekistan that is milled into U3O8 and/or converted into UF6 in another country prior to direct and/or indirect importation into the United States is considered uranium from Uzbekistan and is subject to the terms of the Agreement.[6] Further, uranium enriched in U^{235} in another country prior to direct and/or indirect importation into the United States was not considered uranium from Uzbekistan and was not subject to the terms of the suspension agreement.[7] In this suspension agreement, imports of uranium ores and concentrates, natural uranium compounds, and all forms of enriched uranium are classifiable under HTSUS subheadings 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds were classifiable under HTSUS subheadings 2844.10.10 and 2844.44.10.50.

On October 13, 1995, the Department issued an amendment to the suspension agreement on uranium from Uzbekistan. Among other things, this amendment modifies the agreement to include Uzbek uranium enriched in a third country prior to importation into the United States.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 27, 2000, which is hereby adopted by this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the suspension investigation terminated. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import admin/records/frn/, under the heading ''Uzbekistan.'' The paper copy and electronic version of the memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty suspension agreement on uranium from Uzbekistan would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margin:

[1] *See* April 4, 2000, Letter from Jeffrey A. May, Director, Office of Policy, to Carolyn B. Lamm, granting an extension for time for filing rebuttal comments to the case briefs.

[2] AHUG consists of U.S. industrial users Ameren UE, Baltimore Gas and Electric Co., Carolina Power and Light Co., Commonwealth Edison Co., Consumers Energy, Duke Power Co., Entergy Services, Ins., FirstEnergy Nuclear Operating Co., Florida Power and Light Co., Northern States Power Co., PECO Energy Co., Southern Nuclear Operating Co., Texas Utilities Electric Co., and Virginia Power.

[3] *See Preliminary Determination of Sales at Less Than Fair Value: Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine and Uzbekistan; and Preliminary Determination of Sales at Not Less Than Fair Value: Uranium from Armenia, Azerbaijan, Byelarus, Georgia, Moldova and Turkmenistan,* 57 FR 23381, 23382 (June 3, 1992).

[4] *See Antidumping; Uranium from Kazakhstan, Kyrgyszstan, Russia, Tajikistan, Ukraine, and Uzbekistan; Suspension of Investigations and Amendment of Preliminary Determinations,* 57 FR 49220 (October 30, 1992).

[5] *Id.* at 49221.

[6] *Id.* at 49255.

[7] *Id.*

Producers/Exporters	Margin percent
All Uzbek Producer/Exporters	115.82

This notice serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16949 Filed 7–5–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

ACTION: Publication of quarterly update to annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period January 1, 2000 through March 31, 2000. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl or Russell Morris, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (as amended) (''the Act'') requires the Department of Commerce (''the Department'') to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(g)(b)(4) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on cheeses that were imported during the period January 1, 2000 through March 31, 2000.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(g)(b)(2) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: June 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

APPENDIX.—SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross [1] Subsidy ($/lb)	Net [2] Subsidy ($/lb)
Austria	European Union Restitution Payments	$0.17	$0.17
Belgium	EU Restitution Payments	0.06	0.06
Canada	Export Assistance on Certain Types of Cheese	0.24	0.24
Denmark	EU Restitution Payments	0.11	0.11
Finland	EU Restitution Payments	0.23	0.23
France	EU Restitution Payments	0.13	0.13
Germany	EU Restitution Payments	0.17	0.17
Greece	EU Restitution Payments	0.00	0.00
Ireland	EU Restitution Payments	0.14	0.14
Italy	EU Restitution Payments	0.13	0.13
Luxembourg	EU Restitution Payments	0.07	0.07
Netherlands	EU Restitution Payments	0.10	0.10
Norway	Indirect (Milk) Subsidy	0.31	0.31
	Consumer Subsidy	0.14	0.14
Total		0.45	0.45
Portugal	EU Restitution Payments	0.10	0.10
Spain	EU Restitution Payments	0.09	0.09
Switzerland	Deficiency Payments	0.12	0.12
U.K.	EU Restitution Payments	0.11	0.11

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 00–16956 Filed 7–3–00; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–815 (alloy), C–122–815 (pure)]

Pure Magnesium and Alloy Magnesium From Canada; Final Results of Full Sunset Reviews Reviews of Countervailing Duty Orders

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

ACTION: Notice of final results of full sunset reviews: Pure magnesium and alloy magnesium from Canada.

SUMMARY: On February 29, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** (65 FR 10766) the preliminary results of the full sunset review of the countervailing duty orders on pure magnesium and alloy magnesium from Canada, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results and received comments filed on behalf of domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the countervailing duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, NW., Washington, DC 20230; telephone: (202) 482–1930 or (202) 482–3330, respectively.

EFFECTIVE DATE: July 5, 2000.

Statute and Regulations

These reviews were conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders, 63 FR 13516 (March 20, 1998) (''Sunset Regulations'') and in 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (*''Sunset Policy Bulletin''*).

Scope

The products covered by these orders are pure magnesium and alloy magnesium from Canada. Pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight with magnesium being the largest metallic element in the alloy by weight, and are sold in various ingot and billet forms and sizes. The merchandise is currently classifiable under items 8104.11.0000 and 8104.19.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope remains dispositive. Secondary and granular magnesium are not included in the scope of these orders.

Background

On February 29, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** a notice of preliminary results of the full sunset review of the countervailing duty orders on pure magnesium and alloy magnesium (65 FR 10766) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). In our preliminary results, we found that revocation of the orders would likely result in continuation or recurrence of a countervailable subsidy. In addition, we preliminarily determined the net countervailable subsidy likely to prevail if the orders were revoked to be 1.84 percent *ad valorem* for Norsk Hydro Canada Inc. (''NHCI'') and 4.48 percent *ad valorem* for ''all others.''

On April 14, 2000, within the deadline specified in 19 CFR 351.209(c)(1)(i), we received a case brief on behalf of the Magnesium Corporation of America (''Magcorp'') and respondent interested parties, NHCI and the Government of Quebec (''GOQ''). On April 24, 2000, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from Magcorp and the GOQ. On March 17, 2000, we received a request for a hearing on behalf of the GOQ. Subsequently, on April 28, 2000, the GOQ withdrew its request and the Department canceled the hearing.

We note that the Department issued the preliminary results of countervailing duty administrative reviews covering the period January 1, 1998 through December 31, 1998 on May 4, 2000 (65 FR 25910).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 27, 2000, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of countervailable subsidies and the net countervailable subsidy likely to prevail were the orders revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn/, under the heading ''Canada.'' The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Manufacturer/Exporter	Margin (percent)
Norsk Hydro Canada Inc. (''Norsk'')	1.84
All Others	4.48

Timminco, which was found to have an estimated net subsidy of zero in the original investigations, remains excluded from the orders.[1]

The program included in our calculation of the net countervailable subsidy likely to prevail if the orders were revoked does not fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement.

This notice serves as the only reminder to parties subject to

[1] *See Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada,* 57 FR 30946 (July 13, 1992).

administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–16947 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062900A]

Northeast Region Sea Scallop Exemption Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before September 5, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at lengelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David M. Gouveia, NMFS, 1 Blackburn Drive, Gloucester, MA 01930 (978–281–9280).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) has established a Sea Scallop Exemption Program (SEP) in the northeast region of the U.S. The SEP allows sea scallop fishermen to fish within certain areas closed to the northeast multispecies fishery. NMFS requires reporting by participants to allow it to enforce regulations and manage the fishery. The Office of Management and Budget (OMB) gave emergency Paperwork Reduction Act clearance to these reporting requirements on June 13, 2000. This Notice solicits public comment on a proposed request to OMB for regular clearance for these requirements. It also solicits comment on a proposal to expand the nature of the requirements. The approval obtained from OMB was limited to specifically identified exemption areas. NMFS proposes to request clearance for these requirements to apply to any other exemption areas that may be named.

The requirements currently approved are: (1) vessels not already equipment with a Vessel Monitoring System (VMS) must install one to allow NMFS to monitor the location of the vessel; (2) vessels installing a new VMS must submit verification of that installation; (3) vessels intending to participate in the SEP must notify NMFS of that intent no later than 15 days prior to the scheduled opening of an exemption area; (4) vessels participating must notify NMFS at least 5 days prior to departing on a trip to an exemption area in order to allow possible assignment of observers; (5) vessels on a trip to an exemption area must provide daily reporting via their VMS unit on their catch and related information; and (6) the VMS unit on vessels on a fishing trip to an exemption area must provide automatic position information twice each hour.

II. Method of Collection

The verification requirement of VMS installation is made by submission of a paper document. Notification requirements and all VMS reporting is done electronically via the VMS unit.

III. Data

OMB Number: 0648–0416.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations, individuals.

Estimated Number of Respondents: 267.

Estimated Time Per Response: 1 hour for an installation of a VMS unit, 5 minutes for a verification of installation of the VMS unit, 2 minutes for a notification of intent to participate or to leave on a fishing trip, and 30 seconds per day for an automated VMS position reports.

Estimated Total Annual Burden Hours: 4,673.

Estimated Total Annual Cost to Public: $195,000.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 27, 2000.

Madeleine Clayton,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 00–16941 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062700E]

Draft International Plan of Action To Address Illegal, Unregulated and Unreported Fishing

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; public meeting; request for comments.

SUMMARY: The United States, through a collaborative effort of NMFS, the Department of State, the Office of the United States Trade Representative, the Coast Guard, and the United States Customs Service announces the availability of a draft International Plan of Action to address Illegal, Unregulated and Unreported Fishing (IPOA-IUU).

The United States, through NMFS, also announces a public meeting to receive comments from members of the public on the draft IPOA-IUU. To accommodate individuals unable to attend a meeting or wishing, alternatively or in addition, to provide written comments, NMFS solicits written comments on the draft IPOA-IUU.

DATES: A public meeting on the draft IPOA-IUU will be held at 3 p.m. on Thursday, August 3, 2000. Submit comments on the IPOA-IUU to the appropriate address or fax number by 5 p.m., August 1, 2000.

ADDRESSES: The public meeting will be held at NOAA-NMFS Headquarters, 1315 East-West Highway, SSMC, Room 12836, Silver Spring, MD, 20910. Comments on the draft IPOA-IUU may be sent to Robin Tuttle, NOAA-NMFS, Office of Science and Technology, 1315 East-West Highway, Silver Spring, MD 20910, or by fax to 301–713–4057. Comments will not be accepted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Robin Tuttle, 301–713–2282, extension 199, or fax 301–713–4057.

SUPPLEMENTARY INFORMATION: The United States, through a collaborative effort of NMFS, the Department of State, the Office of the United States Trade Representative, the Coast Guard, and the United States Customs Service is developing the U.S. position on a voluntary IPOA-IUU elaborated by an Experts Consultation organized by the Government of Australia in cooperation with the Food and Agriculture Organization of the United Nations (FAO). The draft IPOA-IUU will be further considered by a Technical Consultation open to all member countries of the FAO, October 2–6, 2000 at FAO headquarters in Rome.

The draft IPOA-IUU is available on the FAO website at www:fao.org by clicking on ''Fisheries,'' ''Meetings,'' ''Expert Consultation on Illegal, Unregulated and Unreported Fishing, Sydney, Australia, May 15–19, 2000'' and ''Documents'' in succession, or by contacting Robin Tuttle (see **FOR FURTHER INFORMATION CONTACT**).

Special Accommodations

The public meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aides should be directed to Robin Tuttle at least seven days before the meeting. NMFS will be able to accommodate a limited number of teleconference participants. Requests should be directed to Robin Tuttle by July 31, 2000, (see **FOR FURTHER INFORMATION CONTACT**).

Dated: June 28, 2000.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–16937 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062800B]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a meeting of its Magnuson-Stevens Fishery Conservation and Management Act (M-SFCMA) Committee in July, 2000 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Tuesday, July 18, 2000, at 9:00 a.m.

ADDRESSES: The meeting will be held at offices of the Rhode Island Department of Environmental Management, 235 Promenade Street, Providence, RI; telephone: (401)222–6605.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The committee will meet to develop comments on the 2000 reauthorization of the M-SFCMA.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: June 29, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 00–16936 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research, NOAA, DOC.

ACTION: Notice of open meeting.

SUMMARY: The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long and short-range strategies for research, education, and application of science to resource management. SAB activities and advice will provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

DATES: The meeting will be held Wednesday, July 19, 2000, from 8 a.m. to 5:30 p.m., Thursday, July 20, 2000, from 8 a.m. to 4:30 p.m., and Friday, July 21, 2000, from 8 a.m. to 3:30 p.m.

ADDRESSES: On July 19 and 21, the meeting will be held at the Westmark Hotel, 813 Noble Street, Fairbanks, AK. On Thursday, July 20, 2000, the meeting will be held at the International Arctic Research Center (IARC), University of Alaska Fairbanks, Fairbanks, AK.

Status: The meeting will be open to public participation with two 30-minute time periods set aside during the meeting for direct verbal comments or questions from the public. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 35

copies) should be received in the SAB Executive Director's Office by July 5, 2000, in order to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after July 5 will be distributed to the SAB, but may not be reviewed prior to the meeting date. Approximately thirty (30) seats will be available for the public including five (5) seats reserved for the media. Seats will be available on a first-come first-served basis.

Matters To Be Considered: The meeting will include the following topics: (1) Overview of NOAA's Alaskan, Arctic and Northern Pacific Region Science and Research programs, (2) NOAA's involvement in the National Oceanographic Partnership Program, (3) Discussion of the SAB Report for the next NOAA Administrator, (4) Public Input Session with SAB discussion, (5) Presentation and SAB discussion of the proposal for Lab and Joint Institute Reviews, (6) SAB Sub-Committee and Working Group Reports, (7) SAB debriefing of NOAA response to SAB commendations on Northwest Salmon, (8) Presentations of University of Alaska Fairbanks Cooperative Institute for Arctic Research (CIFAR) major NOAA activities and research programs.

FOR FURTHER INFORMATION CONTACT: Dr. Michael S. Uhart, Executive Director, Science Advisory Board, NOAA, Rm. 11142, 1315 East-West Highway, Silver Spring, Maryland 20910 (Phone: 301–713–9121, Fax: 301–713–3515, E-mail: *Michael.Uhart@noaa.gov);* or visit the NOAA SAB website at www.sab.noaa.gov.

Dated: June 28, 2000.

Louisa Koch,

Deputy Assistant Administrator, OAR.

[FR Doc. 00–16943 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060800C]

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of photography permit no. 963–1535.

SUMMARY: Notice is hereby given that Wild Things Photography, P.O. Box 34517, 4474 Julep Street, Juneau, Alaska 99803, has been issued a permit to take by Level B harassment one species, harbor seal (*Phoca vitulina*), of non-threatened, non-endangered marine mammals for purposes of commercial photography.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS,

1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Alaska Region, 709 W. 9th Street, Federal Building Room 461, P.O. Box 21668, Juneau, AK 99802 (907/586–7235).

SUPPLEMENTARY INFORMATION: On November 23, 1999, notice was published in the **Federal Register** (64 FR 65687) that the above-named applicant had submitted a request for a permit to take one species of marine mammals by Level B harassment during the course of commercial photographic activities in Glacier Bay National Park, Alaska. The requested permit has been issued, under the authority of § 104(c)(6) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

Dated: June 27, 2000.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–16935 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062700C]

Marine Mammals; File No. 782–1438 and P77–4#2

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendments.

SUMMARY: Notice is hereby given that the National Marine Mammal Laboratory, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE, Seattle, Washington 98115–0070 has been issued an amendment to scientific research Permit No. 782–1438; and that the Northeast Fisheries Science Center, National Marine Fisheries Service, NOAA, 166 Water Street, Woods Hole, MA 02546–1026 has been issued an amendment to scientific research Permit No. 917 (File No. P77–4#2).

ADDRESSES: The amendments and related documents are available for review upon written request or by appointment in the following office(s):

File Nos. 782–1438 and P77–4#2: Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

File No. 782–1438: Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (562/980–4001);

File No. 782–1438: Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 21668, Juneau, AK 99802 (907/586–7235);

File No. P77–4#2 (Permit No. 917): Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281–9250).

FOR FURTHER INFORMATION CONTACT: Simona Roberts or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On May 4, 2000, notice was published in the **Federal Register** (65 FR 25912) that an amendment of Permit No. 782–1438, issued on May 8, 1998 (63 FR 27265) and of Permit No. 917 (File No. P77–4#2), issued on May 11, 1994 (59 FR 25892), as amended on April 16, 1999 (64 FR 6326), had been requested by the above-named institutions. The requested amendments have been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 782–1438 authorizes the National Marine Mammal Laboratory to take various large and small cetacean species through photographic aerial surveys (Project I), biopsy sampling and photo-id (Project II), small cetacean species and pinnipeds through vessel surveys (Project III) and gray whales through biopsy sampling, tagging, photo-id and harassment (Project IV).

The amendment now authorizes the National Marine Mammal Laboratory to satellite-tag, flipper tag, VHF radio/time depth recorder(TDR) suction cup-tag and biopsy sample beluga whales (*Delphinapterus leucas*) in Alaskan waters.

Permit No. 917 (File No. P77–4#2) authorizes the Northeast Fisheries Science Center (NMFS) to conduct three projects: 1) aerial and boat surveys, biopsy sampling and photo-identification of various cetacean species during stock assessment research; 2) capture, sample, tag and release pinnipeds during pinniped stock assessment research; and 3) collection of samples from animals of the Orders Cetacea and Pinnipedia [except walrus] for deposit into a scientific collection for research.

The amendment now authorizes the Northeast Fisheries Science Center to extend the permit to December 31, 2000.

Issuance of this amendment, as required by the ESA was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 28, 2000.

Ann Terbush,

Chief, Permits Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–16938 Filed 7–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., App. 2), announcement is made of the following Committee meeting:

Name of Committee: Reserve Officer's Training Corps (ROTC) Program Subcommittee.

Date of Meeting: 11–13 July 2000.

Place: Sheraton Inn, Tacoma, Washington.

Time: 0800–1700 hours, 11 July; 0800–1200 hours 13 July.

Proposed Agenda: Review and discuss status of Army ROTC since the February 2000 meeting held at the Pentagon, Washington, DC.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee. For further information contact: Commander, HQ U.S. Army Cadet Command, ATTN: ATCC–TT (MAJ Hewitt), Fort Monroe, VA 23651 (757) 728–5456.

John W. Corbett,

Colonel, GS, Chief of Staff.

[FR Doc. 00–17010 Filed 7–3–00; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

[CFDA No. 84.347]

Community Scholarship Mobilization Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000 Under the Community Scholarship Mobilization Program

Purpose of Program: The Community Scholarship Mobilization Program is designed to establish and support regional, State, or community program centers, and to enable such centers to foster the development of local entities in high poverty areas that promote higher education goals for students from low-income families by:

(1) Providing academic support, including guidance, counseling, mentoring, tutoring, and recognition; and (2) Providing scholarship assistance for the cost of postsecondary education.

Eligible Applicants: National organizations as defined in the statute. A National organization may receive funds on a competitive basis to enable it to support the establishment or ongoing work of regional, State or community program centers. These centers foster the development of local entities in high poverty areas to improve secondary school graduation rates and postsecondary attendance through the provision of academic support services, including guidance, counseling, mentoring, tutoring, and recognition, and scholarship assistance for the cost of postsecondary education.

Applications Available: July 10, 2000.

Deadline for Transmittal of Applications: August 16, 2000.

Deadline for Intergovernmental Review: September 15, 2000.

Estimated Available Funds: The amount referenced below is advisory and represents the Department's best estimate at this time. This will be the first year for the program. The estimated FY 2000 average size of an award will be $990,000.

Estimated Range of Awards: Up to $990,000.

Estimated Size of Awards: Up to $990,000.

Estimated Number of Awards: 1 or more.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Applicable Regulations: Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 97, 98, 99 and the Higher Education Amendments of 1998, Title VIII, Part C. That statute defines several key terms used in this notice.

Selection Criteria: In evaluating an application for a new grant under this competition, the Secretary uses selection criteria under 34 CFR 75.210 of EDGAR. The Secretary informs applicants in the application package of the selection criteria and factors, if any, to be used for this competition and of the maximum weight assigned to each criterion.

For Further Information or Applications Contact: Ms. Marion Steward, Institutional Development and Undergraduate Education Service, U.S. Department of Education, 1990 K Street, NW, 6th Floor, Washington, DC 20006–8517. Telephone: (202) 502–7594. The e-mail address for Ms. Steward is:_Marion_Steward@ed.gov.

We encourage applicants to send facsimile requests for applications to (202) 502–7861.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office toll free at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: Pub. L. 105–244, the Higher Education Amendments of 1998, Title VIII, Part C.

Dated: June 29, 2000.

Claudio Prieto,

Acting Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 00–16906 Filed 7–3–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

[Docket No. EA–225]

Application To Export Electric Energy; Split Rock Energy LLC

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Split Rock Energy LLC (Split Rock) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before August 4, 2000.

ADDRESS: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On June 5, 2000, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from Split Rock to transmit electric energy from the United States to Canada. Split Rock is a Minnesota limited liability company jointly owned by Minnesota Power, Inc. and Great River Energy, a public power cooperative. Split Rock, a power marketer, intends to export energy produced by Minnesota Power Inc. or purchased from electric utilities and other suppliers in the United States.

Split Rock proposes to arrange for the delivery of electric energy to Canada over the existing international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison Company, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company. The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by Split Rock, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's rules of practice and procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the Split Rock application to export electric energy to Canada should be clearly marked with Docket EA–225. Additional copies are to be filed directly with Steven W. Tyacke, Esq., Split Rock Energy LLC, 30 West Superior Street, Duluth, MN 55802.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC., on June 27, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00–16807 Filed 7–3–00; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

[Docket No. EA–185–A]

Application To Export Electric Energy; Morgan Stanley Capital Group Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Morgan Stanley Capital Group Inc. (Morgan Stanley) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before August 4, 2000.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586-4708 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: On August 21, 1998, the Office of Fossil Energy (FE) of the Department of Energy (DOE) authorized Morgan Stanley to transmit electric energy from the United States to Canada as a power marketer using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Maine Electric Power Company, Maine Public Service Company, Company, Minnesota Power, Inc., Minnkota Power, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That two-year authorization will expire on August 21, 2000. On June 21, 2000, Morgan Stanley filed an application with FE for renewal of this export authority, requested that the Order be issued for an additional five-year term, and also requested that the international transmission facilities of Long Sault be added to the list of authorized export points.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the

FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the Morgan Stanley request to export to Canada should be clearly marked with Docket EA–185–A. Additional copies are to be filed directly with William H. Penniman, Esq., Danel E. Frank, Esq. Sutherland Asbill & Brennan LLP, 1275 Pennsylvania Avenue, NW., Washington, DC 20004–2415 and William F. McCoy, Esq., Principal and Counsel, Morgan Stanley & Co. Incorporated, 1221 Avenue of the Americas, 27th Floor, New York, NY 10020.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order EA–185. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA–185 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, D.C., on June 28, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00–16930 Filed 7–3–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Condon Wind Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) and notice of floodplain and wetlands involvement.

SUMMARY: BPA intends to prepare an EIS on a proposed Condon Wind Project, located northwest of the town of Condon in Gilliam County, Oregon. SeaWest WindPower, Inc. (SeaWest) proposes to construct and operate the 24.3 to 24.75 megawatt (MW) wind generation facility. BPA proposes to purchase the electrical output from the project and to provide transmission services. The EIS will be site-specific as to the potential environmental impacts of the construction and operation of the wind project itself, as well as all related transmission facilities. In addition, the EIS will take a broad programmatic look at the balance of the project study area. This action may involve wetlands located in Gilliam County, Oregon. In accordance with DOE regulations for compliance with wetlands environmental review requirements, BPA will prepare a wetlands assessment and will perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected wetlands. The assessment will be included in the EIS being prepared for the proposed project in accordance with the National Environmental Policy Act (NEPA).

DATES: BPA has established a 30-day scoping period during which affected landowners, concerned citizens, special interest groups, local governments, and any other interested parties are invited to comment on the scope of the proposed EIS. Scoping will help BPA ensure that a full range of issues related to this proposal is addressed in the EIS, and also will identify significant or potentially significant impacts that may result from the proposed project. Written comments are due to the address below no later than August 7, 2000. Comments may also be made at the EIS scoping meetings to be held on July 19 and 20, 2000.

ADDRESSES: BPA invites comments and suggestions on the proposed scope of the Draft EIS. Send comment letters and requests to be placed on the project mailing list to Communications, Bonneville Power Administration—KC–7, P.O. Box 12999, Portland, Oregon, 97212. The phone number of the Communications office is 503–230–3478 in Portland; toll-free 1–800–622–4519 outside of Portland. Comments may also be sent to the BPA Internet address: comment@bpa.gov.

The EIS scoping meetings will be held at the City of Arlington Municipal Building, Council Chambers, Locust and First Streets, Arlington, Oregon, on July 19, 2000, from 4 p.m. to 8 p.m.; and at the Gilliam County Courthouse, Circuit Court Room, 221 S. Oregon Street, Condon, Oregon, on July 20, 2000, from 4 p.m. to 8 p.m. At these informal meetings, SeaWest will provide information, including maps, about the wind project. Written information will be available, and BPA staff will answer questions and accept oral and written comments.

FOR FURTHER INFORMATION CONTACT: Tiffany B. B. Branum, KECP–4, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208–3621, phone number 503–230–5115, fax number 503–230–5699.

SUPPLEMENTARY INFORMATION:

Background

Restructuring in the electric utility industry has resulted in increased demand for energy produced by new renewable resources. Part of this demand is due to the increased ability consumers have to choose their power provider. Some of these consumers want to encourage the development of renewable energy resources, and want their power provider to give them options for doing this. Some Northwest states (such as Oregon) have passed laws that require utilities to offer their customers a power rate that includes significant new renewable energy resources. In other cases, individual utilities have chosen to dedicate a portion of their wholesale power purchases to new renewable resources and are relying on BPA to supply them. In addition, the Northwest Power Planning Council's Fourth Conservation and Electric Power Plan recommends that Northwest utilities offer green power purchase opportunities as a way to help the region integrate renewable resources into the power system in the future.

Purpose and Need

In the face of regional growth in electrical loads and increasing constraints on the existing energy resource base, BPA needs to acquire resources that will contribute to diversification of the long-term power supply prospects in the region. The purposes of acquiring a diverse resource portfolio include:

- Protecting BPA and its customers against risk;
- Assuring consistency with BPA's responsibility under the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) to encourage the development of renewable energy resources;
- Meeting customer demand for energy from renewable energy resources, thereby assuring consistency with BPA's Business Plan EIS (DOE/EIS–0183, June 1995) and Business Plan Record of Decision (ROD);
- Assuring consistency with the resource acquisition strategy of BPA's

Resource Programs EIS (DOE/EIS–0162, February 1993) and ROD; and

• Meeting the objective in the January 2000 Strategic Plan of BPA's Power Business Line to acquire at least 150 average MW of new renewable resources by the end of fiscal year 2006 in order to meet customer demand for new renewable resources.

Proposed Action

BPA proposes to execute one or more power purchase and transmission services agreements to acquire and transmit up to the full electrical output of SeaWest's proposed Condon Wind Project. SeaWest proposes to construct and operate this 24.3 to 24.75 MW wind generation facility, located in southern Gilliam County, Oregon, northwest of the town of Condon. The proposed project site consists of relatively flat plateaus located in an area of rolling, arid hills bisected by canyons. Land uses within the project site consist of non-irrigated agriculture—winter wheat and cattle grazing. The project will be located entirely on private farmland, and no project facilities will be constructed upon lands owned by the State of Oregon or by the United States.

The approximately 26 to 41 turbines will be arranged in several ''strings,'' with generally between 250 to 425 feet between turbines in each string. SeaWest is considering using either 600-kilowatt (kW) turbines similar to those used at the existing Foote Creek Rim Wind Project in Wyoming, or larger, up to 950-kW turbines. If the 600-kW turbines are used, the turbines will be about 165 to 197 feet tall at the turbine hub, and about 236 to 276 feet tall including the turbine blades. The diameter of the ''swept area'' covered by the rotors will be about 144 to 158 feet. Each turbine will be mounted on a tubular steel tower installed on a reinforced concrete foundation. Foundations will be either tubular or pad foundations, ranging from approximately 15 to 20 feet in width and extending up to 25 to 30 feet underground. If the 750-kW, 900-kW, or 950-kW turbines are used, or an alternative foundation design is utilized, these dimensions may be slightly greater. Agricultural activities generally can continue to take place directly adjacent to the turbine pads.

Power from all turbines in the project will be collected by an underground and overhead cable loop and then fed underground to a proposed substation to be located at the project site. The fenced substation site will occupy approximately one to two acres. From the substation site, power from the project will be transmitted by approximately two to five miles of new above-ground lines (likely single-pole wood structures) to interconnect with the existing BPA De Moss-Condon 69–kilovolt (kV) transmission line. Other facilities required as part of the project are access roads, an operation and maintenance (O&M) building, and onsite storage. Most of the access roads will consist of improved, graveled, existing farm roads, with some construction of new graveled roads in areas where usable farm roads do not exist. The O&M building will be on or near the project site. SeaWest proposes to begin construction in mid to late 2001. The Condon Wind Project is scheduled to begin commercial operation late in 2001, and would operate for at least 20 years.

Process to Date

Some environmental analyses have already been conducted by SeaWest. Surveys for sensitive plant and wildlife species were initiated in the spring of 2000. Scoping will help identify what additional studies will be required.

Alternatives Proposed for Consideration

The alternatives include the proposed action (executing a power purchase agreement with SeaWest for up to 24.75 MW of electrical energy from the proposed Condon Wind Project and authorizing transmission over BPA power lines) and the No Action alternative. In addition, at least two transmission alternatives will be examined in the EIS.

Identification of Environmental Issues

For other wind projects, noise, visual impact, influence on cultural resources, and effects on sensitive plant and animal species have been identified as potential environmental issues. The scoping process will help identify the range of environmental issues that should be addressed in this EIS. Maps and further information are available from BPA at the address above. When completed, the Draft EIS will be circulated for review and comment, and BPA will hold public comment meetings for the Draft EIS. BPA will consider and respond to comments received on the Draft EIS in the Final EIS, expected to be published in mid to late 2001. BPA's subsequent decision will be documented in a Record of Decision. The EIS will satisfy the requirements of NEPA.

Issued in Portland, Oregon, on June 27, 2000.

Judith A. Johansen,

Administrator and Chief Executive Officer.

[FR Doc. 00–16929 Filed 7–3–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–98–001]

Commonwealth Edison Company; Notice of Filing

June 28, 2000.

Take notice that on June 20, 2000, Commonwealth Edison Company (ComEd) tendered for filing an amendment to the application it filed in this proceeding on May 31, 2000.

ComEd states that it has, by mail, served a copy of the amendment on the Illinois Commerce Commission and on other identified entities.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before July 11, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–16840 Filed 7–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2566–001

New England Power Company, Massachusetts Electric Company and The Narragansett Electric Company; Notice of Filing

June 28, 2000.

Take notice that on June 27, 2000, New England Power Company, Massachusetts Electric Company and The Narragansett Electric Company submit for filing an amendment to their May 19, 2000 filing in this docket. The amendment consists of a revised Attachment E to the May 19 filing deleting a reference to Eastern Edison Company, Rate Schedule No. 58 in the Notice of Succession for Massachusetts Electric Company.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before July 10, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–222 for asssistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–16841 Filed 7–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–395–000]

Transcontinental Gas Pipe Line Corporation; Notice of Request Under Blanket Authorization

June 28, 2000.

Take notice that on June 21, 2000, Transcontinental Gas Pipe Line Corporation (Transco), Post Office box 1396, Houston, Texas 77251, filed in Docket No. CP00–395–000 a request pursuant to Sections 157.205 and 157.208 of the Commission's Regulations (18 CFR 157.205 and 157.208) under the Natural Gas Act (NGA) for authorization to modify all of its existing reciprocating engines at Compressor Station No. 40 in Hardin County, Texas under Transco's blanket certificate issued in Docket No. CP82–426–000, *et al.* pursuant to section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/htm (call 202–208–2222 for assistance).

Transco requests authorization to install turbochargers and associated equipment on all 6 of the reciprocating engines in order to reduce NO_X emissions and to comply with the State of Texas plan to implement the Clean Air Act Amendments of 1990. Transco states that the facilities will be used to reduce emissions by achieving a true lean air-fuel ratio, inject high pressure fuel directly into the power cylinders and make other engine adjustments. Transco also indicates that the true lean air-fuel ratio coupled with the high pressure fuel injection works by promoting stable combustion characteristics and thus reduces the formation of NO_X. Transco further states that the injection of high pressure fuel directly into the power cylinders significantly improves the combustion process by producing a more homogeneous mixture of air and fuel within the power cylinder. Transco estimates the cost of the facilities at $10,200,000.00.

Any questions regarding the application may be directed to Scott Long, at Transco Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251, (713) 215–2731.

Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–16838 Filed 7–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER95–112–010, et al.]

Entergy Services, Inc., et al.; Electric Rate and Corporate Regulation Filings

June 26, 2000.

Take notice that the following filings have been made with the Commission:

1. Entergy Services, Inc.

[Docket Nos. ER95–112–010 and ER96–586–005 (consolidated)]

Take notice that on June 19, 2000, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the ''Entergy Operating Companies'') tendered its compliance filing in response to the Commission's orders in Entergy Services, Inc., 85 FERC ¶ 61,163 (1998), reh'g denied, 91 FERC ¶ 61,153 (2000).

Comment date: July 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Koch Energy Trading Inc.

[Docket No. ER95–218–021]

Take notice that on June 21, 2000, Koch Energy Trading Inc. (KET), tendered for filing a notice of change in status, informing the Commission that KET's parent company Koch Energy, Inc. (Koch) has signed an agreement to form a partnership with Entergy Corporation (Entergy) that will own KET. KET also filed a code of conduct in accordance with the Commission's policies regarding transactions between power marketers and their public utility affiliates.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Southern Company Services, Inc.

[Docket No. ER00–1655–002]

Take notice that on June 20, 2000, Southern Company Services, Inc. (SCSI), acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company

submitted for filing a revised Southern Company System Intercompany Interchange Contract in compliance with the Commission's order issued June 15, 2000.

Comment date: July 11, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Entergy Services, Inc.

[Docket No. ER00–1743–002]

Take notice that on June 19, 2000, Entergy Services, Inc., on behalf of Entergy Corporation and the five Entergy Operating Companies: Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (together ''Entergy''), tendered for filing its compliance filing in response to the Commission's May 18, 2000 Order in Entergy Services, Inc., 91 FERC ¶ 61,149 (2000).

Entergy has served a copy of this compliance filing on all persons on the official service list compiled by the Commission.

Comment date: July 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Potomac Electric and Power Company

[Docket No. ER00–2903–000]

Take notice that on June 19, 2000, Potomac Electric and Power Company (PEPCO), tendered for filing executed netting agreements between PEPCO and Southern Company Energy Marketing, L.P., Reliant Energy Services, Inc. and PG&E Energy Trading—Power, L.P. respectively (the Counterparties).

Copies of the filing were served upon the Counterparties.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Commonwealth Edison Company

[Docket No. ER00–2904–000]

Take notice that on June 21, 2000, Commonwealth Edison Company (ComEd), tendered for filing an Interconnection Agreement with Indeck Rockford, LLC (Indeck).

ComEd requests an effective date of June 22 2000 and accordingly seeks waiver of the Commission's notice requirements.

Copies of the filing were served on Indeck and the Illinois Commerce Commission.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Reliant Energy Shelby County, LP

[Docket No. ER00–2905–000]

Take notice that on June 21, 2000, Reliant Energy Shelby County, LP (Reliant Shelby County), tendered for filing a service agreement establishing Reliant Energy Services, Inc. (RES) as a customer under Reliant Shelby County's market-based rate tariff.

Reliant Shelby County requests an effective date of June 4, 2000 for the service agreement.

Reliant Shelby County states that a copy of the filing was served on RES.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. PJM Interconnection, L.L.C.

[Docket No. ER00–2906–000]

Take notice that on June 21, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing an executed interconnection service agreement between PJM and Reliant Energy Services, Inc. (Reliant).

PJM requests a waiver of the Commission's 60-day notice requirement and an effective date of May 12, 2000.

Copies of this filing were served upon Reliant, the Maryland Public Service Commission, the New Jersey Board of Public Utilities, and the Pennsylvania Public Service Commission.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Public Service Company of New Mexico

[Docket No. ER00–2907–000]

Take notice that on June 21, 2000, Public Service Company of New Mexico (PNM), tendered for filing two executed service agreements and an executed amendment to one of the agreements, with Texas New Mexico Power Company (TNMP). One agreement is a service agreement dated May 26, 2000, for 6 MW of firm point-to-point transmission service (6 MW Agreement) under the terms of PNM's Open Access Transmission Tariff (OATT). The other agreement is a fully executed Control Area Service Agreement, originally filed (and accepted) as a unilaterally executed agreement, which incorporates specific sections of PNM's OATT. The Amendment included in PNM's filing (dated May 30, 2000) includes modifications to the Control Area Services Agreement necessary to incorporate the 6 MW Agreement into all relevant control area services load and resource descriptions and ancillary services calculations. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of PNM's filing were provided to TNMP and to the New Mexico Public Regulation Commission.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Pool

[Docket No. ER00–2908–000]

Take notice that on June 21, 2000, the New England Power Pool (NEPOOL) submitted a filing reflecting approval by the NEPOOL Participants of rate treatment for certain actual costs of the Vermont Electric Power Company (VELCO) for deploying on an interim basis a generating unit to operate primarily as a synchronous condenser to enhance system reliability in light of the failure of a phase angle regulator. The arrangements are to remain in effect only for costs incurred through December 2000.

NEPOOL states that copies of these materials were sent to NEPOOL Participants and the six New England state governors and regulatory commissions.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Deseret Generation and Transmission Co-operative, Inc.

[Docket No. ER00–2909–000]

Take notice that on June 21, 2000, Deseret Generation & Transmission Co-operative, Inc. (Deseret), tendered for filing the First Amendment to the Power Sales Confirmation Agreement between Deseret and Constellation Power Source, Inc., regarding a long-term power purchase and sale transaction.

Deseret requests an effective date of June 1, 2000.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Ogden Martin Systems of Union, Inc.

[Docket No. ER00–2910–000]

Take notice that on June 21, 2000, Ogden Martin Systems of Union, Inc. (Ogden Union), tendered for filing an amendment to Service Agreement No. 1 under Ogden Union's FERC Electric Tariff, Original Volume No. 1 (the Power Sales Agreement by and between Sempra Energy Trading Corp. and Ogden Union).

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. PJM Interconnection, L.L.C.

[Docket No. ER00–2911–000]

Take notice that on June 21, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing changes to Schedule 9 (Emergency Procedure Charges) of the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., to conform to Schedule 11 (Emergency Procedure Charges) of the Reliability Agreement Among Load Serving Entities In The PJM Control Area (RAA).

Copies of this filing were served upon all members of PJM and each state electric utility regulatory commission in the PJM control area.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Potomac Electric Power Company

[Docket No. ER00–2912–000]

Take notice that on June 21, 2000, Potomac Electric Power Company (PEPCO), tendered for filing a service agreement pursuant to Pepco FERC Electric Tariff, Original Volume No. 5, entered into between Pepco and AMP-Ohio, Inc.

An effective date of June 1, 2000 for this service agreement, with waiver of notice, is requested.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Vermont Electric Power Company, Inc.

[Docket No. ER00–2913–000]

Take notice that on June 21, 2000, Vermont Electric Power Company, Inc. (VELCO), tendered for filing a notice pursuant to the Commission's Order issued on May 8, 2000 in the matter of North American Electric Reliability Council, Docket No. ER00–1666–000, stating that: (1) VELCO 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.

VELCO requests an effective date of March 1, 2000 for the TLR procedures, and therefore respectfully requests waiver of the Commission's notice requirements.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Commonwealth Electric Company

[Docket No. ER00–2914–000]

Take notice that on June 21, 2000, Commonwealth Electric Company (Commonwealth), tendered for filing a firm point-to-point transmission service agreement between Commonwealth and Entergy Nuclear Generating Company (Entergy). Commonwealth states that the service agreement sets out the transmission arrangements under which Commonwealth will provide firm point-to-point transmission service to Entergy under Commonwealth's open access transmission tariff accepted for filing in Docket No. ER97–1341–000, subject to refund and issuance of further orders.

Commonwealth requests waiver of the Commission's thirty (30) day notice requirement in order to allow the service agreement to become effective on July 1, 2000.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Panda Paris Power Marketing, L.L.C.

[Docket No. ER00–2916–000]

Take notice that on June 21, 2000, Panda Paris Power Marketing, L.L.C. (Panda Paris), 4100 Spring Valley, Suite 1001, Dallas, Texas 75244, tendered for filing notice that effective June 21, 2000, Rate Schedule FERC No. 1 is to be canceled.

Panda Paris states that it has never entered into any wholesale electric power or energy transactions, and has never utilized its Electric Rate Schedule FERC No. 1.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. Calvert Cliffs Nuclear Power Plant, Inc.

[Docket No. ER00–2917–000]

Take notice that on June 21, 2000, Calvert Cliffs Nuclear Power Plant, Inc., tendered for filing a notice of succession indicating that the name Calvert Cliffs, Inc., an indirect subsidiary of Constellation Energy Group, has been changed to Calvert Cliffs Nuclear Power Plants, Inc., effective June 21, 2000. In accordance with Sections 35.16 and 131.51 of the Commission's Regulations, 18 CFR 35.16 and 131.51, Calvert Cliffs Nuclear Power Plant, Inc., has adopted and ratified all applicable rate schedules filed with the FERC by Calvert Cliffs, Inc.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Constellation Power Source Generation, Inc.

[Docket No. ER00–2918–000]

Take notice that on June 21, 2000, Constellation Power Source Generation, Inc., tendered for filing a notice of succession indicating that the name Constellation Generation, Inc., an indirect subsidiary of wholly owned subsidiary of Constellation Energy Group, has been changed to Constellation Power Source Generation, Inc. effective June 21, 2000. In accordance with Sections 35.16 and 131.51 of the Commission's Regulations, 18 CFR 35.16 and 131.51, Constellation Power Source Generation, Inc. has adopted and ratified all applicable rate schedules filed with the FERC by Constellation Generation, Inc.

Comment date: July 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. Madison Gas and Electric Company

[Docket No. ER00–2920–000]

Take notice that on June 21, 2000, Madison Gas and Electric Company (MGE) tendered for filing a service agreement under MGE's Market-Based Power Sales Tariff with Commonwealth Edison Company.

MGE requests this agreement be effective the date the agreement was filed with the FERC.

Comment date: July 12, 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. 00–16837 Filed 7–3–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Agency Regulatory Commission

[Project No. 2035–006 Colorado]

City and County of Denver; Notice of Availability of Final Environmental Assessment

June 28, 2000.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a new license for the Gross Reservoir Hydroelectric Project, and has prepared a Final Environmental Assessment (FEA). The project is located on South Boulder Creek, near the city of Boulder, in Boulder County, Colorado. The Project occupies federal lands managed by the U.S. Forest Service, Roosevelt National Forest, and the Bureau of Land Management.

In the FEA, the Commission's staff has analyzed the existing and potential future environmental impacts of the project and has concluded that licensing the project, with appropriate environmental protective or enhancement measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Room, Room 2A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426. The FEA may be viewed on *http://www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–16839 Filed 7–3–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–948; FRL–6590–6]

Notice of Filing of Pesticide Petitions to Establish Tolerances for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–948, must be received on or before August 4, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–948 in the subject line on the first page of your response.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

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

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

2. *In person.* The Agency has established an official record for this action under docket control number PF–948. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–948 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: *''opp-docket@epa.gov,''* or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–948. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under ''FOR FURTHER INFORMATION CONTACT.''

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 26, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

The petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioner and represents the view of the petitioner. The petition summaries announce the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Interregional Research Project Number 4 (IR-4)

9E6041, 0E6101, 0E6102, 0E6104, 0E6106, and 0E6156

EPA has received pesticide petitions 9E6041, 0E6101, 0E6102, 0E6104, 0E6106, and 0E6156 from the Interregional Research Project No. 4, 681 U.S. Highway #1 South, North Brunswick, NJ 08902–3390 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing tolerances for residues of the insecticide imidacloprid, 1-(6-chloro-3-pyridinyl)methyl-*N-nitro*-2-imidazolidinimine in or on the following raw agricultural commodities:

1. PP 9E6041 proposes the establishment of a tolerance for cilantro at 3.5 parts per million (ppm).
2. PP 0E6101 proposes the establishment of a tolerance for edible podded bean at 1.0 ppm.
3. PP 0E6102 proposes the establishment of a tolerance for hops at 4.0 ppm.
4. PP 0E6104 proposes the establishment of a tolerance for succulent shelled bean at 1.0 ppm.
5. PP 0E6106 proposes the establishment of a tolerance for sweet corn at 0.05 ppm, sweet corn forage at 0.1 ppm, and sweet corn stover at 0.2 ppm.
6. PP 0E6156 proposes the establishment of a tolerance for turnip tops (leaves) at 3.5 ppm.

EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions. This notice includes a summary of the petitions prepared by Zeneca Ag Products, Wilmington, DE 19850–5458.

A. Residue Chemistry

1. *Plant metabolism.* The nature of the imidacloprid residue in plants and livestock is adequately understood. The residues of concern are combined residues of imidacloprid and it metabolites containing the 6–chloropyridinyl moiety, all calculated as imidacloprid.

2. *Analytical method.* The analytical method is a common moiety method for imidacloprid and its metabolites containing the 6–chloropyridinyl moiety using a permanganate oxidation, silyl derivatization, and capillary gas chromatography mass spectrometry (GC/MS) selective ion monitoring. This method has successfully passed a petition method validation in EPA labs. There is a confirmatory method specifically for imidacloprid and several metabolites utilizing GC/MS and high performance liquid chromatography using ultra-violet detection (HPLC-UV) which has been validated by EPA as well. Imidacloprid and its metabolites are stable for at least 24 months in the commodities when frozen.

3. *Magnitude of residues*— i. *Turnip tops.* IR–4 has received requests from the California, Oregon, Texas, Mississippi, Oklahoma, Florida, Ohio, and Tennessee agricultural experiment stations for the registration of imidacloprid on turnip tops (leaves). No

data are presented in support of this petition; rather, IR–4 requests that the registrant's Brassica vegetable data be used to support this request for turnip tops. Turnips are very closely related to the Brassica vegetables. This request does not include a tolerance for turnip roots.

ii. *Succulent shelled beans*. Seven field trials were conducted in order to provide information on the magnitude of imidacloprid residues on lima beans following planting application plus three foliar applications of imidacloprid. Trials were conducted in Maryland, South Carolina, Georgia, Ohio, California and Washington. Residue levels ranged from <0.05 ppm to 0.67 ppm. A tolerance of 1.0 ppm is being proposed by IR–4.

iii. *Edible podded beans*. Six field trials were conducted in order to provide information on the magnitude of imidacloprid residues on snap beans following the planting application plus 3 foliar applications of imidacloprid. Trials were conducted in South Carolina, Florida, Wisconsin, Ohio, New York, and Washington. Residue levels ranged from <0.05 ppm to 0.89 ppm. A tolerance of 1.0 ppm is being proposed by IR–4.

iv. *Sweet corn*. IR–4 received a request from New York for registration of imidacloprid seed treatment on sweet corn. Imidacloprid is currently registered for use on field corn. Tolerances for kernel + cob with husk removed (K + CWHR), sweet corn forage and sweet corn stover were requested based on field corn data and validation of method on K + CWHR samples.

v. *Cilantro*. The nature of imidacloprid residues is adequately understood and an analytical method is available for enforcement purposes. IR–4 requests that EPA grant an imidacloprid tolerance for cilantro based on the similarity of cilantro to other leafy non-Brassica vegetables (especially fresh parsley) for which imidacloprid is already registered. Based on the available information, and the currently registered use patterns for leafy non-Brassica vegetables on the Admire® and Provado® labels, the establishment of a tolerance for cilantro (fresh leaves and stems) would protect the public health, and would not expose man or the environment to unreasonable adverse effects.

vi. *Hops*. Based on available data, the proposed use, foliar treatment of pirimicarb insecticide at the rate of 1 lb (0.5 lb active) per acre up to a maximum of 1 lb active ingredient/acre (ai/acre) per year, minimum 7–day pre-harvest interval, should be supported. Based on the available information, the establishment of the tolerance proposed in the petition would protect the public health, and would not expose man or the environment to unreasonable adverse effects, while providing growers with a safe and effective insectide.

B. Toxicological Profile

1. *Acute toxicity*. The acute oral lethal dose $(LD)_{50}$ values for imidacloprid-technical ranged from 424 milligrams/kilograms (mg/kg) in the male rat and >450 mg/kg in the female rat. The acute dermal LD_{50} was >5,000 mg/kg in the rat. The 4–hour rat inhalation lethal concentration $(LC)_{50}$ was >5.33 milligram/Liter (mg/L). Imidacloprid was not irritating to rabbit skin or eyes. Imidacloprid did not cause skin sensitization in guinea pigs. In an acute neurotoxicity study, the lowest observed adverse effect level (LOAEL) = 42 mg/kg body weight (bwt)/day.

2. *Genotoxicity*. Mutagenicity studies have demonstrated that imidacloprid is non-mutagenic both *in vivo* and *in vitro*.

3. *Reproductive and developmental toxicity*. In a developmental toxicity study with Sprague-Dawley rats, groups of pregnant animals (25/group) received oral administration of imidacloprid (94.2%) at 0, 10, 30, or 100 mg/kg bwt/day during gestation days 6 through 16. Maternal toxicity was manifested as decreased body weight gain at all dose levels and reduced food consumption at 100 mg/kg bwt/day. No treatment-related effects were seen in any of the reproductive parameters (*i.e.,* Cesarean section evaluation). At 100 mg/kg bwt/day, developmental toxicity manifested as wavy ribs (fetus =7/149 in treated vs. 2/158 in controls and litters, 4/25 vs. 1/25). For maternal toxicity, the LOAEL was 10 mg/kg bwt/day lowest dose tested (LDT) based on decreased body weight gain; a no observed adverse effect level (NOAEL) was not established. For developmental toxicity, the NOAEL was 30 mg/kg bwt/day, and the LOAEL was 100 mg/kg bwt/day based on increased wavy ribs.

In a developmental toxicity study with Chinchilla rabbits, groups of 16 pregnant does were given oral doses of imidacloprid (94.2%) at 0, 8, 24, or 72 mg/kg bwt/day during gestation days 6 through 18. For maternal toxicity, the NOAEL was 24 mg/kg bwt/day and the LOAEL was 72 mg/kg bwt/day based on mortality, decreased body weight gain, increased resorptions, and increased abortions. For developmental toxicity, the NOAEL was 24 mg/kg bwt/day and the LOAEL was 72 mg/kg bwt/day based on decreased fetal body weight, increased resorptions, and increased skeletal abnormalities.

In a 2–generation reproductive toxicity study, imidacloprid (95.3%) was administered to Wistar/Han rats at dietary levels of 0, 100, 250, or 700 ppm (0, 7.3, 18.3, or 52.0 mg/kg bwt/day for males and 0, 8.0, 20.5, or 57.4 mg/kg bwt/day for females). For parental/systemic/reproductive toxicity, the NOAEL was 250 ppm (18.3 mg/kg bwt/day) and the LOAEL was 750 ppm (52 mg/kg bwt/day), based on decreases in body weight in both sexes in both generations. Based on these factors, the parental/systemic/reproductive NOAEL and LOAEL are 250 and 700 ppm, respectively, based upon the body weight decrements observed in both sexes in both generations.

4. *Subchronic toxicity*. In a dermal toxicity study, groups of 5 male and 5 female New Zealand white rabbits received repeated dermal applications of imidacloprid (95%) at 1,000 mg/kg bwt/day (limit dose), 6–hours/day, 5–days/week for 3–weeks. No dermal or systemic toxicity was seen. For systemic and dermal toxicity, the NOAEL was >1,000 mg/kg bwt/day; a LOAEL was not established.

In an oral toxicity study, groups of Fischer 344 rats (12/sex/dose) were fed diets containing imidacloprid (98.8%) at 0, 150, 1,000, or 3,000 ppm (0, 9.3, 63.3, or 196 mg/kg bwt/day in males and 0, 10.5, 69.3, or 213 mg/kg bwt/day in females, respectively) for 90–days. No treatment-related effects were seen at 150 ppm. Treatment-related effects included decreases in body weight gain during the first 4 weeks of the study at 1,000 ppm (22% in males and 18% in females) and 3,000 ppm (50% in males and 25% in females) with an associated decrease in forelimb grip strength especially in males. The NOAEL was 150 ppm (9.3 and 10.5 mg/kg bwt/day in males and females, respectively) and the LOAEL was 1,000 ppm (63.3 and 69.3 mg/kg bwt/day in males and females, respectively).

In a rat inhalation study (28–day study in which rats were exposed 6 hours/day, 5 days/week for 4 weeks), the NOAEL for imidacloprid was 5.5 mg/m^3.

5. *Chronic toxicity*. In a chronic toxicity study, groups of Beagle dogs (4/sex/dose) were fed diets containing imidacloprid (94.9%) at 0, 200, or 1,250/2,500 ppm (0, 6.1, 15, or 41/72 mg/kg bwt/day, respectively) for 52 weeks. The 1,250 ppm dose was increased to 2,500 ppm from week 17 onwards. The threshold NOAEL was 1,250 ppm (41 mg/kg bwt/day). The LOAEL was 2,500 ppm (72 mg/kg bwt/day) based on increased cytochrome-P–450 levels in both sexes and was considered to be a threshold dose. Due

to the lack of toxicity at 1,250 ppm, a LOAEL was not established in this study; following the dose increase to the 2,500 ppm level, toxicity was observed, thus making 1,250 ppm the threshold NOAEL and 2,500 ppm the threshold LOAEL.

6. *Animal metabolism*. The metabolism of NTN 33893 (imidacloprid) in rats was reported in seven studies. Data showed that imidacloprid was rapidly absorbed and eliminated in the excreta (90% of the dose within 24 hours), demonstrating no biologically significant differences between sexes, dose levels, or route of administration. Elimination was mainly renal (70–80% of the dose) and fecal (17–25%). The major part of the fecal activity originated in the bile. Total body accumulation after 48 hours consisted of 0.5% of the radioactivity with the liver, kidney, lung, skin and plasma being the major sites of accumulation. Therefore, bioaccumulation of imidacloprid is low in rats. Maximum plasma concentration was reached between 1.1 and 2.5 hours. Two major routes of biotransformation were proposed for imidacloprid. The first route included an oxidative cleavage of the parent compound rendering 6–chloronicotinic acid and its glycine conjugate. Dechlorination of this metabolite formed the 6–hydroxynicotinic acid and its mercapturic acid derivative. The second route included the hydroxylation followed by elimination of water of the parent compound rendering NTN 35884. A comparison between [methylene-^{14}C]-imidacloprid and [imidazolidine-4,5-^{14}C]-imidacloprid showed that while the rate of excretion was similar, the renal portion was higher with the imidazolidine-labeled compound. In addition, accumulation in tissues was generally higher with the imidazolidine-labeled compound. Also, a comparison between imidacloprid and one of its metabolites, WAK 3839, showed that the total elimination was the same for both compounds. The proposed metabolic pathways for these two compounds were different. WAK 3839 was formed following pretreatment (repeated dosing) of imidacloprid.

7. *Endocrine disruption*. The toxicology data base for imidacloprid is current and complete. Studies in this data base include evaluation of the potential effects on reproduction and development, and an evaluation of the pathology of the endocrine organs following short-term or long-term exposure. These studies revealed no primary endocrine effects due to imidacloprid.

C. Aggregate Exposure

1. *Dietary exposure*. Assessments were conducted to evaluate potential risks due to chronic and acute dietary exposure of the U.S. population and selected population subgroups to residues of imidacloprid. These analyses cover all registered crops including rotational crops; uses pending with the EPA on citrus, leafy petiole crop group, corn, and sweet corn; active and proposed Section 18 uses on blueberries, cranberries, table beets, strawberries, turnips; new proposed IR–4 uses on succulent beans, blueberries, turnips and cilantro; and an import tolerance petition on bananas.

Novigen Sciences, Inc.'s dietary exposure evaluation model (DEEM™), which is licensed to Bayer, was used to estimate the chronic and acute dietary exposure. Version 6.76 was used for the chronic analysis and version 6.79 for the acute analysis. This software uses the food consumption data from the 1994–1996 U.S. Department of Argiculture (USDA) continuing surveys of food intake by individuals CSFII 1994–1996.

The endpoint for acute dietary risk assessments is based on neurotoxicity characterized by decreases in motor or locomotor activity in female rats at 42 mg/kg bwt/day (LOAEL) from an acute neurotoxicity study. Based on an uncertainty factor (UF) of 10X for interspecies and 10X for intraspecies the acute reference dose (RfD) = 0.42 mg/kg bwt/day. EPA has determined that an additional UF for FQPA (reduced to 3X) applies to all population subgroups for acute risk. Application of the additional 3X safety factor results in an acute population adjusted dose (aPAD) 0.14 mg/kg bwt/day or a margin of exposure (MOE) of 300.

For chronic dietary analyses, EPA has established the RfD for imidacloprid at 0.057 mg/kg/day based on a NOAEL of 5.7 mg/kg bwt/day from a rat chronic toxicity carcinogenicity study and UFs of 10X for interspecies and 10X for intraspecies. EPA has determined that an UF for FQPA (reduced to 3X) applies to all population subgroups for chronic risk. Application of the additional 3X safety factor results in a chronic population adjusted dose (cPAD) of 0.019 mg/kg bwt/day.

Results from the acute and chronic dietary exposure analyses described below demonstrate a reasonable certainty that no harm to the overall U.S. population or any population subgroup will result from the use of imidacloprid on currently registered and pending uses.

i. *Food*. Acute and chronic (tier 3) risk assessments were made using the results of field trials conducted at maximum label application rates and the shortest post harvest interval (PHI). For some of the vegetable crops, these residue data were collected at 1.5X or greater than the maximum label rate of 0.5 lb ai/acre per season. In addition, no adjustments were made to account for dissipation of residues during storage, transportation from the field to the consumer, washing or peeling. Therefore, the actual dietary exposure will be less than that presented here.

For the chronic analysis, mean field trial residues were calculated. For the acute Monte Carlo analysis, the entire distribution of residue field trial data was used for the ''non-blended'' and ''partially-blended'' foods as determined by EPA. For the foods considered as ''blended'' by EPA, mean field trial residue data were used. As allowed in EPA's draft guidance for submission of probabilistic human health exposure assessments one half limit of detection/limit of quantitation (LOD/LOQ) values were used for all non-detected values (values below the sensitivity of the method).

ii. *Acute*. Bayer's acute Monte Carlo dietary exposure assessment estimated percent of the aPAD and corresponding margins of exposure (MOE) for the overall U.S. population (all seasons) and various subpopulations. In this analysis, the exposure for the total U.S. population was equal to 6.82% of the aPAD at the 99.9th percentile. The most highly exposed population subgroup, children (1–6 yrs), had an exposure equal to 13.44% of the aPAD at the 99.9th percentile. Therefore, the acute dietary exposure estimates are below EPA's level of concern for the overall U.S. population as well as the various subpopulations.

iii. *Chronic*. Bayer's chronic dietary exposure estimated the percent of the cPAD for the overall U.S. population (all seasons) and various subpopulations. In this analysis, the exposure for the total U.S. population was equal to 1.4% of the cPAD. The most highly exposed population subgroup, children (1–6 yrs), had an exposure equal to 2.7% of the cPAD. Therefore, the chronic exposure estimates are below EPA's level of concern for the overall U.S. population as well as the various subpopulations.

iv. *Drinking water*. EPA has determined that imidacloprid is persistent and could potentially leach into ground water. However, there is no established maximum concentration level (MCL) or health advisory levels established for imidacloprid in drinking water. EPA's ''pesticides in ground water data base'' has no entry for imidacloprid. In addition, Bayer is not

aware of imidacloprid being detected in any wells, ponds, lakes, streams, etc. from its use in the U.S. In studies conducted in 1995, imidacloprid was not detected in 17 wells on potato farms in Quebec, Canada. Therefore, contributions to the dietary burden from residues of imidacloprid in water would be inconsequential.

2. *Non-dietary exposure*— i. *Residential turf*. Bayer has conducted an exposure study to address the potential exposures of adults and children from contact with imidacloprid treated turf. The population considered to have the greatest potential exposure from contact with pesticide treated turf soon after pesticides application are young children. Margins of safety of 7,587 – 41,546 for 10–year-old children and 6,859 – 45,249 for 5–year-old children were estimated by comparing dermal exposure doses to the imidacloprid NOAEL of 1,000 mg/kg/day established in a 15–day dermal toxicity study in rabbits. The estimated safe residue levels of imidacloprid on treated turf for 10–year-old children ranged from 5.6 – 38.2 g/cm^2 and for 5–year-old children from 5.1 – 33.5 g/cm^2. This compares with the average imidacloprid transferable residue level of 0.080 g/cm^2 present immediately after the sprays have dried. According to Bayer, these data indicate that children can safely contact imidacloprid-treated turf as soon after application as the spray has dried.

ii. *Termiticide*. Imidacloprid is registered as a termiticide. Due to the nature of the treatment for termites, exposure would be limited to that from inhalation and was evaluated by EPA's Occupational and Residential Exposure Branch's (OREB) and Bayer. Data indicate that the margins of safety for the worst case exposures for adults and infants occupying a treated building who are exposed continuously (24 hours/day) are 8.0 x 10^7 and 2.4 x 10^8, respectively. According to Bayer, exposure can be considered negligible.

iii. *Tobacco smoke*. Studies have been conducted to determine residues in tobacco and the resulting smoke following treatment. Residues of imidacloprid in cured tobacco following treatment were a maximum of 31 ppm (7 ppm in fresh leaves). When this tobacco was burned in a pyrolysis study, only 2% of the initial residue was recovered in the resulting smoke (main stream plus side stream). This would result in an inhalation exposure to imidacloprid from smoking of approximately 0.0005 mg per cigarette. Using the measured subacute rat inhalation NOAEL of 5.5 mg/m^3, it is apparent that exposure to imidacloprid from smoking (direct and/or indirect exposure) would not be significant.

iv. *Pet treatment*. Human exposure from the use of imidacloprid to treat dogs and cats for fleas has been addressed by EPA's OREB who have concluded that due to the fact that imidacloprid is not an inhalation or dermal toxicant and that while dermal absorption data are not available, imidacloprid is not considered to present a hazard via the dermal route.

D. Cumulative Effects

No other chemicals having the same mechanism of toxicity are currently registered, therefore, there is no risk from cumulative effects from other substances with a common mechanism of toxicity.

E. Safety Determination

1. *U.S. population*. Based on the exposure assessments described above and on the completeness and reliability of the toxicity data, it can be concluded that the exposure estimates from all label and pending uses of imidacloprid are 6.82% of the aPAD and 1.4% of the cPAD for dietary exposures. EPA generally has no concerns for exposures below 100% of the PAD. Thus, Bayers concludes that there is a reasonable certainty that no harm will result from aggregate exposure to imidacloprid residues.

2. *Infants and children*. In the **Federal Register** (63 FR 49837, September 18, 1998) (FRL–6027–1). EPA has assessed the potential for additional sensitivity of infants and children to residues of imidacloprid. EPA has considered data from developmental toxicity studies in the rat and rabbit and a 2–generation reproduction study in the rat. These studies are discussed under section A (toxicology profile) above. The developmental toxicity data demonstrated no increased sensitivity of rats or rabbits to *in utero* exposure to imidacloprid. In addition, the multi-generation reproductive toxicity study did not identify any increased sensitivity of rats to *in utero* or postnatal exposure. Parental NOAELs were lower or equivalent to developmental or offspring NOAELs. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

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

Although developmental toxicity studies showed no increased sensitivity in fetuses as compared to maternal animals following *in utero* exposures in rats and rabbits, no increased sensitivity in pups as compared to adults was seen in the 2–generation reproduction toxicity study in rats, and the toxicology data base is complete as to core requirements, the EPA has determined that the additional safety factor for the protection of infants and children will be retained but reduced to 3X based on the following weight-of-the-evidence considerations relating to potential sensitivity and completeness of the data:

i. There is concern for structure activity relationship. Imidacloprid, a chloronicotinyl compound, is an analog to nicotine and studies in the published literature suggests that nicotine, when administered causes developmental toxicity, including functional deficits, in animals and/or humans that are exposed *in utero*.

ii. There is evidence that imidacloprid administration causes neurotoxicity following a single oral dose in the acute study and alterations in brain weight in rats in the 2–year carcinogenicity study.

iii. The concern for structure activity relationship along with the evidence of neurotoxicity dictates the need of a developmental neurotoxicity study for assessment of potential alterations on functional development.

Because a developmental neurotoxicity study potentially relates to both acute and chronic effects in both the mother and the fetus, EPA has applied the additional UF for FQPA for all population subgroups, and in both acute and chronic risk assessments.

Based on the exposure assessments described above and on the

completeness and reliability of the toxicity data, it can be concluded that the dietary exposure estimates from all label and pending uses of imidacloprid are 13.44% of the aPAD at the 99.9th percentile and 2.7% of the cPAD for the most highly exposed population subgroup, children (1–6 yrs). Thus, Bayer concludes that there is a reasonable certainty that no harm will result from aggregate exposure to imidacloprid residues.

F. International Tolerances

No CODEX maximum residue levels have been established for residues of imidacloprid on any crops at this time.

[FR Doc. 00–16765 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–F

FARM CREDIT ADMINISTRATION

Privacy Act System Notices

AGENCY: Farm Credit Administration.

ACTION: Notice of amendment of a system of records maintained on individuals; request for comments.

SUMMARY: Under the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Farm Credit Administration (FCA) is amending Privacy Act systems of records FCA–5, Assignments and Correspondence Tracking System and renaming it FCA–5, Assignments and Communication Tracking System. The amended system of records will help us collect, maintain, use, and disclose information about individuals.

We filed an Altered Systems Report with Congress and the Office of Management and Budget (OMB) on June 29, 2000.

DATES: You should forward written comments by August 4, 2000. We will adopt this notice without further publication on August 28, 2000, unless we change it to incorporate public comments and publish another notice.

ADDRESSES: You may mail written comments (in triplicate) to Debra Buccolo, Privacy Act Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. You may send comments by E-mail to *BuccoloD@fca.gov*. Copies of all comments we receive will be available for review by interested parties at FCA headquarters.

FOR FURTHER INFORMATION CONTACT: Debra Buccolo, Privacy Act Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703) 883–4022, TDD (703) 883–4444

or

Jane M. Virga, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia, 22102–5090, (703) 883–4071, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: We are amending FCA–5, Assignments and Correspondence Tracking System and renaming it FCA–5, Assignments and Communication Tracking System. The amendments will allow FCA to track written and oral communications between FCA staff and external parties.

As required by 5 U.S.C. 552a(r) of the Privacy Act, we have notified OMB, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of the amended system of records. The notice is published in its entirety below.

FCA–5

SYSTEM NAME:

Assignments and Communication Tracking System—FCA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former FCA employees, and external parties.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains incoming letters, outgoing correspondence, memoranda, documents pertaining to FCA's operations, and communication logs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 2243, 2252.

PURPOSE(S):

We use information in this system of records for reference, to track employee assignments, and to track oral and written communications between FCA staff and external parties. This information aids Agency management in its deliberations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See the ''General Statement of Routine Uses.''

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage:

We maintain incoming letters or inquiries and their responses in file folders, on computer disks, and on computers. We store communication logs on a computer.

RETRIEVABILITY:

We file incoming letters or inquiries and their responses by Farm Credit District or alphabetically by requester's name. The automated communication log can sort and retrieve entries by Farm Credit District, subject, and name of FCA staff and external party.

SAFEGUARDS:

We maintain file folders in a cabinet in an area that is secured after business hours. Only authorized personnel have access to the computers, computer disks, and the automated communication log.

RETENTION AND DISPOSAL:

We destroy data in the automated system as well as the file folders after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Information Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

NOTIFICATION PROCEDURE:

Direct all inquiries about this system of records to: Privacy Act Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

RECORD ACCESS PROCEDURES:

To obtain a record, contact: Privacy Act Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, as provided in 12 CFR Part 603.

CONTESTING RECORD PROCEDURES:

Direct requests for amendments of a record to: Privacy Act Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, as provided in 12 CFR Part 603.

RECORD SOURCE CATEGORIES:

Persons making general inquiries or requests for information, persons communicating with the Agency, FCA staff, Farm Credit System institutions, and other external parties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: June 29, 2000.

Jeanette Brinkley,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 00–16908 Filed 7–3–00; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

June 26, 2000.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0895.

Expiration Date: 12/31/2000.

Title: Numbering Resources Optimization, CC Docket No. 99–200.

Form No.: FCC Form 502.

Respondents: Business or other for-profit; State, Local or Tribal Government.

Estimated Annual Burden: 2780 respondents; 57 hours per response (avg.); 158,500 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $6,490,000.

Frequency of Response: On occasion; Semi-annually; One-time requirement; Recordkeeping; Third Party Disclosure.

Description: The ten digit North American Numbering Plan currently being used by the United States and 19 other countries is rapidly being depleted. Management of this resource is impaired by a lack of uniform data. Under the Communications Act of 1934, as amended, the FCC was given ''exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.'' Pursuant to that authority the Commission conducted a rulemaking that among other things addressed regular reporting on numbering use by United States carriers. In its Report and Order in CC Docket No. 99–200, In the Matter of Numbering Resource Optimization (rel. Mar. 31, 2000) the Commission found that mandatory data collection is necessary to efficiently monitor and manage numbering use. Requirements adopted in the Report and Order include the following: (a) Utilization/Forecast Report—All carriers that receive numbering resources from the NANPA or that receive numbering resources from a Pooling Administrator in thousands blocks must report forecast and utilization data semi-annually to the NANPA. Carriers that receive intermediate numbers must report forecast and utilization data. Mandatory reporting begins August 1, 2000. See also 47 CFR Section 52.15(f). (No. of respondents: 2700; hours per response: 24 hours per semi-annual filing; total annual burden: 129,600 hours). (b) Application for Initial Numbering Resources—Applications for initial numbering resources must include documented proof that (1) the applicant is authorized to provide service in the area for which the numbering resources are requested and (2) the applicant is or will be capable of providing service within 60 days of the numbering resources activation date. Specifically, carriers must provide, as part of the applications for initial numbering resources, evidence (*e.g.,* state commission order or state certification to operate as a carrier) demonstrating that they are licensed and/or certified to provide service in the area in which they seek numbering resources. Carriers requesting initial numbering resources must also provide the NANPA appropriate evidence (*e.g.,* contracts for unbundled network elements, network information showing that equipment has been purchased and is operational or will be operational, business plans, or interconnection agreements) that its facilities are in place or will be in place to provide service within 60 days of the numbering resources activation date. These requirements apply to carriers requesting an initial NXX code and those requesting an initial thousands-block. See 47 CFR Section 52.15(g). (No. of respondents: 2730; hours per response: 2 hours; total annual burden: 5460 hours). (c) Application for Growth Numbering Resources—Applications for growth numbering resources must include a Months-To-Exhaust (MTE) worksheet. To ensure that carriers obtain numbering resources when and where they are needed to provide service, carriers are required to provide evidence that, given their current utilization and recent historical growth, they need additional numbering resources. Non-pooling carriers must satisfy a minimum utilization threshold before obtaining additional numbering resources. See 47 CFR Section 52.15(g). (No. of respondents: 2730; hours per response: 2 hours; total annual burden; 5460 hours). (d) Recordkeeping Requirement—To facilitate auditing by the NANPA and by state commissions in the future, carriers are required to maintain detailed internal records of their number usage in categories more granular than the five for which they are required to report. Carriers are required to maintain internal records of their numbering resources for the following subcategories: soft dialtone numbers; ported-out numbers; dealer number pools; test numbers; employee/official numbers; Local Routing Numbers; Temporary Local Directory Numbers; and wireless E911 emergency services routing digits/key numbers. Carriers are required to maintain this data for a period of not less than 5 years. See also Report and Order, para. 62. (No. of respondents: 2730; hours per response: 1 hour; total annual burden: 2730 hours). (e) Notifications by State Commissions—State commissions may reduce the reporting frequency for NPAs in their states to annual. State commissions must notify the Common Carrier Bureau and the NANPA prior to exercising this delegated authority. See 47 CFR Section 52.15(g). State commissions are permitted to substitute the NPA listed in the rollout schedule with an alternative NPA, as long as the substitute NPA has a life span of at least one year and is located within one of the top 100 MSAs. To exercise this option, the state must inform the thousands-block NPA within 15 days of the release of the roll out schedule for that quarter. (No. of respondents: 50; hours per response: 1 hour; total annual burden: 50 hours). (f) Demonstration to State Commission—Carriers that open a clean block prior to utilizing in its entirety a previously-opened thousands-block should be prepared to demonstrate to the state commission: (1) A genuine request from a customer detailing the specific need for telephone numbers; (2) the inability on the part of the carrier to meet the specific customer request for telephone numbers from the surplus of numbers within the carrier's currently activated thousands-block. See 47 CFR 52.15(j). (No. of respondents: 100; hours per response: 1 hour; total annual burden: 100 hours). (g) Petitions for Additional Delegation of Numbering Authority—States requesting pooling authority must include a showing of specific criteria in their petitions. Each petition must demonstrate that: (1) That an NPA in its state is in jeopardy, (2) the NPA in question has a remaining life span of at least a year, and (3) that NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable. See also Report and Order, para. 170. (No. of respondents: 50; hours per response: 2 hours; total annual burden: 100 hours). (h) Cost Support Data—Carriers are requested to submit cost

support data so that the Commission can determine the cost associated with thousands-block number pooling. Carriers should include an analysis of the differences between the shared industry costs associated with thousands-block number pooling and the shared industry costs, if any, associated with the current practices that result in more frequent area code changes. Carriers should provide cost studies that assign costs according to the following three categories: shared industry costs; carrier-specific costs directly related to thousands/block pooling; and carrier-specific costs not directly related to thousands-block number pooling. See Report and Order, paras. 215–226. (No. of respondents: 1500; hours per response: 10 hours; total annual burden: 15,000 hours). The data collected will be used by the FCC, state regulatory commissions, and the North American Numbering Plan administrator (NANPA) to monitor numbering resource utilization by all carriers using the resource and to project the dates of area code and North American Numbering Plan exhaust. Obligation to respond: Mandatory. Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–16818 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 13, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 4, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0817.

Title: Computer III Further Remand Proceedings: BOC Provision of Enhanced Services (ONA Requirements), CC Docket No. 95–20.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 5 respondents; 10 responses.

Estimated Time Per Response: 2–50 hours.

Frequency of Response: On occasion and semi-annual reporting requirements third party disclosure requirement.

Total Annual Burden: 270 hours.

Total Annual Cost: N/A.

Needs and Uses: In CC Docket 95–20, Report and Order, the Commission eliminated outdated, unnecessary regulations, while continuing to protect against potential anticompetitive behavior by the Bell Operating Companies (BOCs) in the provision of information services. BOCs are required to post their CEI plans and amendments on their publicly accessible Internet sites rather than filing them with the Commission to obtain pre-approval before initiating or altering an intraLATA information service.

The requirement extends to CEI plans for new or modified telemessaging or alarm monitoring services and for new or amended payphone services. If the BOC receives a good faith request for a plan from someone who does not have internet access, the BOC must notify that person where a paper copy of the plan is available for public inspection. The CEI plans will be used to ensure that BOCs comply with Commission policies and regulations safeguarding against potential anticompetitive behavior by the BOCs in the provision of information services.

OMB Control No.: 3060–0906.

Title: Annual DTV Ancillary/Supplemental Services Report.

Form No.: FCC Form 317.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 100.

Estimated Time Per Response: 2.5 hours.

Frequency of Response: On occasion and annual reporting requirements, recordkeeping requirement.

Total Annual Burden: 130 hours.

Total Annual Cost: $10,000.

Needs and Uses: The Commission has established a program for assessing and collecting fees for the provision of ancillary or supplementary services by commercial digital television licensees. Licensees are required to report, using the FCC Form 317, whether they provide ancillary or supplementary services, which services were provided, the services provided which are subject to a fee, gross revenues received from all feeable ancillary and supplementary services, and the amount of bitstream used to provide ancillary or supplementary service. This data is collected annually from commercial digital television licensees. Licensees providing services subject to a fee will also be required to file the FCC Form 159, Remittance Advice. Each licensee will be required to retain the records supporting the calculation of the fees due for three years from the date of remittance of fees. The data is used by FCC staff to ensure that DTV licensees comply with the requirements of Section 336(e) of the Communications Act.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–16819 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 27, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 4, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0104.

Title: Temporary Permit to Operate a Part 90 Radio Station.

Form No.: FCC Form 572.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, state, local or tribal governments.

Number of Respondents: 2,000.

Estimated Time Per Response: 6 minutes.

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 200 hours.

Total Annual Cost: N/A.

Needs and Uses: Applicants are required to complete FCC Form 572 if they wish to have immediate authorization to operate 2-way radio equipment in Part 90 radio services. Applicants eligible to hold a radio station authorization in the Private Land Mobile Radio Service may use this form as a temporary permit to operate their equipment during processing of an application for license grant. This form is completed and posted at the applicant's station and is not submitted to the FCC.

OMB Control No.: 3060–0746.

Title: Application for Electronic Renewal of Wireless Radio Services Authorizations.

Form No.: FCC Form 900.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, state, local or tribal governments.

Number of Respondents: 35,255.

Estimated Time Per Response: 10 minutes.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 5,852 hours.

Total Annual Cost: $2,155,675.

Needs and Uses: This ''generic'' renewal application may be used in lieu of FCC Forms 313R, 405A, 452R and 574R, to file electronically for renewal of Wireless Radio Services Authorizations. Concurrent with renewal, applicants may also request a change of licensee name (with no change to corporate structure, ownership or control), change of mailing address, re-instatement of a Land Mobile license, and notify the Commission of a change in the number of mobiles/pagers for a Land Mobile license.

Applicants still desiring to file for renewal of license manually may still do so by submitting the FCC Forms 313R, 405A, 452R, or 574R, depending upon which radio services for which they are licensed.

This generic renewal form displays information from the current authorization as it exists in the Commission's license database based upon the call sign entered by the applicant. Information can be added and edited if necessary and electronically submitted to the Commission. It is estimated that 90% of these applications ''auto-grant'' within a few days of receipt and only 10% require further examiner review.

The information is used by engineers for enforcement and interference resolution purposes.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–16872 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–00–34–D (Auction No. 34); DA 00–1364]

Clarification of Licenses to be Auctioned for 800 MHz Specialized Mobile Radio (SMR) Service in the General Category Band (851–854 MHz)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document clarifies for licenses to be auctioned in the General Category Band the channels that will be available for use by licensees of spectrum blocks within the Economic Areas (EAs) located near the Canadian and Mexican borders.

DATES: Auction No. 34 is scheduled for August 16, 2000.

FOR FURTHER INFORMATION CONTACT: Kathy Garland or Bob Reagle, Auction Operations at (717) 338–2801 or Terry Fishel, Commercial Wireless Division, at (717) 338–2602.

SUPPLEMENTARY INFORMATION: This is a summary of a public notice released June 21, 2000 (''*Auction Public Notice*''). The complete text of the *Auction Public Notice* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's website at *http://www.fcc.gov/wtb/auctions.*

1. The Wireless Telecommunications Bureau (''Bureau'') issued a Public Notice on May 17, 2000, that set forth the filing requirements, minimum opening bids, and other procedural matters to govern Auction No. 34. See *Auction No. 34 Announcing Public Notice* 65 FR 39388 (June 26, 2000). The Bureau issues this *Auction Public Notice* to clarify the General Category channels that will be available for use

by licensees of spectrum blocks within the Economic Areas (EAs) located near the Canadian and Mexican borders.

2. The licenses available in this auction consist of six contiguous 25 channel blocks (1.25 MHz) in each of 172 EAs and 3 EA-like areas, covering the United States, possessions or territories in the Northern Mariana Islands and Guam, American Samoa, the United States Virgin Islands and Puerto Rico. These licenses are referenced in Attachment A of the *Auction No. 34 Announcing Public Notice.*

3. The following table contains the Block/Frequency Band Limits Cross-Reference List for the 800 SMR General Category Channels:

800 MHz SMR General Category Channels 851–854 MHz

License suffix	Channel no.	Frequencies (base & mobile)
D	1 through 25	851.0125 through 851.6125 806.0125 through 806.6125
DD	26 through 50	851.6375 through 852.2375 806.6375 through 807.2375
E	51 through 75	852.2625 through 852.8625 807.2625 through 807.8625
EE	76 through 100	852.8875 through 853.4875 807.8875 through 808.4875
F	101 through 125	853.5125 through 854.1125 808.5125 through 809.1125
FF	126 through 150	854.1375 through 854.7375 809.1375 through 809.7375

4. By this *Auction Public Notice,* the Bureau clarifies that the allocation of channels available in Spectrum Blocks D through FF are different in the U.S./Mexico and U.S./Canada border areas than noted in the prior table. The tables that follow indicate the channels assignable in the border areas. *See* Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, *Memorandum Opinion and Order,* 64 FR 71042 (December 20, 1999). Please note that the channels listed for the U.S./Mexico are offset 12.5 kHz lower in frequency than the same channel specified in § 90.613 of the Commission's rules.

United States-Mexico Border Area, SMR and General Categories

Spectrum m block	Auction 34 designation	Offset channel nos.
[General Category (12 Channels)]		
D	D	275,315
D1	DD	355,395
E	E	276,316
E1	EE	356,396
F	F	277,317
F1	FF	357,397

United States-Canada Border Area, SMR and General Categories

Spectrum m block	Auction 34 designation	Channel nos.
[Regions 1, 4, 5, 6]		
General Category (5 Channels)		
D	D	None
D1	DD	30
E	E	60
E1	EE	90
F	F	120
F1	FF	150
[Region 2]		
General Category (5 Channels)		
D	D	18
D1	DD	36
E	E	54,72
E1	EE	90
F	F	None
F1	FF	None
[Region 3]		
General Category (15 Channels)		
D	D	38,39,40
D1	DD	158,159
E	E	78,79,80
E1	EE	160,198
F	F	118,119,120
F1	FF	199,200
[Region 7, 8]		
General Category (18 Channels)		
D	D	35,36,37
D1	DD	38,39,40
E	E	75,76,77
E1	EE	78,79,80
F	F	115,116,117
F1	FF	118,119,120

Federal Communications Commission.

Margaret Wiener,

Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.

[FR Doc. 00–16899 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 00–1458]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On June 29, 2000, the Commission released a public notice announcing the July 18 and 19, 2000, meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and its agenda.

FOR FURTHER INFORMATION CONTACT: Jeannie Grimes at (202) 418–2320 or jgrimes@fcc.gov. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, The Portals, 445 12th Street, SW., Suite 6A320, Washington, DC 20554. The fax number is: (202) 418–2345. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: Released: June 29, 2000.

The North American Numbering Council (NANC) has scheduled a meeting to be held Tuesday, July 18, 2000, from 8:30 a.m. until 5 p.m., and on Wednesday, July 19, from 8:30 a.m. until 12 noon. The meeting will be held at the Federal Communications Commission, Portals II, 445 12th Street, SW., Room TW–C305, Washington, DC.

This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may

submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Jeannie Grimes at the address under **FOR FURTHER INFORMATION CONTACT**, stated above.

Proposed Agenda—Tuesday, June 20, 2000.

1. Approval of May 23–24 and June 20–21, 2000 meeting minutes.
2. North American Numbering Plan Administration (NANPA) Report. Status of data entry mechanisms, paragraph 53, Numbering Resource Optimization *Report and Order*, CC Docket 99–200 (rel. March 31, 2000).
3. North American Numbering Plan Administration (NANPA) Oversight Working Group Report. Review of NANPA improvement plan, status of future NANPA selection work plan, and auditor requirements document. Review of recommendation for NANPA compensation adjustment due to an increased volume of central office code requests and assignment activity.
4. Numbering Resource Optimization (NRO) Working Group Report. Status of development of report on individual telephone number pooling (ITN) and unassigned number porting (UNP) (paragraph 231, *NRO Order*). Review of recommendation concerning fee structure for reserved numbers (paragraph 25, *NRO Order*). Status of the development of the Numbering Resource Utilization/Forecast Report (NRUF) requirements. Status update on state number pooling trials.
5. Industry Numbering Committee (INC) Report. Status of Thousand Block Pooling Administrator guidelines.
6. Ad Hoc Voluntary UNP Study Group Report. Status of business rule model.
7. Local Number Portability Administration (LNPA) Working Group Report. Status update on NENA request for 911 standard. Wireless Number Portability Subcommittee update.
8. Number Pooling Issue Management Group (IMG) Report. Review of Pooling Administrator (PA) technical requirements (paragraph 155, *NRO Order*).
9. Limited Liability Corporations (LLCs) and Number Portability Administration Centers (NPAC) activity update.
10. North American Billing and Collection (NBANC) Report.

Wednesday, July 19, 2000

11. Steering Group Report.
12. Cost Recovery Working Group Report.
13. NANC Discussion Group on charging for telephone numbers.
14. Discussion to reconsider creation of an Issue Management Group to focus on the use of numbering resources by emerging Internet-related services, i.e., unified messaging services.
15. Public participation (5 minutes each, if any).
16. Other Business.
17. Action Items and Decisions Reached.

Federal Communications Commission

Diane Griffin Harmon,

Deputy Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 00–16864 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2420]

Petitions for Reconsideration and Clarification of Action In Rulemaking Proceeding

June 28, 2000.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by July 20, 2000. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Rules and Policies Governing Pole Attachments (CS Docket No. 97–98).

Number of Petitions Filed: 5.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–16822 Filed 7–3–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1331–DR]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1331–DR), dated June 12, 2000, and related determinations.

EFFECTIVE DATE: June 12, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 12, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms, tornadoes, and flooding on May 23–31, 2000, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 *et seq.* (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Charles M. Butler of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

Anderson, Benton, Cheatham, Davidson, Henry, Hickman, Houston, Jackson, Knox, Lake, Obion, Perry, Pickett, and Stewart Counties for Public Assistance.

All counties within the State of Tennessee are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–16909 Filed 7–3–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1331–DR]

Tennessee; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee, (FEMA–1331–DR), dated June 12, 2000, and related determinations.

EFFECTIVE DATE: June 19, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Tennessee is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 12, 2000: Weakley County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 00–16910 Filed 7–3–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Notice of Field Test of the State Management of the Public Assistance Operations in Small Disasters

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: We (FEMA) give notice that we will field test the devolution of major management responsibility of the Public Assistance Program to interested States in small disasters beginning on or after July 1, 2000. We award Public Assistance grants, which supplement community assets in the recovery of State, local and eligible private non-profit infrastructure when the President declares an emergency or major disaster. The proposed change in the program management does not constitute changes to the process by which assistance is provided nor does it constitute a change in benefits under the law or regulation.

FOR FURTHER INFORMATION CONTACT: James A. Walke, Engineering Branch Chief, Federal Emergency Management Agency, Washington D.C. 20472, 202–646–2751 (phone), 202–646–3304 (fax), or *James.Walke@fema.gov* (e-mail).

EFFECTIVE DATE: July 1, 2000.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides for the award of grants to assist in the repair and reconstruction of community infrastructure. With the help of State officials, we have explored the option of having capable States manage the Public Assistance Program in small disasters. However, before formally instituting the option of devolving this responsibility, we will field test the concept in selected disasters occurring on or after July 1, 2000, to validate the concept and to determine whether additional refinements are necessary. State participation in the field test(s) will be voluntary. FEMA and an affected State will enter into an operational agreement for the field test after the State elects to manage the disaster and FEMA determines that the State is capable. The operational agreement will define the roles and responsibilities of both the State and FEMA as well as the processes and procedures in effect under the agreement.

Under this initiative, a capable State will manage the Public Assistance Program operation, including project eligibility reviews, process control, and resource allocation on small disasters. We will retain obligation authority, final approval of environmental and historic preservation reviews, and we will help the State to the extent that the State requests such assistance. We and the State will conduct on-going quality control checks of a sample of Project Worksheets to ensure accurate eligibility decisions, scopes of work, and cost estimates. A Quality Assurance Team consisting of our and State staff will evaluate the Public Assistance recovery operation and determine the level of success of the pilot program. We will develop evaluation criteria before the pilot program and will include the criteria in the operational agreement.

Dated: June 20, 2000.

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–16911 Filed 7–3–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 19, 2000.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. James Steve Daniels, Livingston, Tennessee; to retain voting shares of American BancShares Corporation, Livingston, Tennessee, and thereby indirectly retain voting shares of

American Savings Bank, Livingston, Tennessee.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Perry B. Hansen, The Woodlands, Texas; Douglas M. Kratz, The Woodlands, Texas; and Francis P. McCarthy, Bettendorf, Iowa; to acquire voting shares of Second Mid-America Bancorp, Inc., Savanna, Illinois, and thereby indirectly acquire voting shares of First Illinois National Bank, Savanna, Illinois.

Board of Governors of the Federal Reserve System, June 28, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–16834 Filed 7–3–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 00–15701) published on pages 38831 and 38832 of the issue for Thursday, June 22, 2000.

Under the Federal Reserve Bank of Chicago heading, the entry for Michael Robert Reese, Appleton, Wisconsin, is revised to read as follows:

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Michael Robert Reese, Appleton, Wisconsin; to acquire voting shares of Fox River Valley Bancorp, Inc., Appleton, Wisconsin, and thereby indirectly acquire voting shares of First Business Bank of Fox River Valley, Appleton, Wisconsin.

Comments on this application must be received by July 6, 2000.

Board of Governors of the Federal Reserve System, June 28, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–16835 Filed 7–3–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 00–15702) published on page 38832 of the issue for Thursday, June 22, 2000.

Under the entry for Formations of, Acquisitions by, and Mergers of Bank Holding Companies, is revised to read as follows:

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303–2713:

1. Cumberland Bancshares, Inc., Hartsville, Tennessee; to acquire 51 percent of the voting shares of Academy Bank (in organization), Lebanon, Tennessee.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Amana Bancshares, Inc., Southfield, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Amana Bank (in organization), Dearborn, Michigan.

Comments on this application must be received by July 17, 2000.

The correct date this Notice was signed by the Board of Governors of the Federal Reserve System, is June 16, 2000.

Board of Governors of the Federal Reserve System, June 28, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–16832 Filed 7–3–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 28, 2000.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. First-West Texas Bancshares, Inc., Midland, Texas; to acquire 100 percent of the voting shares of First Pecos Bancshares, Inc., Midland, Texas, and thereby indirectly acquire voting shares of First National Bank, Pecos, Texas, First National Bank, Alpine, Texas, and First National Bank, Fort Stockton, Texas.

Board of Governors of the Federal Reserve System, June 28, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–16833 Filed 7–3–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be

obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 19, 2000.

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group), 101 Market Street, San Francisco, California 94105–1579:

1. Zions Bancorporation, Salt Lake City, Utah; to acquire Garban-Intercapital plc, London, United Kingdom, and thereby engage in certain brokerage activities, pursuant to § 225.28(b)(7) of Regulation Y.

Board of Governors of the Federal Reserve System, June 28, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–16836 Filed 7–3–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11 a.m., Monday, July 10, 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 items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: June 30, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–17123 Filed 6–30–00; 3:13 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that based on an investigation by the Office of Research Integrity (ORI) and a decision by the Assistant Secretary for Health, the U.S. Public Health Service (PHS) has made a final finding of scientific misconduct in the following case:

Mr. Jin Qian, New Dimensions Research and Instrument, Inc.: Mr. Qian, Executive Manager for Corporate Planning and Research, New Dimensions Research and Instrument, Inc. (NDRI), committed scientific misconduct by plagiarizing research results and text from other investigators in an application to the National Institute of Neurological Disorders and Stroke (NINDS), National Institutes of Health (NIH), for a Small Business Innovation Research (SBIR) award, ''Glass-based neurochip system,'' 1 R43 NS39266–01.

Specifically, based on ORI's analysis, PHS finds that Mr. Qian: (1) Used research images and descriptions posted on the Internet to create seven figures in the application and used that material, its associated text, and text from other publications obtained from the Internet without attribution; (2) misrepresented research results in two of the plagiarized figures as exemplar applications of NDRI's proprietary technology; and (3) misrepresented his research bibliography in that application and to ORI staff during the investigation. These actions constitute falsifications in the proposing of research because their collective effect was to falsify the basis on which NIH reviewers determine whether NDRI could achieve the goals of the proposed project.

Mr. Qian has accepted the PHS finding and has entered into a Voluntary Exclusion Agreement with PHS in which he has voluntarily agreed for a three (3) year period, beginning on June 12, 2000:

(1) To exclude himself from any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement transactions (*e.g.,* grants and cooperative agreements) of the United States Government as defined in 45 CFR part 76 (Debarment Regulations);

(2) To exclude himself from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Acting Director, Division of Investigative Oversight, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443–5330.

Chris B. Pascal,

Acting Director, Office of Research Integrity.

[FR Doc. 00–16876 Filed 7–4–00; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substance and Disease Registry

Public Meeting of the Inter-Tribal Council on Hanford Health Projects (ICHHP) in Association With the Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

Name: Public meeting of the Inter-tribal Council on Hanford Health Projects (ICHHP) in association with the Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

Time and Date: 9 a.m.–4 p.m., August 16, 2000.

Place: Tamastslikt Cultural Institute, 72789 Highway 331, Pendleton, Oregon, 97801. Telephone: (541) 276–2323

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE

facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC. Community Involvement is a critical part of ATSDR's and CDC's energy-related research and activities and input from members of the ICHHP is part of these efforts. The ICHHP will work with the HHES to provide input on American Indian health effects at the Hanford, Washington site.

Purpose: The purpose of this meeting is to address issues that are unique to tribal involvement with the HHES, including a continued presentation and discussion on the DOE Richland Indian Office and tribal programs, and agency updates.

Matters To Be Discussed: Agenda items will include a dialogue on issues that are unique to tribal involvement with the HHES. This will include updating tribal members of the cooperative agreement activities in environmental health capacity building and providing support for tribal involvement in and representation on the HHES.

Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Sandee Coulberson, Executive Secretary HHES, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–56, Atlanta, Georgia 30333, telephone 1–888/42–ATSDR (28737), fax 404/639–6075.

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 23, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–16845 Filed 7–3–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substance and Disease Registry

Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

Times and Dates: 8:30 a.m.–5 p.m., August 17, 2000. 8 a.m.–4 p.m., August 18, 2000.

Place: Tamastslikt Cultural Institute, 72789 Highway 331, Pendleton, Oregon, 97801. Telephone: (541) 276–2323

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Background: Under a Memorandum of Understanding (MOU) signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles. In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to receive an update from the Inter-tribal Council on Hanford Health Projects; to review and approve the Minutes of the previous meeting; to receive updates from ATSDR/NCEH and NIOSH; to receive reports from the Outreach, Public Health Assessment, Public Health Activities, and the Studies Workgroups; and to address other issues and topics, as necessary.

Matters To Be Discussed: Agenda items include a presentation and discussion on the health effects subcommittee evaluations, issues related to combining doses from multiple environmental exposures, and agency updates.

Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Sandee Coulberson, Executive Secretary HHES, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–56, Atlanta, Georgia 30333, telephone 1–888/42–ATSDR(28737), fax 404/639–6075.

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 23, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–16848 Filed 7–3–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Translation Advisory Committee for Diabetes Prevention and Control Programs (TACDPCP): Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Public Law 92–463) of October 6, 1972, that the TACDPCP of the Centers for Disease Control and Prevention, of the Department of Health and Human Services, has been renewed for a 2-year period extending through June 15, 2002.

For further information, contact Frank Vinicor, M.D., M.P.H., Executive Secretary, TACDPCP, 4770 Buford Highway, N.E., m/s K–10, Atlanta, Georgia 30341–3724. Telephone 770/488–5000, or fax 770/488–5966.

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 23, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–16847 Filed 7–3–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00133]

Notice of Availability of Funds; Prevention Program Development and Technical Assistance To Improve Blood Safety and Reduce the Impact of HIV/AIDS in Countries Targeted by the Leadership and Investment in Fighting the Epidemic (LIFE) Initiative

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 HIV/AIDS Prevention Program Development and Technical Assistance Collaboration with Countries Targeted by the LIFE (Leadership and Investment in Fighting an Epidemic) Initiative.

In July 1999, the Administration announced the LIFE Initiative to address the global AIDS pandemic. The LIFE initiative, an effort to expand and intensify the global response to the growing AIDS pandemic and its serious impact, is part of the United States (U.S.) Government's participation in the International Partnership Against HIV/AIDS in Africa (IPAA). A central feature of the LIFE Initiative is a $100 million increase in U.S. support for sub-Saharan African countries and India, which are working to prevent the further spread of HIV and to care for those affected by this devastating disease. This additional funding is a critical step by the U.S. Government in recognizing the impact that AIDS continues to have on individuals, families, communities, and nations and responding to the imperative to do more. The Department of Health and Human Services (HHS), through its agency the Centers for Disease Control and Prevention (CDC) is administering $35 million of the $100 million allocated to the LIFE Initiative by Congress.

The purpose of the program is to support HIV/AIDS prevention program development and technical assistance for countries designated by the U.S. Congress under the LIFE Initiative. At present, those countries are Botswana, Cote D'Ivoire, Kenya, South Africa, Uganda, Rwanda, Zimbabwe, Ethiopia, Mozambique, Malawi, Tanzania, Nigeria, Senegal, Zambia and India. The countries targeted represent those with the most severe epidemic and the highest number of new infections. They also represent countries where the potential for impact is greatest and where U.S. government agencies are already active.

The goals of the program are to address and support three program elements of the LIFE initiative: Primary Prevention, Capacity and Infrastructure Development, and Community and Home-Based Care and Treatment. The program described in this announcement calls for the delivery of HIV/AIDS prevention program development and technical assistance to the LIFE countries through a variety of recipient activities. The result will be an enhancement of the skills of officials from LIFE country national AIDS programs in strategic planning, implementation, evaluation, and communication relating to HIV/AIDS prevention and care programs.

B. Eligible Applicants

Assistance will be provided only to the American Red Cross (ARC) for this project. No other applications are solicited.

ARC is the appropriate and only qualified agency to provide the services specified under this cooperative agreement because:

1. As a member of the International Federation of Red Cross and Red Crescent Societies (the Federation), ARC is the only officially recognized Red Cross society within the United States representing the worldwide network of Red Cross National Societies. As such, it supports and implements Red Cross programs throughout Africa and India, including programs in the LIFE countries with a special focus on designing, implementing, and evaluating HIV/AIDS prevention programs and policy. This places ARC in a unique position to partner with the Federation, Red Cross National Societies and LIFE country public health officials in prevention programs. In addition, the same set of knowledge, skills, and abilities ARC has developed in working with domestic Red Cross entities, African and Indian National Societies, and the Federation are of critical importance in improving the capacity of national AIDS control programs in African countries and India.

2. Because of ARC's relationship to the Federation and Red Cross National Societies in LIFE countries, ARC can provide access to a broad, deep, and unique worldwide network. The Federation is an international humanitarian organization that exists to improve the situation of the world's most vulnerable people, including those impacted by HIV/AIDS. The Federation, founded in 1919, has a presence in more than 176 countries through its national Red Cross and Red Crescent societies. (The Red Crescent is used in place of the Red Cross in many Islamic countries.) The unique strength of the Federation lies in its global network of Red Cross National Societies and its Federation Secretariat with delegations strategically located to support Red Cross and Red Crescent activities in various regions. Red Cross and Red Crescent National Societies act as auxiliaries to the public authorities of their own countries and provide a range of services including health and social programs focusing on community-based outreach and service delivery through a network of volunteers.

3. Unique in its experience and capacity, ARC is the United States' largest supplier of blood, plasma, and tissue products as well as an innovator in blood safety. ARC is uniquely qualified to provide technical assistance to blood safety programs in LIFE countries. ARC Blood Services supplies almost half of the nation's blood by working with more than 4.5 million donors and 3,000 hospitals through its national network of 38 blood regions. In the 50 years since the inception of its national civilian blood services program, ARC has made several important contributions in the health care field, made major improvements to blood safety, and developed new blood products and technologies, helping to satisfy the changing health care needs in the U.S.

4. The American Red Cross has been the lead supporter technically and financially of the Federation-led African Red Cross/Red Crescent Health Initiative (ARCHI) 2010. ARCHI is a strategy to increase the impact of Red Cross National Society health programs Africa-wide. The overall goal of ARCHI is to measurably improve health in Africa. Over the next decade, the Centers for Disease Control and Prevention, the Federation, 53 African Red Cross and Red Crescent Societies and their related in-country Ministries of Health (MOH), United Nations Children's Fund (UNICEF), the World Health Organization (WHO), and multiple others have committed to building and enhancing Red Cross-delivered health programs throughout Africa. The ARCHI Initiative is the most comprehensive and inclusive process ever undertaken by the Federation to serve vulnerable populations throughout Africa.

5. Through participation in ARCHI, ARC has developed strong collaborative relationships with numerous domestic and international organizations. Internationally, ARC and the Federation have spearheaded ARCHI, which

involves numerous collaborations with agencies such as MOHs, WHO, UNICEF, and the World Bank. Domestically, as the largest supplier of blood in the U.S., ARC is uniquely positioned to collaborate with Federal agencies and AIDS control program officials in blood safety.

6. ARC has access to a wealth of HIV/AIDS resources that may be adapted, both from its domestic programs and its international initiatives, such as the ARCHI tool kits and the Federation's Action with Youth, HIV/AIDS STDs: A Training Manual for Young People. Additionally, ARC and the Federation have expertise in establishing regional networking mechanisms for dissemination of information and lessons learned. For example, the ''Caribbean Youth HIV/AIDS Network'' (CARAN) and the ''Asian Red Cross / Red Crescent Task Force on HIV/AIDS'' (ART) are models that are being replicated in West Africa.

7. ARC has already developed a range of technical services domestically, including instructor training courses, communication and cooperation in sharing Red Cross HIV/AIDS information and resources on a statewide basis in the U.S., support of home care for people living with HIV/AIDS, and prevention among youth through peer-to-peer education programs. Through the Federation, ARC is uniquely positioned to disseminate this information to national AIDS control program officials in LIFE countries.

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 $3 million is available in FY 2000 to support this award. It is expected that the award will begin on or about September 1, 2000, and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may change. Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds received from this announcement will not be used for the purchase of antiretroviral drugs for treatment of established HIV infection, occupational exposures, and non-occupational exposures and will not be used for the purchase of machines and reagents to conduct the necessary laboratory monitoring for patient care.

Applicants may contract with other organizations under these cooperative agreements, however, applicants must perform a substantial portion of the activities (including program management and operations and delivery of prevention services for which funds are requested).

D. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—http://www.cdc.gov. Scroll down the page, then click on ''Funding'' then ''Grants and Cooperative Agreements.''

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Yolanda I. Gonzalez-Alvarez, Grants Management Specialist, Centers for Disease Control and Prevention (CDC), Procurement and Grants Office, Room 3000, Mailstop E–15, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: (770) 488–2781, E-mail: ybg0@cdc.gov.

For program technical assistance, contact: Leo Weakland, Deputy Coordinator, Global AIDS Activity (GAA), National Center for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, Mailstop E–07, Atlanta, GA30333, Telephone number (404) 639–8016, Email address: lfw0@cdc.gov.

Dated: June 28, 2000.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–16850 Filed 7–3–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The Centers for Disease Control and Prevention (CDC)and the Agency for Toxic Substances and Disease Registry (ATDSR) Announces the Following Meetings

Name: National HIV Prevention Plan Meetings.

Time and Dates: 9 a.m.–12 p.m. (noon).

Tuesday—July 18, 2000

Hotel Pennsylvania, 401 7th Avenue, New York, NY 10001, Phone: 212–736–5000

Wednesday—July 26, 2000

Crowne Plaza-Houston, 2222 West Loop South, Houston, TX 77027, Phone: 713–961–7272

Thursday—July 27, 2000

Congress Plaza Hotel, 520 South Michigan Avenue, Chicago, IL 60605, Phone: 312–427–3800

Tuesday—August 1, 2000

The Argent Hotel, 50 Third Street, San Francisco, CA 94103, Phone: 415–974–6400

Place: See Above.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: To present the current draft of the Centers for Disease Control and Prevention's National HIV Prevention Strategic Plan and to provide an opportunity for community comment.

Matters To Be Discussed: Agenda items include background and development of the draft National HIV Prevention Strategic Plan; the plan itself; next steps in plan development; and public comments.

Contact Person for More Information: Lydia Ogden, National Center for HIV, STD, and TB Prevention, Office of Planning and Policy Coordination, 1600 Clifton Road, N.E., M/S E–07, Atlanta, Georgia 30333, telephone 404/639–8031.

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 23, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–16846 Filed 7–3–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institute for Occupational Safety and Health; Approval of Respiratory Devices Used to Protect Workers in Hazardous Environments

AGENCY: Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (DHHS).

ACTION: Notice of public meetings concerning quality assurance and administrative approval requirements for respiratory protective devices.

DATES: August 8, 2000, 9 a.m.–5 p.m., in the Washington DC Area. August 16, 2000, 9 a.m.–5 p.m., in the San Francisco, CA Area.

PLACES:

Washington DC Area—Quality Hotel & Suites; Courthouse Plaza, Jefferson Room, 1200 N. Courthouse Road, Arlington, VA 22201. Phone: 1–888–987–2555 or 703–524–4000. Phone by July 21, 2000 to receive the NIOSH group rate of $118.00.

San Francisco, CA Area—Embassy Suites, Ambassador Ballroom, 150 Anza Boulevard, Burlingame, California 94010. Phone: 650–340–0327. Phone by July 24, 2000 to receive the NIOSH group rate of $164.00.

The meetings will be open to the public, limited only by the space available. Each meeting room accommodates approximately 120 people.

Requests to make presentations at the public meetings should be mailed to the NIOSH Docket Officer, Robert A. Taft Laboratories, M/S C34, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513–533–8450, fax 513–533–8285, or e-mail to NIOCINDOCKET@CDC.GOV on or before July 30, 2000.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) is in the process of developing a proposed rule on the quality assurance and administrative requirements for the approval of respirators and is seeking individual stakeholder input for this process. The purpose of these meetings is to provide an opportunity for an exchange of information between the Agency and respirator manufacturers, industry representatives, labor representatives, and others with an interest in respiratory protection. Attendees will be given an opportunity to ask questions; submit verbal and written comments they wish to have included in the regulatory record; and provide individual input into potential changes to the applicable regulations and policies.

Discussion and Comment Topics

NIOSH has not determined the final content of its proposed rulemaking but is considering the regulatory actions listed below. NIOSH is specifically asking for comments on these proposed actions, but would also welcome comments on additional areas that the commenters believe may need to be addressed.

NIOSH is Considering

(1) Proposing quality assurance requirements for the approval holder's manufacturing process that are consistent with international standards, specifically the International Organization for Standards (ISO) 9000 guidelines. These international standards would be supplemented by respirator-specific quality measures.

(2) Proposing new quality requirements, such as mandatory pre-approval audits for new manufacturing sites, more stringent quality sampling plans, critical classification of defects for all types of respirators, and records retention schedules;

(3) Proposing to enhance quality monitoring activities by NIOSH by increasing the frequency of both site and product audits, requiring an approval holder to supply free product audit samples for product audits, requiring approval holders to self-audit their product and present those results to NIOSH, accepting ISO certification in lieu of a NIOSH-performed site audit, employing contract laboratories to do certain tests for the approval program, and requiring the approval holder to report all customer complaints and non-compliance findings to NIOSH; and

(4) Implementing a new fee structure to recover costs of approval application processing (approximately a 2.5 times increase over the current application fees), approval records maintenance (a new annual fee of approximately $36 per approval), and auditing costs (a new charge computed based on the hourly rate of government personnel [approximately $50 per hour] plus expenses) for the chargeable services received by the applicant or approval holder.

Comments on the concepts presented in this notice should be mailed to the NIOSH Docket Office, Robert A. Taft Laboratories, M/S C34, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513–533–8450, fax 513–533–8285. Comments may also be submitted by e-mail to: NIOCINDOCKET@CDC.GOV. E-mail attachments should be formatted as WordPerfect 6/7/8/9 or Microsoft Word. Submitted comments should reference docket number, NIOSH–001, in the subject heading.

FOR FURTHER INFORMATION CONTACT: Matt Bowyer or Roland BerryAnn, NIOSH, 1095 Willowdale Road, Morgantown, West Virginia 26505–2888, telephone 304–285–5907, fax 304–285–6030 and/or E-mail:respcert@cdc.gov.

In addition to these public meetings, NIOSH invites individuals, organizations and companies to meet with the staff of its Respirator Branch. Requests for such meetings should be made on or before July 31, 2000 to Matt Bowyer or Roland BerryAnn. NIOSH will prepare summaries of these meetings and place them in the regulatory docket.

Linda Rosenstock,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 00–16849 Filed 7–3–00; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1359]

Agency Information Collection Activities; Proposed Collection; Comment Request; Affirmation of Generally Recognized as Safe (GRAS) Status

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing information collection, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for reporting and recordkeeping, general and specific requirements, and availability of sample electronic product for manufacturers and distributors of electronic products.

DATES: Submit written comments on the collection of information by September 5, 2000.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Affirmation of Generally Recognized As Safe (GRAS) Status (21 CFR 170.35(c)(1))—(OMB Control Number 0910–0132)—Extension

Under authority of sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321, 342, 348, and 371), FDA reviews petitions for affirmation as GRAS that are submitted on a voluntary basis by the food industry and other interested parties. Under section 409 of the act, the agency has the authority to regulate food additives. Section 201(s) of the act, defines ''food additive'' and expressly excludes from the definition substances GRAS for use in food.

Specifically under section 201(s) of the act, a substance is GRAS if it is generally recognized among experts qualified by scientific training and experience to evaluate its safety, to be safe through either scientific procedures or common use in food. The act has historically been interpreted to permit food manufacturers to make their own determination that use of a substance in food is GRAS. To implement the GRAS provisions of the act, FDA has issued procedural regulations under § 170.35(c)(1) (21 CFR 170.35(c)(1)). These regulations establish a process by which a person may obtain FDA concurrence with a GRAS determination; this concurrence is referred to as ''GRAS affirmation.'' These regulations set forth the information to be submitted to FDA to obtain agency concurrence that a substance is GRAS (§ 170.35(c)(1)).

GRAS petitions are reviewed by FDA to ascertain whether the available data establish that the intended use of the substance is GRAS based upon either a history of the safe use of the substance, or upon widely available safety data (scientific procedures). The GRAS affirmation process is a voluntary one, and there is some risk that FDA may not agree with the petitioner's GRAS determination. The GRAS petition process does provide a public procedure for coordinating GRAS determinations. The process reduces the potential for public health problems when substances are marketed based upon unwarranted safety determinations and allows a food manufacturer to rely on the lawful status of a substance that has been affirmed by FDA as GRAS.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR section	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
170.35(c)(1)	1	1	1	2,614 (average)	2,614

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that it may receive one GRAS petition annually. Although the burden varies with the type, size, and complexity of the petition submitted, GRAS petitions may involve analytical work, analysis of appropriate toxicological studies, and the work of drafting the petition itself. Since 1980, FDA has not received any petitions for affirmation of GRAS status under 21 CFR part 186—Indirect Food Substances Affirmed As Generally Recognized As Safe. Section 184.1(a) (21 CFR 184.1(a)) affirms the use of those substances affirmed as GRAS in 21 CFR part 184—Direct Food Substances Affirmed As Generally Recognized As Safe, for use as indirect food ingredients.

Dated: June 27, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–16812 Filed 7–3–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1224]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Guidance for Industry: Submitting and Reviewing Complete Responses to Clinical Holds

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by August 4, 2000.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry: Submitting and Reviewing Complete Responses to Clinical Holds

On November 21, 1997, the President signed into law the Food and Drug Administration Modernization Act (the Modernization Act) (Public Law 105–115). Section 117 of the Modernization Act provides that a written request to FDA from the applicant of an investigation that a clinical hold be removed shall receive a decision in writing, specifying the reasons for that decision, within 30 days after receipt of such request. A clinical hold is an order issued by FDA to the applicant to delay a proposed clinical investigation or to suspend an ongoing investigation for a drug or biologic. An applicant may respond to a clinical hold.

Section 505(i)(3)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(3)(C)) requires that any written request to FDA from the sponsor of an investigation that a clinical hold be removed must receive a decision, in writing and specifying the reasons, within 30 days after receipt of the request. The request must include sufficient information to support the removal of the clinical hold.

In the **Federal Register** of May 14, 1998 (63 FR 26809), FDA published a notice of availability of a guidance that described how applicants should submit responses to clinical holds so that they may be identified as complete responses, and the agency can track the time to respond. FDA is now issuing a revised guidance.

The revised guidance states that FDA will respond in writing within 30 calendar days of receipt of a sponsor's request to release a clinical hold and a complete response to the issue(s) that led to the clinical hold. An applicant's complete response to an investigational new drug application (IND) clinical hold is a response in which all clinical hold issues identified in the clinical hold letter have been addressed.

The guidance requests that applicants type in large, bold letters at the top of the cover letter of the complete response ''Clinical Hold Complete Response'' to expedite review of the response. The guidance also requests that applicants submit the complete response letter in triplicate to the IND, and that they fax a copy of the cover letter to FDA's contact, listed in the clinical hold letter, who is responsible for the IND. The guidance requests more than an original and two copies, i.e., three copies, of the cover letter in order to ensure that the submission is received and handled in a timely manner.

Based on data concerning the number of complete responses to clinical holds received by the Center for Drug Evaluation and Research (CDER) from July 1, 1998, to June 30, 1999, CDER estimates that approximately 48 responses are submitted annually from approximately 43 applicants, and that it takes approximately 284 hours to prepare and submit to CDER each response.

Based on data concerning the number of complete responses to clinical holds received by the Center for Biologics Evaluation and Research (CBER) in fiscal year 1999, CBER estimates that approximately 134 responses are submitted annually from approximately 110 applicants, and that it takes approximately 284 hours to prepare and submit to CBER each response.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Complete responses to clinical holds	No. of respondents	No. of responses per respondent	Total annual responses	Hours per response	Total hours
CDER	43	approx. 1	48	284	13,632
CBER	110	approx. 1	134	284	38,056
Total					51,688

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

In the **Federal Register** of April 13, 2000 (65 FR 19911), the agency requested comments on the proposed collections of information. No significant comments were received.

Dated: June 27, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–16813 Filed 7–3–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Microbiology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Microbiology Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 27, 2000, 10:30 a.m. to 5:30 p.m. and July 28, 2000, 8 a.m. to 5 p.m.

Location: Holiday Inn, Walker/Whetstone Rooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Freddie M. Poole, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–2096, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12517. Please call the Information Line for up-to-date information on this meeting.

Agenda: On July 27, 2000, the committee will discuss and make recommendations on issues concerning the appropriate types of data and information required to assess the safety and effectiveness of diagnostic tests intended to identify biothreat agents, or to provide evidence of exposure to biothreat agents, when used on different specimen types and under different conditions for use.

The following draft questions are proposed for discussion and may be subject to changes prior to the committee meeting:

1. What types of data and information would be recommended to evaluate effectiveness when the assay is used:

(a) To definitively identify or rule-out identification of isolates;

(b) to identify biothreat agents directly in specimens from individuals suspected (clinically or using other diagnostic procedures) to have been infected with the agent of interest; and

(c) to identify/detect the biothreat agent directly in specimens from individuals without clinical or other diagnostic evidence of infection, who may have been exposed to the biothreat agent.

2. For each of these potential uses what is the level of inaccuracy that can be tolerated, or would the same criteria apply to all?

3. To determine or infer effectiveness for these devices, can specimens from naturally- or experimentally-infected animals be used when appropriate specimens from humans cannot be obtained? What are the constraints/limitations for use of animal data as evidence for effectiveness?

4. Are there any other issues not addressed in the previous questions that would affect the reliable use of these assays for human diagnosis?

FDA will consider these recommendations in the future development of review criteria for in vitro diagnostic devices, developed in response to the threat of bioterrorism, for the identification of biothreat agents, as valid scientific evidence to determine whether there is reasonable assurance that these devices are safe and effective.

On July 28, 2000, the committee will discuss, make recommendations, and vote on a premarket approval application (PMA) for an in vitro diagnostic nucleic acid amplification test for the qualitative detection of hepatitis C virus (HCV) ribonucleic acid (RNA) in human serum or plasma. On the same day the committee will discuss, make recommendations, and vote on a PMA for an automated in vitro diagnostic nucleic acid amplification test for the qualitative detection of HCV RNA in human serum or plasma. These devices are not intended for use in blood or plasma donor screening.

Procedure: On July 27, 2000, from 10:30 a.m. to 5:30 p.m. and on July 28, 2000, from 9 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 12, 2000. Oral presentations from the public will be scheduled between approximately 11:45 a.m. and 12:30 p.m. on July 27, 2000, and between approximately 11:30 a.m. and 12:15 p.m., and 3 p.m. and 3:30 p.m. on July 28, 2000. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 12, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On July 28, 2000, from 8 a.m. to 9 a.m., the meeting will be closed to permit FDA staff to present to the committee trade secret and/or confidential commercial information regarding pending and future device submissions. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 26, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–16809 Filed 7–3–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Ear, Nose, and Throat Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Ear, Nose, and Throat Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 20, 2000, 9:45 a.m. to 5 p.m., and July 21, 2000, 8:30 a.m. to 5 p.m.

Location: Holiday Inn, Goshen Room, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Sara M. Thornton, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, SMT@CDRH.FDA.GOV, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12522. Please call the Information Line for up-to-date information on this meeting.

Agenda: On July 20, 2000, the committee will discuss, make recommendations, and vote on a premarket approval application (PMA) for a direct-drive implantable middle ear hearing device intended to provide a useful level of sound perception via mechanical stimulation of the ossicles. On July 21, 2000, the committee will discuss, make recommendations and vote on a PMA for an implant intended to restore useful hearing to individuals with Neurofibromatosis Type II who have become deaf as a result of surgery to remove bilateral auditory nerve tumors.

Procedure: On July 20, 2000, from 9:45 a.m. to 5 p.m., and on July 21, 2000, from 9:15 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 13, 2000. Oral presentations from the public will be

scheduled between approximately 10 a.m. and 10:30 a.m. on July 20, 2000, and between approximately 9:30 a.m. and 10 a.m. on July 21, 2000. On both days, near the end of the committee deliberations on the PMA, a 30-minute open public session will be conducted for interested persons to address issues specific to the submission before the committee. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 13, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On July 21, 2000, from 8:30 a.m. to 9:15 a.m., the meeting will be closed to permit FDA to present to the committee trade secret and/or confidential commercial information regarding pending issues and applications. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 26, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–16810 Filed 7–3–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

The FDA Review Process for New Product Applications: An Interactive Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of workshop.

The Food and Drug Administration (FDA), Los Angeles District Office, in cosponsorship with the Orange County Regulatory Affairs Discussion Group (OCRA) is announcing a workshop intended to give the medical products industry (drugs and medical devices) an opportunity to learn and discuss the process by which the FDA centers and district offices review new product applications. Reviewing staff from the Center for Drug Evaluation and Research and the Center for Devices and Radiological Health will make presentations to provide guidance on the elements of submissions to make the review process more effective.

Date and Time: The workshop will be held on July 10 and 11, 2000, from 7:30 a.m. to 5 p.m.

Location: The workshop will be held at the Doubletree Hotel, 3050 Bristol St., Costa Mesa, CA 92626.

Contact: Ramlah Oma, FDA Los Angeles District Office, 19900 MacArthur Blvd., Irvine, CA 92612–2445, 949–798–7612, or FAX 949–798–7771, for further information including a registration form.

Registration: Space is limited. Preregistration and confirmation is required. Registration forms can be obtained on the Internet at http://www.ocra-dg.org by clicking on ''OCRA Meetings'' or from the contact person listed above. There is a $325 registration fee if postmarked by June 30, 2000 ($375 on or after July 1) payable to OCRA. Send the registration fee and form to PeriAnn DiRocco at OCRA Submissions Conference, PMB 624, 5405 Alton Pkwy., suite 5A, Irvine, CA 92604, FAX and voice 949–348–9141. The registration fee will cover actual expenses including refreshments, lunch, materials, and speaker expenses. After July 4, 2000, please call 949–348–9141 to check for space availability.

If you need special accommodations due to a disability, please contact Ramlah Oma at least 7 days in advance.

Dated: June 28, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–16963 Filed 6–29–00; 4:37 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Joint Meeting of the Transmissible Spongiform Encephalopathies Advisory Committee and the Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming joint meeting of two public advisory committees of the Food and Drug Administration (FDA). At least one portion of the joint meeting will be closed to the public.

Names of Committees: Transmissible Spongiform Encephalopathies Advisory Committee and the Vaccines and Related Biological Products Advisory Committee.

General Function of the Committees: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 27, 2000, 8 a.m. to 4 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: William Freas or Sheila D. Langford; Nancy Cherry or Denise H. Royster, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852; 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), codes 12392 and 12391. Please call the Information Line for up-to-date information on this meeting.

Agenda: On July 27, 2000, in joint session, the committees will discuss bovine spongiform encephalopathy issues related to the manufacture of vaccines, specifically the use of European fetal calf serum in cell banks and viral seeds, and the use of European beef skeletal muscle and other tissues in manufacturing vaccines.

Procedure: On July 27, 2000, from 9 a.m. to 4 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 13, 2000. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 17, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentations.

Closed Committee Deliberations: On July 27, 2000, from 8 a.m. to 9 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)).

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 23, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–16811 Filed 7–3–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1141–N]

Medicare Program; Open Public Meeting on July 25, 2000 To Discuss the Coverage of Drugs and Biologicals That Cannot Be Self-Administered

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

ACTION: Notice of meeting.

SUMMARY: This notice announces a second public meeting to obtain input on the Medicare program policy for drugs and biologicals that are furnished as an incident to a physician's professional service and which cannot be self-administered. This meeting follows the public meeting held on May 18, 2000 at the Health Care Financing Administration headquarters on the same subject. The meeting will provide an opportunity for providers, suppliers, beneficiaries, beneficiary advocates, and other interested parties to furnish information and to address issues about the Medicare program's policy concerning the self-administration of drugs and biologicals.

DATES: The meeting is scheduled for July 25, 2000 from 9:30 a.m. until 1:30 p.m.

ADDRESSES: The meeting will be held at the Hyatt Regency O'Hare, 9300 West Bryn Mawr, Rosemont, IL, 60018, located three miles from the airport in Chicago. Special arrangements have been made with the Hyatt Regency to hold a limited number of rooms for out of town guests interested in attending. To reserve your room, please call the Hyatt directly at (847) 696–1234. When calling to make a reservation reference the *Health Care Financing Administration Town Hall Meeting.*

FOR FURTHER INFORMATION CONTACT: Heidi Adams, (410) 786–1620 (telephone); (410) 786–0169 (fax); Hadams@hcfa.gov (e-mail). We will accept written comments at the following address: Health Care Financing Administration, Heidi Adams, C4–07–07, 7500 Security Boulevard, Baltimore, MD 21244–1850.

SUPPLEMENTARY INFORMATION:

Background

As suggested by the report language accompanying section 219 of the Department of Health and Human Services Appropriations Act, 2000 (Public Law 106–113), we are announcing the second of two town hall meetings to discuss our current policy regarding Medicare coverage of drugs and biologicals that are furnished as an incident to a physician's professional service and which cannot be self-administered. The first meeting was held on May 18, 2000. It raised several issues, in addition to other policy considerations that we believe should be addressed.

The scope of benefits provided to Medicare beneficiaries who are eligible under the Supplemental Medical Insurance program (Part B) includes coverage for certain ''medical and other health services.'' Among those services are two specific provisions that include limited coverage of drugs and biologicals. Sections 1861(s)(2)(A) and (B) provide, in pertinent part, that:

> (A) services and supplies (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered) furnished as an incident to a physician's professional service, of kinds which are commonly furnished in physicians' offices and are commonly either rendered without charge or included in the physicians' bills;
>
> (B) hospital services (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered) incident to physicians' services rendered to outpatients * * *

Coverage of drugs and biologicals under these provisions are only covered in the context of items furnished ''incident to a physician's service.'' Moreover, historically, the determination of whether a drug ''cannot be self-administered'' has been based on the characteristics of the drug itself and not the patient's capacity to self-administer.

When considering self-administration and its effect on the coverage of drugs under Medicare, compelling concerns about Medicare beneficiary access to needed drugs were raised by presenters during the town hall meeting held on May 18, 2000. A report of the May 18, 2000 meeting may be found on the HCFA website (www.hcfa.gov). In addition, other important policy issues including financial, equity, and ethical issues are implicated. Due to time constraints, however, it may not be possible to present all view points on each issue at the public meeting.

Equity

In the area of equity, the main question is around the limitations on coverage.

- If considering ''usual medical practice'' for specific drugs, then what percentage of patients should constitute a usual practice? Should the universe of patients that is considered be:
  + Every patient;
  + Every Medicare patient;
  + Every patient in the carrier's area; or
  + Every Medicare patient in the carrier's area.
- Should coverage be limited to beneficiaries whose condition is such that they could not self-administer any drug; for example, the disabled and those with dementia?
- Is it appropriate to consider only the patient's ability to self-administer, exclusive of any other considerations, such as those in this list?
- Should there be information collected on certain drugs to estimate a percentage of patients who could self-administer or who actually self-administer?
- Should psychiatric drugs be considered under special criteria, since patient compliance may be particularly problematic?
- Should coverage be limited only to injectable drugs?
- Should the policy consider whether another person, who is not a health-care professional (for example, the patient's spouse) can administer the drug to the beneficiary?
- Should the policy consider whether the drug is used to treat an acute illness or injury as compared to a chronic condition that requires drug therapy over an extended period?

Ethical Concerns

The ethical issues raised related to dilemmas physicians face in determining treatment practices as they try to follow the Medicare practices and policies when treating their patients with drug therapies.

- In developing criteria for application of this policy, is there a way to address the physician's dilemma of administering medication based on Medicare coverage status versus the most appropriate medical treatment.
- If the criterion is solely that physicians monitor the effects of the drug, then on what basis would oral drugs be excluded? What meaning would ''cannot be self-administered'' have over and above the meaning for ''incident to a physician's service''?
- Should the criterion be solely the method of administration? Or should the nature of the chemical compound and its possible side effects also be considered?
- If the criterion is safe self-administration, then safely by whom? Should this be determined on a patient-by-patient basis?

Financial

The financial issues vary from the stand point of the manufacturer, program, and patient.

• How to address possible incentives for drug manufacturers to make drugs only in the form that cannot be self-administered. How should oral versus injectable drugs be evaluated?

• Considering the marketplace, how should Medicare's policy concerning self-administered drugs take into account a possible competitive disadvantage for oral and subcutaneous drugs that are self-administrable?

The purpose of the meeting on July 25, 2000 is to obtain focused input on how this statutory provision should reasonably be interpreted; how the evolution of medical technology has affected physician practice in self-administration; how different interpretations of the provision might affect considerations of fairness and equity among beneficiary populations; and how physician practice may be affected by different interpretations. We are holding the second meeting to allow the public to address in more detail the issues raised during the first meeting by way of panel presentations and discussion. Due to time constraints, and the need to focus on the above topics, we are unable to undertake a discussion of options or ideas that require a statutory change.

Format

We will begin the meeting with a brief summary of the first meeting and a brief exposition of policy concerns that should be considered when addressing the issue of drugs and biologicals that cannot be self-administered. This will be followed by 15-minute panel presentations by participants who submit a prior request to speak.

Panels will be organized in the following manner to address the general categories of policy concerns:

1. Financial, including incentives/marketplace advantage to manufacturers of non self-administrable forms of drugs.
2. Beneficiary equity.
3. Physicians' ethical dilemmas, including prescription of drugs based on coverage status versus the most appropriate medical treatment.

After the last panel has concluded its presentations the meeting will move to an open dialogue.

Presentations

Individuals interested in making a presentation at the meeting or who need special arrangements should contact Heidi Adams at (410) 786–1620, or via e-mail at HAdams@hcfa.gov, no later than July 14, 2000. Individuals should identify the topics they wish to discuss during their presentation. Because of time constraints, only a limited number of individuals will be able to make presentations. In an effort to assure that all viewpoints are represented, we will notify participants who are selected to make a presentation. We will not assign presentation times until after July 14, 2000.

Registration

The Center for Health Plans and Providers will handle registration for the meeting. Individuals may register by sending a fax to the attention of Heidi Adams at (410) 786–0169. At the time of registration, please provide your name, address, telephone number, company name, and fax number.

Receipt of your fax will constitute confirmation of your registration. Meeting materials will be provided at the time of the meeting. If you have questions regarding registration, please contact Heidi Adams.

We will accept written comments, questions, or other materials specifically dealing with the issue that are received no later than 5 p.m. on July 14, 2000 at the address noted above.

While the meeting is open to the public, attendance is limited to space available. Individuals must register in advance as described above. Individuals requiring sign language interpretation for the hearing impaired or other special accommodations should contact Heidi Adams at least 10 days before the meeting.

Authority: Section 1102 of the Social Security Act (42 U.S.C. 1302) and 5 CFR 1320.3(h)(4).

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

Dated: June 28, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 00–16887 Filed 7–3–00; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Availability of Funds for Loan Repayment Program for Repayment of Health Professions Educational Loans

AGENCY: Indian Health Service, HHS.

ACTION: Revised notice of availability of funds for loan repayment program for repayment of health professions educational loans for Fiscal Year (FY) 2000.

SUMMARY: The announcement for FY 2000 Availability of Funds for Loan Repayment Program for Repayment of Health Professions Educational Loans was announced in 64 FR 53681 on October 4, 1999. The Indian Health Service (IHS) is republishing the full notice, for the convenience of the public, and in order to add that the IHS Area Offices and Service Units may provide additional funding to make awards to participants in the Loan Repayment Program (LRP), and to describe the policy for administering these funds.

The Administration's budget request for fiscal year (FY) 2000 includes $11,000,000 for the Indian Health Service Loan Repayment Program for health professionals educational loans (undergraduate and graduate) in return for full-time clinical service in Indian health programs. It is anticipated that $11,000,000 will be available to support approximately 275 competing awards averaging $40,000 per award.

This program announcement is subject to the appropriation of funds. This notice is being published early to coincide with the recruitment activity of the IHS, which competes with other Government and private health management organizations to employ qualified health professionals. Funds must be expended by September 30 of the fiscal year. This program is authorized by Section 108 of the Indian Health Care Improvement Act (IHCIA) as amended, 25 U.S.C. 1601 et seq. The IHS invites potential applications to request an application for participation in the Loan Repayment Program.

DATES: Applications for the FY 2000 Loan Repayment Program will be accepted and evaluated monthly beginning January 14, 2000, and will continue to be accepted each month thereafter until all funds are exhausted. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month. Notice of awards will be mailed on the last working day of each month.

Applicants selected for participation in the FY 2000 program cycle will be expected to begin their service period no later than September 30, 2000.

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or
2. Sent on or before the deadline date. (Applicants should request a legibly dated U.S. Postal Service post mark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

Applications received after the monthly closing date will be held for

consideration in the next monthly funding cycle. Applicants who do not receive funding by September 30, 2000, will be notified in writing.

Form to be Used for Application: Applications will be accepted only if they are submitted on the form entitled ''Application for the Indian Health Service Loan Repayment Program,'' identified with the Office of Management and Budget approval number of OMB #0917–0014 (expires 11/30/99).

ADDRESSES: Application materials may be obtained by calling or writing to the address below. In addition, completed applications should be returned to: IHS Loan Repayment Program, 12300 Twinbrook Parkway—Suite 100, Rockville, Maryland 20852, PH: 301/443–3396 (between 8 a.m. and 5 p.m. (EST) Monday through Friday, except Federal holidays).

FOR FURTHER INFORMATION CONTACT: Please address inquiries to Mr. Paul A. Lofgren, Acting Chief, IHS Loan Repayment Program, Twinbrook Metro Plaza—Suite 100, 12300 Twinbrook Parkway, Rockville, Maryland 20852, PH: 301/443–3396 (between 8 a.m. and 5 p.m. (EST) Monday through Friday, except Federal holidays).

SUPPLEMENTARY INFORMATION: Section 108 of the IHCIA, as amended by Public Laws 100–713 and 102–573, authorizes the IHS Loan Repayment Program and provides in pertinent part as follows:

The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (hereinafter referred to a the ''Loan Repayment Program'') in order to assure an adequate supply of trained health professions necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

Section 4(n) of the IHCIA, as amended by the Indian Health Care Improvement Technical Corrections Act of 1996, Pub. L. 104–313, provides that:

''Health Profession'' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, an allied health profession, or any other health profession.

For the purposes of this program, the term ''Indian health program'' is defined in Section 108(a)(2)(A), as follows:

* * * any health program or facility funded, in whole or in part, by the IHS for the benefit of American Indians and Alaska Natives and administered:

a. Directly by the service; or

b. By any Indian tribe or tribal or Indian organization pursuant to a contract under:

(1) The Indian Self-Determination Act; or

(2) Section 23 of the Act of April 30, 1908, (25 U.S.C. 47), popularly known as the Buy Indian Act; or

(3) By an urban Indian organization pursuant to Title V of this act.

Applicants may sign contractual agreements with the Secretary for 2 years. The IHS will repay all, or a portion of the applicant's health profession educational loans (undergraduate and graduate) for tuition expenses and reasonable educational, and living expenses in amounts up to $20,000 per year for each year of contracted service. Payments will be made annually to the participant for the purpose of repaying his/her outstanding health profession educational loans. Repayment of health profession education loans will be made to the participant within 120 days after the entry-on-duty of the participant has been confirmed by the Indian Health Service Loan Repayment Program.

The Secretary must approve the contract before the disbursement of loan repayments can be made to the participant. Participants will be required to fulfill their contract service agreements through full-time clinical practice at an Indian health program site determined by the Secretary. Loan repayment sites are characterized by physical, cultural, and professional isolation, and have histories of frequent staff turnover. All Indian health program sites are annually prioritized within the Agency by discipline, based on need or vacancy.

All health professionals will receive up to $20,000 per year regardless of their length of contract. Where the amount of the Loan Repayment Program award may result in an increase in Federal income tax liability, the IHS will pay an additional 20 percent of the participant's total loan repayments to the Internal Revenue Service for the increased tax liability.

Pursuant to Section 108(b), to be eligible to participate in the Loan Repayment Program, an individual must:

(1) A. Be enrolled:

(i) In a course of study or program in an accredited institution, as determined by the Secretary, within a State and be scheduled to complete such course of study in the same year such individual applies to participate in the Loan Repayment Program. (This includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau); or

(ii) In an approved graduate training program in a health profession; or

B. Have a degree in a health profession and a license to practice; *and*

(2) A. Be eligible for, or hold an appointment as a Commissioned Officer in the Regular or Reserve Corps of the Public Health Service; or

B. Be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service; or

C. Meet the professional standards for civil service employment in the IHS; or

D. Be employed in an Indian health program without service obligation; *and*

(3) Submit to the Secretary an application and contract to the Loan Repayment Program; *and*

(4) Sign and submit to the Secretary, a written contract agreeing to accept repayment of educational loans and to serve for the applicable period of obligated service in a priority site as determined by the Secretary; *and*

(5) Sign an affidavit attesting to the fact that they have been informed of the relative merits of the U.S. Public Health Service Commission Corps and the Civil Service as employment options.

Once the applicant is approved for participation in the Loan Repayment Program, the applicant will receive confirmation of his/her loan repayment award and the duty site as which he/she will serve his/her loan repayment obligation.

The IHS has identified the positions in each Indian health program for which there is a need or vacancy and ranked those positions in order of priority by developing discipline-specific prioritized lists of sites. Ranking criteria for those sites include the following:

- Historically critical shortages caused by frequent staff turnover;
- Current unmatched vacancies in a Health Profession Discipline;
- Projected vacancies in a Health Profession Discipline;
- Ensuring that the staffing needs of Indian health programs administered by an Indian tribe or tribal or health organization receive consideration on an equal basis with programs that are administered directly by the Service; and
- Giving priority to vacancies in Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached Loan Repayment Program contracts entered into under this section.
- Consistent with this priority ranking, in determining applications to be approved and contracts to accept, the IHS will give priority to applications

made by American Indians and Alaska Natives and to individuals recruited through the efforts of Indian tribes or tribal or Indian organizations.

• Funds appropriated for the LRP in FY 2000 will be distributed among the health professions as follows: Allopathic/osteopathic practitioners will receive 30 percent, registered nurses 15 percent, mental health professionals 10 percent, dentists 15 percent, pharamacists 12.5 percent, optometrists 7.5 percent, physician assistants 5 percent, other professions 5 percent. This requirement does not apply if the number of applicants from these groups, respectively, is not sufficient to meet the requirement.

• The IHS will give priority in funding among health professionals to physicians in the following priority specialities: anesthesiology, emergency room medicine, general surgery, obstetrics/gynecology, ophthalmology, orthopedic surgery, otolaryngology/otorhinolaryngology, psychiatry, radiology and dentistry. Funding for these priority specialities is within the 30 percent established for allopathic/osteopathic practitioners.

The following factors are equal in weight when applied, and are applied when all other criteria are equal and a selection must be made between applicants.

One or all of the following factors may be applicable to an applicant, and the applicant who has the most of these factors, all other criteria being equal, would be selected.

• An applicant's length of current employment in the IHS, tribal, or urban program.

• Availability for service earlier than other applicants (first come, first served); and

• Date the individual's application was received.

Any individual who enters this program and satisfactorily completes his or her obligated period of service may apply to extend his/her contract on a year-by-year basis, as determined by the IHS. Participants extending their contracts will receive up to the maximum amount of $20,000 per year plus an additional 20 percent for Federal Withholding. Participants who were awarded loan repayment contracts prior to FY 2000 will be awarded extensions up to the amount of $30,000 a year and 31 percent in tax subsidy if funds are available, and will not exceed the total of the individual's outstanding eligible health profession educational loans.

Any individual who owes an obligation for health professional service to the Federal Government, a State, or other entity is not eligible for the Loan Repayment Program unless the obligation will be completely satisfied before they begin service under this program.

The IHS Area Offices and Service Units are authorized to provide additional funding to make awards to applicants in the LRP, but must be in compliance with any limits in the appropriation and Section 108 of the Indian Health Care Improvement Act not to exceed the amount authorized in the IHS appropriation (up to $17,000,000 for FY 2000.) Federally recognized tribes are also authorized to provide funding to make supplemental awards to participants who are tribal employees. Civil Service or Commission Corps employees are ineligible because it would violate 18 U.S.C. 209(a). The funding source cannot be from appropriated monies pursuant to the Indian Self Determination and Education Assistant Act (ISDEA) or other Federal funds. Tribes who elect to provide additional monies must provide certification in writing that the funds are not from Federal appropriations.

Should an IHS Area Office contribute to the LRP, those funds will be used for only those sites located in that Area. Those sites will retain their relative ranking from the national site-ranking list. For example, the Albuquerque Area Office identifies supplemental monies for dentists. Only the dental positions within the Albuquerque Area will be funded with the supplemental monies consistent with the national ranking and site index within that Area.

Should an IHS Service Unit contribute to the LRP, those funds will be used for only those sites located in that service unit. These sites will retain their relative ranking from the national site-ranking list. For example, Chinle Service Unit identifies supplemental monies for nurses. The Chinle service units consist of two facilities, namely the Chinle Comprehensive Health Care Facility and the Tsaile PHS Indian Health Center. The national ranking will be used for the Chinle Comprehensive Health Care Facility (Score = 63) and the Tsaile PHS Indian Health Center (Score = 46). With a score of 63, the Chinle Comprehensive Health Care Facility would receive priority over the Tsaile PHS Indian Health Center.

The IHS is authorized to accept contributions from tribes to supplement the LRP according to the IHS's conditional gift acceptance authority.

The Director of IHS will accept these gifts on a case-by-case basis using the following criteria: (1) The contribution is not from prohibited 638 funds or federally appropriate funds; (2) the LRP applicant selection and placement is consistent with the national ranking criteria; (3) the extent to which the gift is related to the agency's mission for the loan repayment program; (4) whether the gift would benefit the agency, or instead primarily benefit an individual employee; and (5) the size and nature of the gift.

This program is not subject to review under Executive Order 12372.

The Catalog of Federal Domestic Assistance number if 93.164.

Dated: June 28, 2000.

Michel E. Lincoln,

Deputy Director.

[FR Doc. 00–16875 Filed 7–4–00; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies and Laboratories That Have Withdrawn From the Program

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This Notice is available on the internet at the following website: *http://wmcare.samhsa.gov.*

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh or Dr. Walter Vogl, Division of Workplace Programs, 5600 Fishers Lane, Rockwall 2 Building, Room 815, Rockville, Maryland 20857; Tel.: (301) 443–6014, Fax: (301) 443–3031.

Special Note: Please use the above address for all surface mail and correspondence. For all overnight mail service use the following address: Division of Workplace Programs, 5515 Security Lane, Room 815, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. Subpart C of the Guidelines, ''Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies,'' sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in a quarterly performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements expressed in the HHS Guidelines. A laboratory must have its letter of certification from SAMHSA, HHS (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840/800–877–7016 (Formerly: Bayshore Clinical Laboratory)

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901–794–5770/888–290–1150

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400

Alabama Reference Laboratories, Inc., 543 South Hull St., Montgomery, AL 36103, 800–541–4931/334–263–5745

Alliance Laboratory Services, 3200 Burnet Ave., Cincinnati, OH 45229, 513–585–9000 (Formerly: Jewish Hospital of Cincinnati, Inc.)

American Medical Laboratories, Inc., 14225 Newbrook Dr., Chantilly, VA 20151, 703–802–6900

Associated Pathologists Laboratories, Inc., 4230 South Burnham Ave., Suite 250, Las Vegas, NV 89119–5412, 702–733–7866/800–433–2750

Baptist Medical Center—Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–202–2783 (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Reference Lab, 8433 Quivira Rd., Lenexa, KS 66215–2802, 800–445–6917

Cox Health Systems, Department of Toxicology, 1423 North Jefferson Ave., Springfield, MO 65802, 800–876–3652/417–269–3093 (Formerly: Cox Medical Centers)

Dept. of the Navy, Navy Drug Screening Laboratory, Great Lakes, IL, Building 38–H, P. O. Box 88–6819, Great Lakes, IL 60088–6819, 847–688–2045/847–688–4171

Diagnostic Services Inc., dba DSI, 12700 Westlinks Drive, Fort Myers, FL 33913, 941–561–8200/800–735–5416

Doctors Laboratory, Inc., P.O. Box 2658, 2906 Julia Dr., Valdosta, GA 31602, 912–244–4468

DrugProof, Division of Dynacare/Laboratory of Pathology, LLC 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206–386–2672/800–898–0180 (Formerly: Laboratory of Pathology of Seattle, Inc., DrugProof, Division of Laboratory of Pathology of Seattle, Inc.)

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Rd., Warminster, PA 18974, 215–674–9310

Dynacare Kasper Medical Laboratories ,* 14940–123 Ave., Edmonton, Alberta, Canada T5V 1B4, 780–451–3702/800–661–9876

ElSohly Laboratories, Inc., 5 Industrial Park Dr., Oxford, MS 38655, 662–236–2609

Gamma-Dynacare Medical Laboratories *, A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall St., London, ONT, Canada N6A 1P4, 519–679–1630

General Medical Laboratories, 36 South Brooks St., Madison, WI 53715, 608–267–6267

Hartford Hospital Toxicology Laboratory, 80 Seymour St., Hartford, CT 06102–5037, 860–545–6023

Integrated Regional Laboratories, 5361 NW 33rd Avenue, Fort Lauderdale, FL 33309, 954–777–0018, 800–522–0232 (Formerly: Cedars Medical Center, Department of Pathology)

Kroll Laboratory Specialists, Inc., 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Laboratory Specialists, Inc.)

LabOne, Inc., 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–728–4064 (Formerly: Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 4022 Willow Lake Blvd., Memphis, TN 38118, 901–795–1515/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc., MedExpress/National Laboratory Center)

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Marshfield Laboratories, Forensic Toxicology Laboratory, 1000 North Oak Ave., Marshfield, WI 54449, 715–389–3734/800–331–3734

MAXXAM Analytics Inc. *, 5540 McAdam Rd., Mississauga, ON, Canada L4Z 1P1, 905–890–2555 (Formerly: NOVAMANN (Ontario) Inc.)

Medical College Hospitals Toxicology Laboratory, Department of Pathology, 3000 Arlington Ave., Toledo, OH 43699, 419–383–5213

MedTox Laboratories, Inc., 402 W. County Rd. D, St. Paul, MN 55112, 651–636–7466/800–832–3244

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, Minnesota 55417, 612–725–2088

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515

NWT Drug Testing, 1141 E. 3900 South, Salt Lake City, UT 84124, 801–293–2300/800–322–3361 (Formerly: NorthWest Toxicology, Inc.)

One Source Toxicology Laboratory, Inc., 1705 Center Street, Deer Park, TX 77536, 713–920–2559 (Formerly:

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. DHHS, with the DHHS' National Laboratory Certification Program (NLCP) contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)
Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Ave., Eugene, OR 97440–0972, 541–687–2134
Pacific Toxicology Laboratories, 6160 Variel Ave., Woodland Hills, CA 91367, 818–598–3110/800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory)
Pathology Associates Medical Laboratories, 11604 E. Indiana Ave., Spokane, WA 99206, 509–926–2400/800–541–7891
PharmChem Laboratories, Inc., 1505–A O'Brien Dr., Menlo Park, CA 94025, 650–328–6200/800–446–5177
PharmChem Laboratories, Inc., Texas Division, 7606 Pebble Dr., Fort Worth, TX 76118, 817–215–8800 (Formerly: Harris Medical Laboratory)
Physicians Reference Laboratory, 7800 West 110th St., Overland Park, KS 66210, 913–339–0372/800–821–3627
Poisonlab, Inc., 7272 Clairemont Mesa Blvd., San Diego, CA 92111, 858–279–2600/800–882–7272
Quest Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770–452–1590 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)
Quest Diagnostics Incorporated, 4444 Giddings Road, Auburn Hills, MI 48326, 248–373–9120/800–444–0106 (Formerly: HealthCare/Preferred Laboratories, HealthCare/MetPath, CORNING Clinical Laboratories)
Quest Diagnostics Incorporated, National Center for Forensic Science, 1901 Sulphur Spring Rd., Baltimore, MD 21227, 410–536–1485 (Formerly: Maryland Medical Laboratory, Inc., National Center for Forensic Science, CORNING National Center for Forensic Science)
Quest Diagnostics Incorporated, 8000 Sovereign Row, Dallas, TX 75247, 214–638–1301 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)
Quest Diagnostics Incorporated, 4770 Regent Blvd., Irving, TX 75063, 972–916–3376/800–526–0947 (Formerly: Damon Clinical Laboratories, Damon/MetPath, CORNING Clinical Laboratories)
Quest Diagnostics Incorporated, 801 East Dixie Ave., Leesburg, FL 34748, 352–787–9006 (Formerly: SmithKline Beecham Clinical Laboratories, Doctors & Physicians Laboratory)
Quest Diagnostics Incorporated, 400 Egypt Rd., Norristown, PA 19403, 610–631–4600/800–877–7484 (Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)
Quest Diagnostics Incorporated, 506 E. State Pkwy., Schaumburg, IL 60173, 800–669–6995/847–885–2010 (Formerly: SmithKline Beecham Clinical Laboratories, International Toxicology Laboratories)
Quest Diagnostics Incorporated, 7470 Mission Valley Rd., San Diego, CA 92108–4406, 619–686–3200/800–446–4728, (Formerly: Nichols Institute, Nichols Institute Substance Abuse Testing (NISAT), CORNING Nichols Institute, CORNING Clinical Laboratories)
Quest Diagnostics Incorporated, One Malcolm Ave., Teterboro, NJ 07608, 201–393–5590 (Formerly: MetPath, Inc., CORNING MetPath Clinical Laboratories, CORNING Clinical Laboratory)
Quest Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 818–989–2520/800–877–2520 (Formerly: SmithKline Beecham Clinical Laboratories)
San Diego Reference Laboratory, 6122 Nancy Ridge Dr., San Diego, CA 92121, 800–677–7995/858–677–7970
Scientific Testing Laboratories, Inc., 463 Southlake Blvd., Richmond, VA 23236, 804–378–9130
Scott & White Drug Testing Laboratory, 600 S. 25th St., Temple, TX 76504, 254–771–8379/800–749–3788
S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505–727–6300/800–999–5227
South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 219–234–4176
Southwest Laboratories, 2727 W. Baseline Rd., Tempe, AZ 85283, 602–438–8507/800–279–0027
Sparrow Health System, Toxicology Testing Center, St. Lawrence Campus, 1210 W. Saginaw, Lansing, MI 48915, 517–377–0520 (Formerly: St. Lawrence Hospital & Healthcare System)
St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405–272–7052
Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 2703 Clark Lane, Suite B, Lower Level, Columbia, MO 65202, 573–882–1273
Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305–593–2260
UNILAB, 18408 Oxnard St., Tarzana, CA 91356, 818–996–7300/800–339–4299 (Formerly: MetWest-BPL Toxicology Laboratory)
Universal Toxicology Laboratories, LLC, 10210 W. Highway 80, Midland, Texas 79706, 915–561–8851/888–953–8851

Upon finding a Canadian laboratory to be qualified, the DHHS will recommend that DOT certify the laboratory (**Federal Register**, 16 July 1996) as meeting the minimum standards of the ''Mandatory Guidelines for Workplace Drug Testing'' (59 **Federal Register**, 9 June 1994, Pages 29908–29931). After receiving the DOT certification, the laboratory will be included in the monthly list of DHHS certified laboratories and participate in the NLCP certification maintenance program.

Richard Kopanda,
Executive Officer, Substance Abuse and Mental Health Services Administration.
[FR Doc. 00–16851 Filed 7–3–00; 8:45 am]
BILLING CODE 4160–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4566 N–07]

Notice of Proposed Information Collection: Comment Request, 2000 Survey of Homeless Residential Service Providers

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The Proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comment Due Date:* September 5, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/ or OMB Control Number and should be sent to: Sheila Jones, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room 7232, Washington, DC 20410

FOR FURTHER INFORMATION CONTACT: Mr. Michael Roanhouse (202) 708–1226 telephone number (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: 2000 Survey of Homeless Residential Service Providers.

OMB Control Number, if applicable: N/A.

Description of the need for the information and proposed use:

In 2000, the Department of Housing and Urban Development will undertake a survey of homeless residential service providers in 15 jurisdictions including Atlanta, Ga, Columbus, OH, Grand Rapids, MI, Kansas City, MO, Lafayette, IN, New York City, NY, Philadelphia, PA, San Diego, CA, Spokane, WA, St. Louis, MO, St. Paul, MN, Washington, DC, Montgomery County, MD, State of Massachusetts, and State of Rhode Island. The survey is designed to collect data from providers on the types of services being offered, the number and types of staff employed, the characteristics of the program and its clients, and the provider's sources of revenue. The survey will provide information about the current operation of residential service programs assisting homeless persons in the 15 jurisdictions.

Homeless residential service providers offering emergency shelter, transitional housing, or permanent supportive housing in the 15 jurisdictions will be surveyed by mail. They will be asked to identify their program type and report on their program characteristics including staffing pattern and target population, clients' social-demographic profile, service provision, physical and architectural features of living accommodation, program structure and policy, and sources of revenue. In addition, providers will be asked to report their annual and seasonal capacity, as well as the capacity of their services in 1987 as a baseline of service capacity.

Agency form numbers, if applicable: None.

Members of affected public: Government (state and local), non-profit, and for-profit homeless residential service programs.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Type of Review: Regular submission.

Estimated Number of Respondents: 1000.

Estimated Time Per Response: Approximately 2 hours.

Status of the proposed information collection: Method of Collection-Homeless residential service providers will be asked to complete and return a self-administered mail questionnaire.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C Chapter 35, as amended.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 28, 2000.

Joseph D'Agosta,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 00–16805 Filed 7–3–00; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–43]

Notice of Submission of Proposed Information Collection to OMB; Assisted Living Conversion Program (ALCP)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 4, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Assisted Living Conversion Program (ALCP).

OMB Approval Number: 2502–XXXX.

Form Numbers: HUD–50080–ALCP, SF–269, SF–424, SF–424C, SF–424–D, SF–LLL, and HUD–2880, HUD–50070, HUD–50071, HUD–2991.

Description of the Need for the Information and Its Proposed Use: This package requests OMB approval for use of an application kit and reporting forms for HUD's new ALCP.

Respondents: Not-For-Profit Institutions.

Frequency of Submission: Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of responses	×	Hours per response	=	Burden hours
Information Collection	50		1		86		4,300

Total Estimated Burden Hours: 4,300.
Status: New Collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 29, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–16958 Filed 7–3–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–41]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request, Section 203(k) Rehabilitation Mortgage Insurance

AGENCY: Office of Insured Single Family Housing Asset Management Division, HUD.

ACTION: Notice of proposed information collection for public comment.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 12, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number (2502–0527) and should be sent to: Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION:

This Notice informs the public that the Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, an information collection package with respect to this expanded collection requirement implements recommendations to mitigate program abuses that were cited in an Audit Report of HUD's Office of Inspector General. The expanded information collection focuses on the loan origination process and requires (1) certifications and disclosures concerning identify-of-interest borrowers and program participants, and (2) proficiency testing of home inspectors/consultants.

The purposes of a collection requirement is to help mitigate program abuses cited by the General Accounting Office (GAO) and HUD's Office of Inspector General. The basis for our request for emergency processing is that the 203 (k) Rehabilitation Mortgage Insurance program continues to experience abuses, as cited by GAO and the Inspector General. Without an approved OMB collection of information, we cannot implement the necessary controls to stem program fraud and misuse on a timely basis.

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (92) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: 203(k) Rehabilitation Mortgage Insurance.

OMB Control Number: 2502–0527.

Agency Form Numbers: HUD–92700.

Members of Affected Public: Individuals or Households, Business or Other-For-Profit, Federal Government.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of response: An estimation of the total number of hours needed to prepare the information collection is 321,250, number of respondents is 20,500, frequency response is annually, and the hours of response is 3.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 28, 2000

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–16959 Filed 7–3–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–42]

Notice of Submission of Proposed Information Collection to OMB; Family Report

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 4, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0083) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410: e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents

submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Family Report.

OMB Approval Number: 2577–0083.

Form Numbers: HUD–50058 and HUD 50058 MTW.

Description of the Need for the Information and Its Proposed Use: Revised forms are necessary for sound management of HUD programs and program changes due to new laws including the Quality Housing and Work Responsibility Act (QHWRA) of 1998.

Respondents: Individuals or Households, State, Local or Tribal Government.

Frequency of Submission: Reporting third party disclosure annually.

Reporting Burden:

	Number of respondents	×	Frequency of of response	×	Hours per response	=	Burden hours
HUD–50058	4521		1,000		.25		1,125,000

Total Estimated Burden Hours: 1,125,000.

Status: Revision of a currently approved collection and extension of a currently approval collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 28, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–16960 Filed 7–3–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–020–00–1430–PD]

Fivemile Pass and Knolls Special Recreation Area, et al.; Emergency Closure To Discharge or Use of Firearms or Dangerous Weapons for Purposes of Target Shooting

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure notice and supplemental rule.

SUMMARY: Under the authority of 43 CFR 8364.1(a), notice is hereby given that an emergency closure to the discharge or use of firearms or dangerous weapons for the purposes of target shooting is in effect on public lands administered by the Salt Lake Field Office, Bureau of Land Management, as follows:

Fivemile Pass Special Recreation Management Area (SRMA)

T. 5 S., R. 3 W., SLM, Sections 33, 34;
T. 6.S., R. 3 W., SLM, Sections 3, 4, 7–11, 13–24, 26–30, 33–35;
T. 7 S., R. 3 W., SLM, Sections 1, 3–15, 17, 18, 22–27, 34, 35;
T. 8 S., R. 3 W., SLM, Section 3;
T. 6 S., R. 4 W., SLM, Sections 11–15, 22–26, 35;
T. 7 S., R. 4 W., SLM, Sections 1, 10–15.

Knolls Special Recreation Management Area:

T. 1 S., R. 12 W., SLM, Sections 19–23 south of the railroad grade, 26–31, 33–35;
T. 2 S., R. 12 W., SLM, Sections 3–11, 14, 15, 17, 18;
T. 1 S., R. 13 W., SLM, Sections 19–24 south of railroad grade, 25–31, 33–35;
T. 2 S., R. 13 W., SLM, Sections 1–15, 17, 18.

This order is put into effect to protect persons, property, and resources, located in these areas from person(s) engaged in target shooting with firearms or dangerous weapons. This emergency order does not prohibit the discharge of firearms or dangerous weapons while person(s) are engaged in bonafide hunting activities during established hunting seasons and are properly licensed for these activities.

Under the authority of 43 CFR 8365.1–6, a supplementary rule is established to prohibit the discharge or use of firearms or dangerous weapons for the purposes of target shooting on public lands administered by the Salt Lake Field Office, Bureau of Land Management, as follows:

North Oquirrh Management Area

All Existing and Future Federal Land within the following description:

T. 1 S., R. 3 W., SLM
Section 20, SW¼;
Sections 19, 29, 30, 31, 32;
T. 2 S., R. 3 W., SLM
Sections 5, 6, 7, 8;
Section 16, SW¼SW¼;
Sections 17, 18, 19, 20;
Section 21, W½W½;
Section 28, W½, SE¼;
Sections 29, 30, 31, 32, 33;
Section 34, W½W½;
T. 3 S., R. 3 W., SLM
Section 4, 5, 6;
Section 7, N½, N½S½;
Sections 8, 9;
T. 1 S., R. 4 W., SLM
Section 24, SE¼;
Sections 25, 36;

All lands east of the Union Pacific Railroad within:

T. 2 S., R. 4 W., SLM
Sections 1, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 36;
T. 3 S., R. 4 W., SLM
Sections 1, 11;
Section 12, N½.

Simpson Springs Campground

T. 9 S., R. 8 W., SLM
Section 17, W½NW¼, NW¼SW¼;
Section 18, NE¼, E½NW¼, NE¼SW¼, N½SE¼.

DATES: Effective July 5, 2000, this prohibition for Knolls and Fivemile Pass areas will remain in effect until revoked or replaced by supplemental rules pursuant to 43 CFR 8365.1–6.

Effective July 5, 2000, this supplementary rule for North Oquirrh and Simpson Springs Campground areas will remain in effect until revoked.

FOR FURTHER INFORMATION CONTACT: Randy Griffin, BLM Ranger, Salt Lake Field Office, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah, 84119; (801)–977–4300.

SUPPLEMENTARY INFORMATION: This prohibition on the discharge of firearms or dangerous weapons within the Fivemile Pass and Knolls SRMA will serve to protect the safety and health of individuals and groups visiting and utilizing the network of off highway

vehicle trails located within the lands described above. In addition, this prohibition will also serve to protect the safety and health of individuals and groups visiting and hiking the network of trails in the North Oquirrh Management Area and individuals and groups camping in the Simpson Springs developed campground.

Violations of this closure are punishable by a fine up to $100,000 and/or imprisonment not to exceed 12 months as provided in 43 CFR part 8360.

Dated: June 23, 2000.

Glenn A. Carpenter,

Field Office Manager.

[FR Doc. 00–16827 Filed 7–3–00; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1020–JL]

Public Meetings on the Great Basin Restoration Initiative

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Public Meetings on the Great Basin Restoration Initiative have been scheduled. The purpose of the meetings is to solicit public comment on this Initiative. The Great Basin Restoration Initiative will implement a set of actions in the Great Basin that will promote both plant community diversity and a structure that allows plant communities to be more resilient to disturbance and invasive species over the long term. The Initiative will increase the ecosystem stability of the Great Basin, and focus on getting the most work done in those areas with the most critical resource values and the highest potential for success through a common approach.

SUMMARY: Public Meetings on the Great Basin Restoration Initiative have been scheduled for:

— July 17 at the Bureau of Land Management, Elko, Nevada, Field Office.

— July 18 at the Bureau of Land Management, Ely, Nevada, Field Office.

— July 19 at the Bureau of Land Management, Nevada State Office in Reno.

FOR FURTHER INFORMATION CONTACT: Jo Simpson, U.S. Department of the Interior, Bureau of Land Management, Office of Communications, PO Box 12000, Reno, Nevada 89520–0006 or telephone (775) 861–6586.

Dated: June 21, 2000.

Robert E. Stewart,

Acting Chief, Office of Communications.

[FR Doc. 00–16828 Filed 7–3–00; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ES; N–66445]

Notice of Realty Action: Change of Use for Existing Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and Public Purpose Lease/Conveyance.

SUMMARY: The following described public lands in Las Vegas, Clark County, Nevada, were segregated on December 1, 1996 for administrative purposes under serial number N–61855, on September 14, 1990, under serial number N–37313 and on September 22, 1995, under serial number N–59229, both for lease/conveyance for Recreation and Public Purposes. Those segregations on the lands listed below will be terminated upon publication of this notice in the **Federal Register**.

The Clark County School District proposes to construct a middle school on public lands, located at the southwest corner of the intersection of Ann and Campbell Roads, legally described as follows:

Mount Diablo Meridian, Nevada

T. 19 S., R. 60 E.,
Section 32: N½NE¼NW¼,
N½N½SW¼NE¼NW¼,
Containing 22.5 acres, more or less.

The land is not required for any federal purpose. The leases/conveyances are consistent with current Bureau planning for this area and would be in the public interest. The leases/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and each will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Easements in favor of Clark County for roads, public utilities and flood control purposes.

2. All valid and existing rights, which are identified and shown in the case file.

The lands have been segregated from all forms of appropriation under the Southern Nevada Public Lands Management Act (Pub. L. 105–263).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the 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 middle school site. 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 specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for the development of middle school.

Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification become effective.

Dated: June 22, 2000.

Rex Wells,

Assistant Field Manager, Las Vegas, NV.

[FR Doc. 00–16826 Filed 7–3–00; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of an extension of a currently approved information collection (OMB Control Number 1010–0088).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), we are submitting to OMB for review and approval an information collection request (ICR) titled, Delegation of Authority to States. We are also soliciting comments from the public on this ICR which describes the information collection, its expected costs and burden, and how the data will be collected.

DATES: Submit written comments on or before August 4, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0088), 725 17th Street, NW, Washington, DC 20503. Also, submit copies of your written comments to David S. Guzy, Chief, Rules and Publications Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3021, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–613, Denver Federal Center, Denver, Colorado 80225.

Public Comment Procedure

You may mail your comments and copies of your comments to the offices listed in the **ADDRESSES** section, or you may email us at *RMP.comments@mms.gov.* Please include the title of the information collection and the OMB Control Number in the ''Attention'' line of your comment; also, include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact David S. Guzy at (303) 231–3432. We will post all comments for public review on our web site at *http://www.rmp.mms.gov.* Also, to view paper copies of these comments, please contact David S. Guzy at (303) 231–3432, FAX (303) 231–3385. Our practice is to make these paper comments, including names and addresses of respondents, available for public review during regular business hours at our offices in Lakewood, Colorado.

Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Dennis C. Jones, Rules and Publications Staff, telephone (303) 231–3046, FAX (303) 231–3385, email Dennis.C.Jones@mms.gov. A copy of the ICR is available to you without charge upon request.

SUPPLEMENTARY INFORMATION:

Title: Delegation of Authority to States.

OMB Control Number: OMB 1010–0088.

Bureau Form Number: N/A.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian Lands and the OCS; for collecting royalties from lessees who produce minerals; and for distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. We perform the royalty management functions and assist the Secretary in carrying out DOI's Indian trust responsibility.

The Royalty Simplification and Fairness Act (RSFA) amendments to section 205 of the Federal Oil and Gas Royalty Management Act of 1982 provide that we may delegate other Federal royalty management functions to requesting States, including:

a. Conducting audits, and investigations;

b. Receiving and processing production and royalty reports;

c. Correcting erroneous report data;

d. Performing automated verification; and

e. Issuing demands, subpoenas (except for solid mineral and geothermal leases), orders to perform restructured accounting, and related tolling agreements and notices to lessees or their designees.

In accordance with RSFA, and to properly administer the delegation of the functions to the requesting States, MMS must collect pertinent information from industry and States. Therefore, a State will have to submit an application requesting to perform these delegable functions.

No proprietary data, confidential information, or items of a sensitive nature will be collected. Responses are voluntary.

Frequency: Monthly, quarterly, and annually.

Estimated Number and Description of Respondents: 4,010 States and royalty payors.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 210,400 hours. Please refer to chart.

Reporting/recordkeeping requirements	Frequency	Number of respondents	X	Burden per reqmnt	=	Annual burden hours
Application, vouchers, work plans, record-keeping.	Monthly Quarterly Annually	4 States		2,000		8,000
Delegated audit functions	Monthly Quarterly Annually	6 States		400		2,400

Reporting/recordkeeping requirements	Frequency	Number of respondents	X	Burden per reqmnt	=	Annual burden hours
Coordination of information reported among/between MMS and a given State or States.	Monthly Quarterly Annually	4,000 payors and reporters		50		200,000
Total	.....	4,010		52.5		210,400

Estimated Annual Reporting and Recordkeeping: ''Non-Hour Cost'' Burden: $80,000.

Comments: The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

We published a **Federal Register** Notice on December 3, 1999 (64 FR 67930), with the required 60-day comment period soliciting comments on renewing OMB's approval to continue to collect this information. No comments were received. If you now wish to comment on this ICR, please send your comments directly to the offices listed under the **ADDRESSES** section of this Notice. OMB has up to 60 days after reviewing an ICR to approve or disapprove the information collection. However, OMB may act sooner than that once the 30-day public comment period has ended. Therefore, to ensure maximum consideration, you should submit your comments on or before August 4, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, telephone (202) 208–7744

Dated: June 20, 2000.

Joan Killgore,

Acting Associate Director for Royalty Management.

[FR Doc. 00–16817 Filed 7–3–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collection of information for the Abandoned Mine Land Contractor Information form.

DATES: Comments on the proposed information collection must be received by September 5, 2000, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 210—SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtreleas@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that OSM will be submitting to OMB for review and approval. This collection is found in the Applicant/Violator System (AVS) handbook and is prepared by AML contractors to ensure compliance with 30 CFR 874.16.

OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: AML Contractor Information Form.

OMB Control Number: 1029–xxxx.

Summary: 30 CFR 874.16 requires that every successful bidder for an AML contract must be eligible under 30 CFR 773.15(b)(1) at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations. Further, the regulation requires the eligibility to be confirmed by OSM's automated Applicant/Violator System (AVS) and the contractor must be eligible under the regulations implementing Section 510(c) of the Surface Mining Act to receive permits to conduct mining operations. This form provides a tool for OSM and the States/Indian tribes to help them prevent persons with outstanding violations from conducting further mining or AML reclamation activities in the State.

Bureau Form Number: None.

Frequency of Collection: Once per contract.

Description of Respondents: AML contract applicants and State and tribal regulatory authorities.

Total Annual Responses: 519.

Total Annual Burden Hours: 465.

Dated: June 29, 2000.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 00–16854 Filed 7–3–00; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–856 (Final)]

Certain Ammonium Nitrate From Russia

AGENCY: International Trade Commission.

ACTION: Continuation and scheduling of the final phase of an antidumping investigation.

SUMMARY: The Commission hereby gives notice of the continuation and scheduling of the final phase of antidumping investigation No. 731–TA–856 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from Russia of certain ammonium nitrate, provided for in subheading 3102.30.00 of the Harmonized Tariff Schedule of the United States.[1] The Commission determined that no earlier announcement of this scheduling was possible.

For further information concerning the conduct of this phase of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, C, and D (19 CFR part 207).

EFFECTIVE DATE: June 29, 2000.

FOR FURTHER INFORMATION CONTACT: Karen Taylor (202–708–4101), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

[1] For purposes of this investigation, Commerce has defined the subject merchandise as ''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.)''

SUPPLEMENTARY INFORMATION:

Background.—The final phase of this investigation is being continued and scheduled in response to a request by the Committee for Fair Ammonium Nitrate Trade (COFANT),[2] filed with the U.S. Department of Commerce and the Commission, to continue the investigation. This investigation was initiated on July 23, 1999 (pursuant to a petition filed by COFANT), and suspended by Commerce on May 19, 2000, as a result of a suspension agreement between the United States and Russia (65 FR 37759, June 16, 2000).

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on July 11, 2000, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 7, 2000. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on July 10, 2000, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than July 6, 2000.

Written submissions.—Parties may file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is July 17, 2000; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before July 17, 2000. On July 28, 2000, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before August 1, 2000, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain business proprietary information must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or business proprietary information service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

[2] COFANT is an ad hoc committee of U.S. producers of fertilizer-grade ammonium nitrate. Its members are: Air Products & Chemicals, Inc., El Dorado Chemical Co., La Roche Industries, Inc., Mississippi Chemical Corp., and Nitram, Inc.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

Issued: June 29, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–17044 Filed 7–3–00; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: July 11, 2000 at 2 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. No. TA–201–71 (Crabmeat from Swimming Crabs)(Injury Phase)—briefing and vote. (The Commission will transmit its recommendations to the President on August 29, 2000.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: June 29, 2000.

By order of the Commission

Donna R. Koehnke,

Secretary.

[FR Doc. 00–17041 Filed 6–30–00; 12:58 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of information collection under Review; Application for naturalization.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 5, 2000.

This information collection was previously published in the **Federal Register** on January 8, 1999 at 64 FR 1219–1238, allowing for a 60-day public comment period on a proposed revision. Numerous comments were received by the public, prompting further program evaluation of the Form N–400 (Application for Naturalization). In response to the comments, INS is in the process of revising the current form. (See publication of draft N–400 in June 28, 2000 **Federal Register** notice at 65 FR 39936–39942.) Until such draft is finalized and approved by OMB, the INS is requesting a one year extension by OMB on the current form to allow for the necessary time to complete the revision of the form and modify the tracking system.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

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

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Application for Naturalization.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form N–400. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information collected is used by the INS to determine eligibility for naturalization.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 700,000 responses at 4 hours and 30 minutes (4.5) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,031,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: June 29, 2000.

Richard A. Sloan,

Department Clearance Officer, Immigration and Naturalization Service, Department of Justice.

[FR Doc. 00–16928 Filed 7–3–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

[OJP (BJA)–1282]

Announcement of the Availability of the Defense Procurement Fraud Debarment Program Guide

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Denial of Federal Benefits Program, Justice.

ACTION: Notice of publication.

SUMMARY: Announcement of the publication of the Defense Procurement Fraud Debarment Program Guide.

DATES: The Program Guide will be available after June 30, 2000.

ADDRESSES: Denial of Federal Benefits Program, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice, 810 Seventh St., NW., Washington DC 20531.

FOR FURTHER INFORMATION CONTACT: For a copy of the Defense Procurement Fraud Debarment Program Guide publication, call Robert T. Watkins, Director, Defense Procurement Fraud Debarment Program, 202–616–3507, (This is not a toll-free number), or visit the website at *www.ojp.usdoj.gov/BJA* (Click on ''BJA Administered Non-Grant Programs'')

SUPPLEMENTARY INFORMATION:

Authority

The Defense Procurement Fraud Debarment Program (DPFD) was established by Section 815 of The National Defense Authorization Act for Fiscal Year 1993 (1993 National Defense Authorization Act), Public Law 102–484, codified at 10 U.S.C. 2408. In particular, the 1993 National Defense Authorization Act requires the Attorney General to establish a single point of contact for Department of Defense (DoD) defense contractors or subcontractors to promptly confirm whether potential employees have been convicted of fraud or any other defense contract-related felony. 10 U.S.C. 2408(c).

Background

In accordance with the National Defense Authorization Act of 1989, Public Law 100–456, individuals who have been convicted of fraud or any other felony arising out of a contract with the DoD, after September 29, 1988, are prohibited from certain forms of employment, contracting and other activities with the DoD. Moreover, the Defense Procurement Fraud Debarment provision of the 1993 National Defense Authorization Act requires the Attorney General to establish a single point of

contact for Department of Defense (DoD) defense contractors or subcontractors to promptly confirm whether potential employees have been convicted of fraud or any other defense contract-related felony. 10 U.S.C. 2408(c).

On April 13, 1995, the Attorney General delegated these point of contact duties to the Assistant Attorney General for the Office of Justice Programs (OJP), who re-delegated them to OJP's Bureau of Justice Assistance (BJA). The Director of BJA established the Denial of Federal Benefits Clearinghouse (Clearinghouse) to perform the administrative requirements of the DPFD, as outlined in the 1993 National Defense Authorization Act.

The Clearinghouse responds to inquiries from Federal agencies, defense-related contractors and first tier subcontractors, as a resource in determining the eligibility of individuals to condition in certain types of employment and engage in certain activities with the DoD.

This Notice provides guidance and refers to the availability of the Program Guide which is used to implement this Program.

Dated: June 19, 2000.

Nancy Gist,

Director, Bureau of Justice Assistance.

[FR Doc. 00–16829 Filed 7–3–00; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

[OJP (BJA)–1281]

Announcement of the Availability of the Denial of Federal Benefits for Drug Offenders Program Guide

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Denial of Federal Benefits Program, Justice.

ACTION: Notice of publication.

SUMMARY: Announcement of the publication of the Denial of Federal Benefits for Drug Offenders Program Guide.

DATES: The Denial of Federal Benefits for Drug Offenders Program Guide will be available after June 30, 2000.

ADDRESSES: Denial of Federal Benefits Program, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice, 810 Seventh St., NW, Washington DC 20531.

FOR FURTHER INFORMATION CONTACT: For a copy of the Denial of Federal Benefits for Drug Offenders Program Guide publication, call Robert T. Watkins, Director, Denial of Federal Benefits Program; Phone: 202–616-3506, [This is not a toll-free number], or visit the website at *www.ojp.usdoj.gov/BJA* [Click on ''BJA Administered Non-Grant Programs'']

SUPPLEMENTARY INFORMATION:

Authority

The Denial of Federal Benefits for Drug Offenders (DFB) Program was established pursuant to section 5301 of the Anti-Drug Abuse Act of 1988 (Section 5301) (Publ. L. 100–690), and codified at 21 U.S.C. 862, and the President's Implementation Plan of August 30, 1989.

Background

The Denial of Federal Benefits for Drug Offenders Program provides Federal and State courts with the discretion to deny all or selected Federal benefits to individuals convicted of drug trafficking or drug possession, for a specified period of time denoted at sentencing. The Program exempts certain benefits from denial such as public housing; welfare; drug treatment; and earned benefits such as retirement; Social Security; health; veterans; and disability. Deniable benefits under the Program include student financial aid; small business loans; media and transportation licenses; medical, engineering, scientific, and academic research grants; along with contracts and purchase orders issued by Federal agencies or those using Federally-appropriated monies. The courts may, at their discretion, restore denied benefits for those who successfully complete drug rehabilitation programs, or for other reasons at the discretion of the court.

The Program Guide

On August 30, 1989 President Bush issued a communication to Congress which authorized and described the procedures for implementation of the Program and restricted the Program's application to convictions occurring on or after September 1, 1989. The Department of Justice was charged by the President with establishing a clearinghouse for all state and Federal courts that notify it of sentences which include a denial of Federal benefits pursuant to section 5301.

General supervision and direction of the Denial of Federal Benefits Program was subsequently delegated by the Attorney General to the Assistant Attorney General for the Office of Justice Programs. In April 1995, the Assistant Attorney General re-delegated the Bureau of Justice Assistance responsibility for the implementation and operation of its Denial of Federal Benefits Program.

This Notice provides guidance and refers to the availability of the Program Guide which is used to implement this Program.

Dated: June 19, 2000.

Nancy Gist,

Director, Bureau of Justice Assistance.

[FR Doc. 00–16830 Filed 7–3–00; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

June 27, 2000.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ((202) 219–5096 ext. 159 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King ((202) 219–5096 ext. 151 or by E-mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**. The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment Standards Administration (ESA).

Title: Economic Survey Schedule.

Type of Review: Extension.

OMB Number: 1215–0028.

Frequency: Biennially.

Affected Public: Business or other for-profit; State, Local, or Tribal Government.

Number of Respondents: 50.

Number of Annual Responses: 50.

Estimated Time Per Response: 45 minutes.

Total Burden Hours: 38.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: Form WH–1 is used by the Department of Labor to collect data and prepare an economic report for the industry committee which sets industry wage rates in American Samoa.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00–16863 Filed 7–3–00; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupation Safety and Health Administration

Occupational Safety and Health of Contractor Employees at Energy Department Site; Jurisdiction and Enforcement Responsibilities; Clarification

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice is to advise the public of a recent clarification of the jurisdiction and enforcement responsibilities of the Occupational Safety and Health Administration (OSHA) at various Department of Energy (DOE) sites which are not subject to the Atomic Energy Act (AEA).

EFFECTIVE DATE: This clarification becomes effective on July 5, 2000.

FOR FURTHER INFORMATION CONTACT: Mike Turner, Office of Technical Programs and Coordination Activities, Directorate of Technical Support, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3653, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone (202) 693–2110.

SUPPLEMENTARY INFORMATION: The U.S. Department of Labor (DOL) and the U.S. Department of Energy (DOE) have sought to clarify the regulatory authority over the occupational safety and health of contractor employees at a number of DOE government-owned or leased facilities that are not subject to the Atomic Energy Act (AEA) which provides statutory authority for DOE to regulate occupational safety and health matters relating to private sector employees at facilities subject to the AEA.

Section 4(b)(1) of the Occupational Safety and Health Act of 1970, 29 U.S.C., Sec. 653(b)(1), precludes OSHA coverage of working conditions over which other Federal agencies have exercised statutory authority to prescribe or enforce standards for occupational safety or health. A 1992 interagency Memorandum of Understanding acknowledges DOE's extensive regulation of contractor health and safety through safety orders which require contractor compliance with all OSHA standards as well as additional requirements prescribed by DOE. The agreement concludes with provisions stating that the Occupational Safety and Health Act shall not apply to Government Owned-Contractor Operated (GOCO) sites or other facilities for which DOE, pursuant to the AEA, has exercised its authority to regulate occupational safety and health.

By letter of June 18, 1999, DOE, through David Michaels, Assistant Secretary Environment, Safety and Health, provided OSHA with a list of DOE sites that were not covered by the AEA and requested OSHA's concurrence with DOE's views that the sites in question were subject to OSHA's jurisdiction. The letter states, in pertinent part:

> Enclosed is the complete list of DOE facilities and activities that do not involve activities authorized under the AEA, and are therefore under OSHA jurisdiction. Our staffs have concluded that a simple letter of affirmation and acknowledgment of receipt of this list will suffice to fully clarify that OSHA and the State Plan states, as appropriate, do have a valid jurisdiction over these facilities.

OSHA responded by letter of July 13, 1999, from Charles N. Jeffress, Assistant Secretary for Occupational Safety and Health, agreeing with DOE that OSHA has jurisdiction over the working conditions of private sector employers and employees at the noted facilities. Subsequently, on March 21, 2000, DOE provided OSHA with a validated list of ''. . . DOE facilities and activities currently having contractors on site for which DOE has not claimed 4(b)(1) exemption status and are under OSHA jurisdiction.'' (See Exhibit 1.)

The OSHA acknowledgment letter states, in pertinent part:

> OSHA accepts your conclusion that DOE is not exercising AEA authority at these sites and accordingly we generally concur that OSHA has jurisdiction over the working conditions of private sector employers and employees at these facilities. (OSHA would not, of course, have authority for working conditions addressed by other, non-DOE occupational safety or health requirements.) The extent to which OSHA's authority at non-AEA facilities may be preempted by rules of other agencies would have to be determined on a case-by-case basis, in consultation with the concerned agency, applying the principles of 4(b)(1) law. Although not explicitly stated in your letter, it is also our understanding in making this determination that DOE is not exercising safety and health enforcement authority at these sites under any other statute in a manner that would preempt OSHA's jurisdiction under section 4(b)(1) . . . (As noted in your letter, OSHA has jurisdiction for federal employees at these sites, in accordance with Executive Order 12296 and 29 CFR 1960.)

Accordingly, OSHA is giving public notice that private sector employers and employees at the DOE facilities listed in Exhibit 1 are subject to all standards, rules and requirements issued under the Occupational Safety and Health Act.

A number of the non-AEA sites listed in Exhibit 1 are located in States which operate OSHA-approved State Plans. Until a final determination is made, such sites will be deemed ''issues not covered by the State plan'' and thus subject to Federal enforcement jurisdiction. OSHA will work with its State partners in determining whether State plans or Federal jurisdiction is appropriate for individual facilities and will provide further formal notification, as appropriate. In the interim, Federal OSHA will exercise enforcement jurisdiction over those sites listed in Exhibit 1, which are located in State Plan States, until it is determined whether the State is able to exercise jurisdiction.

Signed at Washington, DC this 23rd day of June, 2000.

Charles N. Jeffress,

Assistant Secretary.

Exhibit 1

Department of Energy (DOE) Non-Atomic Energy Act (AEA) Sites and Facilities

Western Area Power Administration Headquarters, P.O. Box 3402, Golden, CO 80401–0098, Covers all or part of the following States: AZ, CA, CO, IA, KS, MN, MT, NE, ND, NM, NV, SD, TX, UT, WY

Southwestern Power Administration, Headquarters, P.O. Box 1619, Tulsa, OK

74101, Covers all or part of the following States: AR, KS, LA, MO, OK, TX
Southeastern Power Administration, Headquarters, 2 South Public Square, Elberton, GA 30635, Covers all or part of the following States: AL, FL, GA, IL, KY, MS, NC, SC, VA, WV
Bonneville Power Administration, 905 NE 11th Ave., P.O. Box 3621, Portland, OR 97208–3621, Covers all or part of the following States: CA, ID, MT, NV, OR, UT, WA, WY
National Energy Technology Laboratory (NETL), 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507–0880
National Energy Technology Laboratory (NETL), 626 Cochrans Mill Road, Pittsburgh, PA 15236–0940
Strategic Petroleum Reserves (SPR), Project Office, 900 Commerce Road East, New Orleans, LA 70123
National Petroleum Technology Office, Williams Center Tower 1, 1 West Third St., Suite 1400, Tulsa, OK 74103
Albany Research Center, 1450 Queen Ave., SW, Albany, OR 97321–2198
Naval Petroleum & Oil Shale Reserves in CO, UT, & WY., 907 N. Poplar St., Suite 150, Casper, WY 82601
Naval Petroleum Reserves in California, 28590 Highway 119, P.O. Box 11, Tupman, CA 93276

[FR Doc. 00–16865 Filed 7–3–00; 8:45 am]
BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Veterans' Employment and Training

Homeless Veterans' Reintegration Project Competitive Grants for Rural Areas

AGENCY: Office of the Assistant Secretary for Veterans' Employment and Training.

ACTION: Notice of availability of funds and solicitation for grant applications for Rural Homeless Veterans Reintegration Projects (SGA 00–02).

SUMMARY: This notice contains all of the necessary information and forms needed to apply for grant funding. All applicants for grant funds should read this notice in its entirety. The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) announces a grant competition for Rural Homeless Veterans Reintegration Projects (HVRP) authorized under the Stewart B. McKinney Homeless Assistance Act. Such projects will assist eligible veterans who are homeless by providing employment, training, supportive and transitional housing assistance where possible. Under this solicitation, VETS expects to award up to eight grants in FY 2000.

This notice describes the background, the application process, description of program activities, evaluation criteria, and reporting requirements for Solicitation of Grant Applications (SGA) 00–02. VETS anticipates that up to $1,000,000 will be available for grant awards under this SGA.

The information and forms contained in the Supplementary Information Section of this announcement constitute the official application package for this Solicitation. In order to receive any amendments to this Solicitation which may be subsequently issued, *all applicants must register their name and address with the Procurement Services Center.* Please send this information as soon as possible, Attention: Grant Officer, to the following address: U. S. Department of Labor, Procurement Services Center, Room N–5416, 200 Constitution Avenue, NW, Washington, DC 20210. Please reference SGA 00–02.

DATES: One (1) ink-signed original, complete grant application (plus three (3) copies of the Technical Proposal and three (3) copies of the Cost Proposal shall be submitted to the U.S. Department of Labor, Procurement Services Center, Room N–5416, 200 Constitution Avenue, NW, Washington, DC 20210, not later than 4:45 p.m., Eastern Standard Time, August 4, 2000. Hand delivered applications must be received by the Procurement Services Center by that time.

ADDRESSES: Applications shall be mailed to the U.S. Department of Labor, Procurement Services Center, Attention: Jeanette Villa, Reference SGA 00–02, Room N–5416, 200 Constitution Avenue, NW, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Jeanette Villa, U.S. Department of Labor, Procurement Services Center, telephone (202) 219–9355 [not a toll free number].

SUPPLEMENTARY INFORMATION:

Rural Homeless Veterans Reintegration Project Solicitation

I. Purpose

The U.S. Department of Labor (DOL), Veterans' Employment and Training Service (VETS) is requesting grant applications for the provision of employment and training services in accordance with the Stewart B. McKinney Homeless Assistance Act (MHAA), as reauthorized and codified at Title 38, Chapter 41, Section 4111 (formerly 42 U.S.C 11448). These instructions contain general program information, requirements and forms for application for funds to operate a Rural Homeless Veterans Reintegration Project (HVRP).

II. Background

The Stewart B. McKinney Homeless Assistance Act of 1987, enacted on July 22, 1987, under Title VII, Subtitle C, Section 738 provides that ''The Secretary shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to *expedite the reintegration of homeless veterans into the labor force.*'' This program was reauthorized under Section 621 of the McKinney Homeless Assistance Amendments Act of 1990 (Public Law 101–645) for an additional three years, *i.e.*, through FY 1993. Under the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590—enacted on November 10, 1992) the Homeless Veterans Reintegration Project was reauthorized through Fiscal Year 1995. However, the program was rescinded in FY 1995. Public Law 104–275, dated October 9, 1996, was amended to reauthorize the program through FY 1998. Public Laws 105–41 and 105–114, enacted in 1997, extend the program through FY 1999. Public Law 106–73 dated October 19, 1999, reauthorized and codified at Title 38, Chapter 41, Section 4111 extends the program through FY 2003.

The Homeless Veterans Reintegration Project was the first nationwide Federal program that focused on placing homeless veterans into jobs. In accordance with the MHAA, the Assistant Secretary for Veterans' Employment and Training (ASVET) is making approximately $1,000,000 of the funds available to award grants for HVRPs in rural areas and all interested homeless service providers who were ineligible to apply for funding under the HVRP Solicitation for Grant Applications (SGA 00–01) that was limited to the largest 75 metropolitan areas in FY 2000.

Bonus points of 15 points will be applied to those proposals for applicants who meet the definition of a rural applicant as specified below in section III., *Application Process.* The bonus points are to encourage rural eligibles to apply, as homeless resources are extremely limited in these areas. Rural projects are expected to provide valuable information on approaches that work in a rural environment.

III. Application Process

A. Rural Areas

Under this announcement, applications will be accepted from eligible applicants, (as defined in Section B. Of this part), to serve homeless veterans.

The Census Bureau has defined ''urban'' for the 1990 census as provided below, and territory, population, and housing units not classified as urban constitute ''rural.'' Most specifically, ''urban'' consists of territory, persons, and housing units in:

1. Places of 2,500 or more persons incorporated as cities, villages, boroughs (except in Alaska and New York), and towns, (except in the six New England States, New York, and Wisconsin), but excluding the rural portions of ''extended cities.''

2. Census designated places of 2,500 or more persons.

3. Other territory, incorporated or unincorporated, included in urbanized areas.

Those not defined as ''urban'' likely fall into the rural category. Potential applicants are referred to the Geography Division, U.S. Bureau of the Census, Washington, DC 20233, for any questions or clarification on the Census Bureau's definition. It is expected that an applicant's submission under this solicitation will clearly demonstrate the nature of the area to be served.

B. Eligible Applicants

Applications for funds will be accepted from State and local public agencies, Private Industry Councils, and nonprofit organizations as follows:

1. Private Industry Councils (PICS) and/or Workforce Investment Boards (WIBS), Public Law 97–300, are eligible applicants, as well as State and local public agencies. ''Local public agency'' refers to any public agency of a general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers. (This typically refers to cities and counties). A State agency may propose in its application to serve one or more of the potential jurisdictions located in its State. This does not preclude a city or county agency from submitting an application to serve its own jurisdiction. (Although cities are mentioned in the above explanation, this solicitation is targeting cities within a rural jurisdiction.)

Applicants are encouraged to utilize, through subgrants, experienced public agencies, private nonprofit organizations, and private businesses which have an understanding of the unemployment and homeless problems of veterans, a familiarity with the area to be served, and the capability to effectively provide the necessary services.

2. Also eligible to apply are nonprofit organizations who have operated an HVRP or similar employment and training program for the homeless or veterans; or have proven capacity to manage Federal grants; and have or will provide the necessary linkages with other service providers. Nonprofit organizations will be required to submit with their application recent (within one year) financial audit statements that attest to the financial responsibility of the organization.

Entities described in Section 501(c)4 of the Internal Revenue Code that engage in lobbying activities are not eligible to receive funds under this announcement. The Lobbying Disclosure Act of 1995, Public Law No. 104–65, 109 Stat. 691, prohibits the award of Federal funds to these entities if they engage in lobbying activities.

C. Funding Levels

The total amount of funds available for this solicitation is $1,000,000. It is anticipated that up to 8 awards will be made under this solicitation. Awards are expected to range from $75,000 to $125,000. The Federal government reserves the right to negotiate the amounts to be awarded under this competition. *Please be advised that requests exceeding the maximum award amount of $125,000 by 15% or more will be considered non-responsive.*

D. Period of Performance

The period of performance will be for one year from date of award. It is expected that successful applicants will commence program operations under this solicitation on or before September 1, 2000.

E. Late Proposals

The grant application package must be received at the designated place by the date and time specified or it will not be considered. Any application received at the Procurement Services Center after 4:45 p.m. EST, August 4, 2000, will not be considered unless it is received before the award is made and:

1. It was sent by registered or certified mail not later than the fifth calendar day before August 4, 2000;

2. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the address indicated; or

3. It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 pm at the place of mailing two (2) working days, excluding weekends and Federal holidays, prior to August 4, 2000.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (*not* a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the date of mailing of a late application sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee is the date entered by the Post Office receiving clerk on the ''Express Mail Next Day Service-Post Office to Addressee'' label and the postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. ''Postmark'' has the same meaning as defined above. Therefore, applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Procurement Services Center on the application wrapper or other documentary evidence or receipt maintained by that office. Applications sent by telegram or facsimile (FAX) will *not* be accepted.

F. Submission of Proposal

A cover letter, an original and three (3) copies of the proposal shall be submitted. The proposal shall consist of two (2) separate and distinct parts:

Part I—Technical Proposal shall consist of a narrative proposal that demonstrates the applicant's knowledge of the need for this particular grant program, its understanding of the services and activities proposed to alleviate the need and its capabilities to accomplish the expected outcomes of the proposed project design. The technical proposal shall consist of a narrative not to exceed fifteen (15) pages double-spaced, typewritten on one side of the paper only. Charts and exhibits are not counted against the page limit. Applicants should be responsive to the Rating Criteria contained in Section VI and address all of the rating factors noted as thoroughly as possible in the narrative. The following format is strongly recommended:

1. Need for the project: the applicant should identify the geographical area to be served and the characteristics of the area; provide an estimate of the number of homeless veterans and their needs, poverty and unemployment rates in the area, and gaps in the local community infrastructure the project would fulfill in addressing the employment and other barriers of the targeted veterans. Include the outlook for job opportunities in the service area.

2. Approach or strategy to increase employment and job retention: The applicant should describe the specific supportive services and employment and training services to be provided under this grant and the sequence or flow of such services. Participant flow charts may be provided. Include a description of the relationship with other employment and training programs such as Disabled Veterans' Outreach Program (DVOP) and the Local Veterans' Employment Representative (LVER) program, and programs under the Workforce Investment Act (WIA). Please include a plan for follow up of participants who entered employment at 30 and 90 days and also a plan for follow up six months after the end of the ninety day period (See discussion on results in Section V.D.) Please include the chart of proposed performance goals and planned expenditures listed in Appendix D. Although the form itself is not mandatory, the information called for in Appendix D must be provided by the applicant.

3. Linkages with other providers of employment and training services to the homeless and to veterans: Describe what linkages these programs will have with other providers of services to veterans and to the homeless in the community outside of the HVRP grant. List the types of services provided by each. Note the type of agreement in place if applicable. Linkages with the workforce development system [inclusive of WIA and State Employment Security Agencies (SESAs)], non-profit organizations and public agencies (*i.e.,* the Department of Housing and Urban Development and with the Department of Veterans Affairs) resources should be delineated.

4. Organizational capability in providing required program activities: The applicant's relevant current or prior experience in operating employment and training or related programs serving the homeless or veterans should be delineated. (For consideration by panel members, the Government reserves the right to have a representative of the Veterans' Employment and Training Service within your state provide programmatic and fiscal information about applicants and forward those findings to the National Office during the review of applications). Provide information denoting outcomes of past programs in terms of enrollments and placements or other measures of success. Applicants who have operated an HVRP program, or more recent Homeless Veterans Employment and Training (HVET) program should include final or most recent technical performance reports. (This information is subject to verification by the Veterans' Employment and Training Service.) Provide evidence of key staff capability. Non-profit organizations should submit evidence of satisfactory financial management capability including recent financial and/or audit statements.

5. Proposed housing strategy for homeless veterans: Describe how housing resources for homeless veterans in the area may be obtained or accessed. These resources may be from linkages or sources other than the HVRP grant such as HUD, community housing resources, DVA leasing or other programs. The applicant should explain whether HVRP resources will be used and why this is necessary.

Part II—Cost Proposal shall contain the Standard Form (SF) 424, ''Application for Federal Assistance,'' and the Budget Information Sheet in Appendix B. In addition the budget shall include—on a separate page(s)—a detailed cost break-out of each line item on the Budget Information Sheet. Please label this page or pages the ''Budget Narrative.'' Also to be included in this Part is the Assurance and Certification Page, Appendix C. Copies of all required forms with instructions for completion are provided as appendices to this solicitation. The Catalog of Federal Domestic Assistance number for this program is 17.805, which should be entered on the SF 424, Block 10. In Block 11, please enter the following: Homeless Veterans Reintegration Project. Please show leveraged resources/outside funds and/or the value of in-kind contributions in Section B of the Budget Information Sheet.

Budget Narrative Information: As an attachment to the Budget Information Sheet, the applicant must provide at a minimum, and on separate sheet(s), the following information:

(a) A breakout of all personnel costs by position, title, salary rates and percent of time of each position to be devoted to the proposed project (including subgrantees);

(b) An explanation and breakout of fringe benefit rates and associated charges. Rates exceeding 35% of salaries and wages require justification;

(c) An explanation of the purpose and composition of, and method used to derive the costs of each of the following: travel, equipment, supplies, subgrants/contracts and any other costs. The applicant should include costs of any required travel described in this Solicitation. Mileage charges shall not exceed 32.5 cents per mile;

(d) Description/specification of and justification for equipment purchases, if any. Tangible, non-expendable, personal property having a useful life of more than one year and a unit acquisition cost of $5,000 or more per unit must be specifically identified. Applicants are reminded that equipment purchased is to be used for HVRP purposes only. (HVRP grant funds may not be used for the purchase of motor vehicles); and

(e) Identification of all sources of leveraged or matching funds and an explanation of the derivation of the value of outside/in-kind Services.

(f) In order that the Department of Labor meet legislative requirements, submit a plan along with all costs associated with retaining participant information pertinent to a longitudinal follow up survey for at least six months after the ninety day closeout period.

IV. Participant Eligibility

To be eligible for participation under HVRP, an individual must be homeless and a veteran defined as follows:

A. The term ''homeless or homeless individual'' includes persons who lack a fixed, regular, and adequate nighttime residence. It also includes persons whose primary nighttime residence is either a supervised public or private shelter designed to provide temporary living accommodations; an institution that provides a temporary residence for individuals intended to be institutionalized; or a private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. (Reference 42 USC 11302).

B. The term ''veteran'' means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. [Reference 38 USC 101(2)]

V. Project Summary

A. Program Concept and Emphasis

The HVRP grants under Section 738 of the Stewart B. McKinney Homeless Assistance Act are intended to address dual objectives:

Provide services to assist in reintegrating homeless veterans into the

labor force; and stimulate the development of effective service delivery systems that will seek to address the complex problems facing homeless veterans. These programs are designed to be flexible in addressing the universal as well as local or regional problems barring homeless veterans from the workforce. The program in FY 2000 will continue to strengthen the provision of comprehensive services through a case management approach, the attainment of housing resources for veterans entering the labor force, and strategies for employment and retention.

B. Required Features

1. The HVRP has since its inception featured an outreach component consisting of veterans who have experienced homelessness. In recent years this requirement was modified to allow the projects to utilize formerly homeless veterans in other positions where there is direct client contact if outreach was not needed extensively, such as counseling, peer coaching, intake and follow up. This requirement applies to projects funded under this solicitation.

2. Projects will be required to show linkages with other programs and services which provide support to homeless veterans. Coordination with the Disabled Veterans' Outreach Program (DVOP) Specialists in the jurisdiction is required.

3. Projects will be ''employment focused.'' That is, they will be directed towards (a) increasing the employability of homeless veterans through providing for or arranging for the provision of services which will enable them to work; and (b) matching homeless veterans with potential employers.

C. Scope of Program Design

The HVRP project design should provide or arrange for the following services:

—Outreach, intake, assessment, counseling and employment services. Outreach should, to the degree practical, be provided at shelters, day centers, soup kitchens, and/or other locations particular to the rural environment, and other programs for the homeless. Program staff providing outreach services are to be veterans who have experienced homelessness.

Coordination with veterans' services programs and organizations such as:

—Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representatives (LVERs) in the State Employment Security/Job Service Agencies (SESAs) or in the newly instituted workforce development system's One-Stop Centers, Veterans Workforce Investment Program (VWIP)
—Department of Veterans' Affairs (DVA) services, including its Health Care for Homeless Veterans, Domiciliary and other programs, including those offering transitional housing
—Department of Housing and Urban Development (HUD) services, including its Per Diem Grants program.
—Veteran service organizations such as The American Legion, Disabled American Veterans, and the Veterans of Foreign Wars, Vietnam Veterans of America, and the American Veterans (AMVETS)

Referral to necessary treatment services, rehabilitative services, and counseling including, but not limited to:

—Alcohol and drug
—Medical
—Post Traumatic Stress Disorder
—Mental Health
—Coordinating with MHAA Title VI programs for health care for the homeless

Referral to housing assistance provided by:

—Local shelters
—Federal Emergency Management Administration (FEMA) food and shelter programs
—Transitional housing programs and single room occupancy housing programs funded under MHAA Title IV
—Permanent housing programs for the handicapped homeless funded under MHAA Title IV
—Department of Veterans' Affairs programs that provide for leasing or sale of acquired homes to homeless providers
—Transitional housing leased by HVRP funds (HVRP funds cannot be used to purchase housing)

Employment and training services such as:

—Basic skills instruction
—Basic literacy instruction
—Remedial education activities
—Job search activities
—Job counseling
—Job preparatory training, including resume writing and interviewing skills
—Subsidized trial employment (Work Experience)
—On-the-Job Training
—Classroom Training
—Job placement in unsubsidized employment
—Placement follow up services
—Services provided under JTPA Program Titles

D. Results-Oriented Model

Based on past experience of grantees working with this target group, a workable program model evolved which is presented for consideration by prospective applicants. No model is mandatory, and the applicant should design a program that is responsive to local needs, but will carry out the objectives of the HVRP to successfully reintegrate homeless veterans into the workforce.

With the advent of implementing the Government Performance and Results Act (GPRA), Congress and the public are looking for results rather than process. While entering employment is a viable outcome, it will be necessary to measure results over a longer term to determine the success of programs. The following program discussion emphasizes that followup is an integral program component.

The first phase of activity consists of the level of outreach that is necessary in the community to reach veterans who are homeless. This may also include establishing contact with other agencies that encounter homeless veterans such as shelters, soup kitchens and other facilities in the rural area. An assessment should be made of the supportive and social rehabilitation needs of the client and referral may take place to services such as drug or alcohol treatment or temporary shelter. When the individual is stabilized, the assessment should focus on the employability of the individual and they are enrolled into the program if they would benefit from pre-employment preparation such as resume writing, job search workshops, related counseling and case management, and initial entry into the job market through temporary jobs, sheltered work environments, or entry into classroom or on-the-job training. Such services should also be noted in an Employability Development Plan so that successful completion of the plan may be monitored by the staff.

Entry into full-time employment or a specific job training program should follow in keeping with the objective of HVRP to bring the participant closer to self-sufficiency. Transitional housing may assist the participant at this stage or even earlier. Job development is a crucial part of the employability process. Wherever possible, DVOP and LVER staff should be utilized for job development and placement activities for veterans who are ready to enter employment or who are in need of intensive case management services. Many of these staff have received training in case management at the National Veterans' Training Institution

and have as a priority of focus, assisting those most at a disadvantage in the labor market. VETS urges working hand-in-hand with DVOP/LVER staff to achieve economies of resources.

Follow up to determine if the veteran is in the same or similar job at the 30 day period after entering employment is required and important in keeping contact with the veterans and so that assistance in keeping the job may be provided. The 90 day followup is fundamental to assessing the results of the program interventions. Grantees must reflect the planned expenditure for this activity in the cost proposal so that followup can and will occur for those placed at or near the end of the grant period. Such results will be reported in the final technical performance report. If DVOPs/LVERs are responsible for followup, applicant must explicity state this in their proposal.

VETS emphasizes in its Strategic Plan to implement GPRA that suitable outcomes involve careers, not just jobs. Successful results are achieved when the veteran is in the same or similar job after one or more years. Towards that end, VETS solicits the cooperation of successful applicants to budget for the activity of retaining participant information pertinent to a longitudinal follow up survey, *i.e.,* at least for six months after the ninety day closeout period. Retention of records will be reflected in the Special Provisions at time of award.

E. Related HVRP Program Development Activities

1. Community Awareness Activities. In order to promote linkages between the HVRP program and local service providers (and thereby eliminate gaps or duplication in services and enhance provision of assistance to participants), the grantee must provide project orientation and/or service awareness activities that it determines are the most feasible to local providers of hands-on services to homeless, Federal, State and local entitlement services (such as the Social Security Administration, DVA, HUD, and the local Job Service office(s), and civic and private sector groups to enlist their support for the program.

VI. Rating Criteria for Award

Applications will be reviewed by a DOL panel using the point scoring system specified below in *Panel Review Criteria.* Applications will be ranked based on the score assigned by the panel after careful evaluation by each panel member. The ranking will be the primary basis to identify approximately 8 applicants as potential grantees.

Although the Government reserves the right to award on the basis of the initial proposal submissions, the Government may establish a competitive range, based upon the proposal evaluation, for the purpose of selecting qualified applicants. The panel's conclusions are advisory in nature and not binding on the Grant Officer. The Government reserves the right to ask for clarification or hold discussions, but is not obligated to do so.

The Government further reserves the right to select applicants out of rank order if such a selection would, in its opinion, result in the most effective and appropriate combination of funding, demonstration models, and geographical service areas. While points will not be assessed for cost issues, cost per placement *will be* given serious consideration in the final determination in the selecting of awardees. The Grant Officer's determination for award under SGA 00–02 is the final agency action.

The submission of the same proposal from any prior year HVRP or HVET competition does not guarantee an award under this Solicitation.

Panel Review Criteria

1. Need for the Project: 15 points. The applicant shall document the extent of need for this project, as demonstrated by: (1) The potential number or concentration of homeless individuals and homeless veterans in the proposed project area relative to other similar areas of jurisdiction; (2) the high rates of poverty and/or unemployment in the proposed project area as determined by the census or other surveys; and (3) the extent of gaps in the local infrastructure the program would fill to effectively address the employment barriers which characterize the target population in the area.

2. Overall Strategy to Increase Employment and Retention: 30 points. The application must include a description of the proposed approach to providing comprehensive employment and training services, including job training, job development, placement and post placement follow up services. The supportive services to be provided as part of the strategy of promoting job readiness and job retention should be indicated. The applicant should identify the local human resources and sources of training to be used for participants. A description of the relationship, if any, with other employment and training program such as SESAs (DVOP and LVER Programs), Veterans Workforce Investment Programs (VWIP), and Workforce Development Boards or entities where in place, should be presented. It should be indicated how the activities will be tailored or responsive to the needs of homeless veterans in the area. A participant flow chart may be used to show the sequence and mix of services.

Note: The applicant MUST complete the chart of proposed program outcomes to include participants served, and job retention. (See Appendix D)

3. Quality and Extent of Linkages with Other Providers of Services to the Homeless and to Veterans: 20 points. The application should provide information on the quality and extent of the linkages this program will have with other providers of services to benefit the homeless or veterans in the local community outside of the HVRP grant. For each service, it should be specified who the provider is, the source of funding (if known), and the type of linkages/referral system established or proposed. Describe to the extent possible, how the project would fit into the community's approach to respond to homelessness and any linkages to HUD and VA programs or resources to benefit the proposed program.

4. Demonstrated Capability in Providing Required Program Services: 20 points. The applicant should describe its relevant prior experience in operating employment and training programs and providing services to participants similar to that which is proposed under this solicitation. Specific outcomes achieved by the applicant should be described in terms of clients placed in jobs, or other outcome measures of success. The applicant must also delineate its staff capability and ability to manage the financial aspects of Federal grant programs. Relevant documentation such as financial and/or audit statements should be submitted (required for applicants who are non-profit agencies). Final or most recent technical reports for HVRP, HVET or other relevant programs should be submitted as applicable. The applicant should also address its capacity for timely startup of the program.

5. Quality of Overall Housing Strategy: 15 points. The application should demonstrate how the applicant proposes to obtain or access housing resources for veterans in the program and entering the labor force. This discussion should specify the provisions made to access temporary, transitional, and permanent housing for participants through community resources, HUD, lease, HVRP or other means unique to the locale. HVRP funds may not be used to purchase housing.

6. Cost Proposal: Applicants can expect that the cost proposal will be

reviewed for allowability, allocability, and reasonableness of costs. While points will not be assessed for cost issues, cost per placement *will be* given serious consideration in the final determination in the selecting of awardees.

Note: Bonus points of 15 points will be applied to those proposals for applicants who meet the definition of a rural applicant as specified in section III., *Application Process.* The bonus points are to encourage rural eligibles to apply, as homeless resources are extremely limited in rural areas.

VII. Post Award Conference

A post-award conference for those awarded FY 2000 HVRP funds will be held by the designated Grant Officer Technical Representative (GOTR) within each state. The conference will focus on providing information and assistance on reporting, record keeping, and grant requirements.

VIII. Reporting Requirements

The grantee shall submit the reports and documents listed below:

A. Financial Reports

The grantee shall report outlays, program income, and other financial information on a quarterly basis using SF 269A, *Financial Status Report, Short Form.* These forms shall cite the assigned grant number and be submitted to the appropriate State Director for Veterans' Employment and Training (DVET) no later than 30 days after the ending date of each Federal fiscal quarter during the grant period. In addition, a final SF 269 shall be submitted no later than 90 days after the end of the grant period.

B. Program Reports

Grantees shall submit a Quarterly Technical Performance Report 30 days after the end of each Federal fiscal quarter to the DVET which contains the following:

1. A comparison of actual accomplishments to established goals for the reporting period and any findings related to monitoring efforts;

2. Reason for slippage if established goals are not met and identification of the corrective action which will be taken to meet the goals, and the timetable for accomplishment of the corrective action.

A final Technical Performance Report will also be required as part of the final report package due 90 days after the closeout period.

In addition, the grantees will also be required to submit a closeout Technical Performance Report pertinent to the longitudinal follow up efforts due 6 months after the 90 day closeout period.

C. Summary of Final Report Package

The grantee shall submit 90 days after the grant closeout period the following final report package:

1. Final Financial Status Report (SF 269A).

2. Final Technical Performance Report (Program goals).

3. Final Narrative Report—Grantees will be required to submit a final narrative report identifying (a) major successes of the program (b) obstacles encountered and actions taken (if any) to overcome such obstacles; (c) the total combined (directed/assisted) number of veterans placed during the entire grant period; (d) the number of veterans still employed at the end of the grant period; (e) an explanation regarding why those veterans placed during the grant period, but not employed at the end of the grant period, are not so employed; and (f) any recommendations to improve the program.

No later than 6 months after the 90 day closeout period, the grantee will submit a follow up report containing the following:

1. Closeout Financial Status Report (SF 269A).

2. Closeout Narrative Report Identifying—(a) the total combined (directed/assisted) number of veterans placed during the entire grant period; (b) the number of veterans still employed during follow up; (c) are the veterans still employed at the same or similar job, if not what are the reasons; (d) was the training received applicable to jobs held; (e) wages at placement and during follow up period; (f) an explanation regarding why those veterans placed during the grant, but not employed at the end of the follow up period, are not so employed; and (g) any recommendation to improve the program.

IX. Administrative Provisions

A. Limitation on Administrative and Indirect Costs

1. Direct Costs for administration, plus any indirect charges claimed, may not exceed 20 percent of the total amount of the grant.

2. Indirect costs claimed by the applicant shall be based on a federally approved rate. A copy of the negotiated, approved, and signed indirect cost negotiation agreement must be submitted with the application. (Do not submit the State cost allocation plan.)

3. Rates traceable and trackable through the SESA Cost Accounting System represent an acceptable means of allocating costs to DOL and, therefore, can be approved for use in MHAA grants to SESAS.

4. If the applicant does not presently have an approved indirect cost rate, a proposed rate with justification may be submitted. Successful applicants will be required to negotiate an acceptable and allowable rate with the appropriate DOL Regional Office of Cost Determination within 90 days of grant award.

B. Allowable Costs

Determinations of allowable costs shall be made in accordance with the following applicable Federal cost principles:

State and local government—OMB Circular A–87

Nonprofit organizations—OMB Circular A–122

C. Administrative Standards and Provisions

All grants shall be subject to the following administrative standards and provisions:

29 CFR Part 97—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

29 CFR Part 95—Grants and Agreements with Institutes of Higher Education, Hospitals, and Other Non-Profit Organizations.

29 CFR Part 96—Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.

29 CFR Part 30—Equal Employment Opportunity in Apprenticeship and Training.

29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.

Signed at Washington, DC this 27th day of June, 2000.

Lawrence J. Kuss,

Grant Officer.

Appendices

Appendix A: Application for Federal Assistance SF Form 424

Appendix B: Budget Information Sheet

Appendix C: Assurances and Certifications Signature Page

Appendix D. Technical Performance Goals Form

Appendix E. Direct Cost Descriptions for Applicant and Sub-Applicants

HVRP Performance Goals Definitions

BILLING CODE 4510–79—P

Appendix A

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier	
3. DATE RECEIVED BY STATE	State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	

1. TYPE OF SUBMISSION:

Application: ☐ **Construction** ☐ **Non-Construction**

Preapplication: ☐ **Construction** ☐ **Non-Construction**

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address *(give city, county, State, and zip code)*:

Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN)*:

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.)*:

13. PROPOSED PROJECT

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

Previous Edition Usable
Authorized for Local Reproduction

Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which ave established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable)

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake this assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided.

   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is required.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of the project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities.

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

Appendix B

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

NOTE: Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. **Personnel:** Show salaries to be paid for project personnel.

2. **Fringe Benefits**: Indicate the rate and amount of fringe benefits.

3. **Travel**: Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.

4. **Equipment**: Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more.

5. **Supplies**: Include the cost of consumable supplies and materials to be used during the project period.

6. **Contractual**: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.

7. **Other**: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.

8. **Total, Direct Costs**: Add lines 1 through 7.

9. **Indirect Costs**: Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.

10. **Training /Stipend Cost:** (If allowable)

11. **Total Federal funds Requested**: Show total of lines 8 through 10.

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE:

PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

Appendix C

ASSURANCES AND CERTIFICATIONS - SIGNATURE PAGE

The Department of Labor will not award a grant or agreement where the grantee/recipient has failed to accept the ASSURANCES AND CERTIFICATIONS contained in this section. By signing and returning this signature page, the grantee/recipient is providing the certifications set forth below:

A. Assurances - Non-Construction Programs

B. Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters and Drug-Free/Tobacco-Free Workplace Requirements.

C. Certification of Release of Information

APPLICANT NAME and LEGAL ADDRESS:

If there is any reason why one of the assurances or certifications listed cannot be signed, please explain. Applicant need only submit and return this signature page with the grant application. All other instructions shall be kept on file by the applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL TITLE

APPLICANT ORGANIZATION DATE SUBMITTED

Please Note: **This signature page and any pertinent attachments which may be required by these assurances and certifications shall be attached to the applicant's Cost Proposal.**

Appendix D

RECOMMENDED FORMAT FOR PLANNED QUARTERLY TECHNICAL PERFORMANCE GOALS

(data entered cumulatively)

Performance Goals

	1ST QTR	2ND QTR	3RD QTR	4TH QTR
Assessments				
Participants Enrolled				
Placed Into Transitional Or Permanent Housing				
Direct Placements Into Unsubsidized Employment				
Assisted Placements Into Unsubsidized Employment				
Combined Placements Into Unsubsidized Employment (Direct & Assisted)				
Cost Per Placement				
Number Retaining Jobs For 30 Days				
Number Retaining Jobs For 90 Days				
Rate of Placement Into Unsubsidized Employment				
Average Hourly Wage At Placement				

Employability Development Services - (As Applicable)

Classroom Training				
On-The-Job Training				
Remedial Education				
Vocational Counseling				
Pre-employment Services				
Occupational Skills Training				
_____				
_____				
_____				
_____				

Planned Expenditures

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Total Expenditures	$	$	$	$
Administrative Costs	$	$	$	$
Participant Services*	$	$	$	$

*Services may include training and/or supportive.

Appendix E

Direct Cost Descriptions For Applicants and Sub-Applicants*

Position Title(s)	Annual Salary/Wage Rate	% of Time Charged to Grant	Proposed Administration Costs **	Proposed Program Costs

Sub-Total _____ _____

	Administration	Program
Fringe Benefits For All Positions	_____	_____
Contractual	_____	_____
Travel	_____	_____
Indirect Costs	_____	_____
Equipment	_____	_____
Supplies	_____	_____
Total Costs ----------	_____	_____
	Administration	Program

** Administrative costs are associated with the supervision and management of the program and do not directly or immediately affect participants.

* Direct costs for all funded positions for both applicant and sub-applicant(s) must be provided.

HVRP PERFORMANCE GOAL DEFINITIONS

1. Assessments. This process includes addressing the supportive services and employability and training needs of individuals before enrolling them in an HVRP program. Generally, this includes an evaluation and/or measurement of vocational interests and aptitudes, present abilities, previous education and work experience, income requirements, addressing supportive service needs, substance abuse treatment needs, counseling needs, temporary or transitional housing needs, personal circumstances and other related services.

2. Participants Enrolled. A client should be recorded as having been enrolled when an intake form has been completed, and services, referral, or employment has been received through the HVRP program. This should be an unduplicated count over the year: i.e., each participant is recorded only once, regardless of the number of times she or he receives assistance.

3. Placed Into Transitional Or Permanent Housing. A placement into transitional or permanent housing should be recorded when a veteran served by the program upgrades his/her housing situation during the reporting period from shelter/streets to transitional housing or permanent housing or from transitional housing to permanent housing. Placements resulting from referrals by HVRP staff shall be counted. This item is however an unduplicated count over the year, except that a participant may be counted once upon entering transitional housing and again upon obtaining permanent housing.

4. Direct Placements Into Unsubsidized Employment. A direct placement into unsubsidized employment must be a placement made directly by HVRP-funded staff with an established employer who covers all employment costs for 20 or more hours per week at or above the minimum wage. Day labor and other very short-term placements should not be recorded as placements into unsubsidized employment.

5. Assisted Placements Into Unsubsidized Employment. Assisted placements into unsubsidized employment should be recorded where the definition for placement with unsubsidized employment above is met, but the placement was arranged by an agency to which the HVRP referred the homeless veteran, such as a Job Training Partnership Act (JTPA) program.

6. Cost Per Placement. The cost per placement into unsubsidized employment is obtained by dividing the total HVRP funds expended by the total of direct placements plus assisted placements.

7. Number Retaining Job For 30 Days. To be counted as retaining a job for 30 days, continuous employment with one or more employers for at least 30 days must be verified and the definition for either direct placement or assisted placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 30 days as long as the client has been steadily employed for that length of time.

8. Number Retaining Job For 90 Days. To be counted as retaining a job for 90 days, continuous employment with one or more employers for at least 90 days must be verified, and the definition for either placement or assisted placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 90 days as long as the client has been steadily employed for that length of time.

9. Rate of Placement Into Unsubsidized Employment. The rate of placement into unsubsidized employment is obtained by dividing the number placed into unsubsidized employment (HVRP), plus the number of assisted placements into unsubsidized employment by the number of clients enrolled.

10. Average Hourly Wage At Placement. The average hourly wage at placement is the average hourly wage rates at placement of all assisted placements plus direct placements.

11. Employability Development Services. This includes services and activities which will develop or increase the employability of the participant. Generally, this includes vocational counseling, classroom and on-the-job training, pre-employment services (such as job seeking skills and job search workshops), temporary or trial employment, sheltered work environments and other related services and activities. Planned services should assist the participant in addressing specific barriers to employment and finding a job. These activities may be provided by the applicant or by a subgrantee, contractor or another source such as the local Job Partnership Training Act program or the Disabled Veterans'Outreach Program (DVOP) personnel or Local Veterans' Employment Representatives (LVERs). Such services are not mandatory but entries should reflect the services described in the application and the expected number of participants receiving or enrolled in such services during each quarter. Participants may be recorded more than once if they receive more than one service.

12. Total Planned Expenditures. Total funds requested. Identify forecasted expenditures needed for each fiscal quarter.

13. Administrative Costs. Administrative costs shall consist of all direct and indirect costs associated with the supervision and management of the program. These costs shall include the administrative costs, both direct and indirect, of subrecipients and contractors.

14. Participant Services. This cost includes supportive, training, or social rehabilitation services which will assist in stabilizing the participant. This category should reflect all costs other than administrative.

[FR Doc. 00–16861 Filed 7–3–00; 8:45 am]
BILLING CODE 4510–79–C

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2000–6]

Registration of Claims to Copyright

AGENCY: Copyright Office, Library of Congress.

ACTION: Statement of policy.

SUMMARY: The Copyright Office of the Library of Congress issues this statement of policy to clarify the practices relating to examination of copyright claims in music, and the relevance of the ''nature-of-work'' designation at space 1 of the PA Form.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Charlotte Douglas, Principal Legal Advisor, Copyright Office, Library of Congress, Washington, DC 20540. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: The Copyright Office is issuing this statement of policy to clarify its examination practices with respect to the ''nature-of-work'' space on Form PA, for registration of works of the performing arts. This policy statement is in response to a recent judicial decision by the United States Court of Appeals for the Third Circuit in *Raquel* v. *Education Management Corp.*, 196 F.3d 171 (3rd Cir. 1999) [hereinafter referred to as *Raquel*], in which the court appears to have misunderstood the Copyright Office's longstanding published practices relating to the ''nature-of-work''space.

In *Raquel*, the court held that a certificate of registration of a copyright was invalid because the claimants, authors of the copyright in a musical composition, had described the ''nature of this work'' in space 1 of their Form PA application as ''Audiovisual work.'' The deposit submitted with the application was a videotape of a television commercial in which the claimants' musical composition was performed. The court concluded, and the claimants do not appear to have contested, that the claimants did not own any copyright interest in the television commercial itself. In space 2, the application had correctly designated the nature of authorship as ''All music and lyrics and arrangement.''

A key element of the court's reasoning in invalidating the registration was the court's conclusion that ''[h]ad the Register of Copyrights known that *Raquel* did not author the audiovisual work identified in its registration, it is likely that this rather fundamental misstatement would have occasioned the rejection of Raquel's application.'' 196 F.3d at 177. Based upon this prediction of what the Copyright Office would have done if it had known the claimants had not authored the television commercial, the court concluded that the claimants had made a material misrepresentation in the application for registration. The court also concluded that this misrepresentation could not have been inadvertent. As a result, the court applied the principle that a plaintiff's knowing failure to advise the Copyright Office, in an application for copyright registration, of material facts which might have led to the rejection of a registration application constitutes grounds for holding the registration invalid and incapable of supporting an infringement action. 196 F.3d at 176 (citing *Masquerade Novelty, Inc.* v. *Unique Indus., Inc.*, 912 F.2d 663, 667 (3d Cir. 1990).

The *Raquel* case raises questions concerning the ''nature of this work'' space on the Form PA application for copyright registration. If applied strictly, the decision could jeopardize the validity of copyright registrations of musical works in a number of instances. Because of the possibility that other courts will rely on *Raquel* as valid precedent for invalidating copyright registrations under similar circumstances, the Copyright Office is issuing this policy statement to clarify that it was not misled in registering the copyright claim in the *Raquel* case, and that the Copyright Office knew that the copyright claim was in a musical work, and not an audiovisual work. The Office is also issuing this statement to clarify that in the ''nature of this work'' space on Form PA, it has been and continues to be acceptable to describe the physical nature of the deposit submitted with the application.

While section 409 of the copyright law largely dictates the content of the application form, this statutory section does not require a nature-of-work space. This space was added to the PA and VA forms because these forms cover a number of different categories of works, and it was believed the additional information would clarify the general character or the type or category of the work being registered. In practice, however, the information provided in this space by applicants often does not relate to the nature of the claim; and the Office's practice has always been to look to the ''nature of authorship'' statement in space 2 as the primary source of such information. See *Compendium of Copyright Office Practices, Compendium II* (''*Compendium II*''), § 619 (1988) (''In general, the nature of authorship defines the scope of the registration; therefore, it represents an important copyright fact''). If, on the basis of the deposit and the nature of authorship statement, the nature of the copyright claim is clear, the Copyright Office will proceed with registration.

Ideally, the nature-of-work space should describe the work being registered. In practice, it has served a variety of functions, *e.g.*, as a substitute for the statement of authorship (when such a statement was lacking) or as a supplementary description augmenting the statement of authorship. It has also served as a description of the physical nature of the deposit, and the Office has treated such a statement as acceptable where the nature of authorship statement and deposit make clear the scope of the copyright claim being registered. The *Compendium* establishes this policy in the following language: ''Forms PA and VA contain a nature-of-work space. This space should give a description of the general nature and character of the work being registered. A description of the physical form of the work is generally acceptable. Ordinarily, the Copyright Office will not consider the omission or incorrect completion of information in the nature-of-work space as a reason, in itself, for communicating with the applicant * * *'' *Compendium II*, § 614.

In *Raquel*, the nature of authorship line described the copyright claim as ''All music and lyrics and arrangement.'' The deposit consisted of a videotape which contained the musical composition being registered. In the nature of work space, the applicant stated ''audiovisual work.'' Consistent with general Copyright Office practice, the Office regarded the copyright claim to be in a musical composition, and no communication with the applicant was made regarding the reference to ''audiovisual work'' in the nature-of-work space since it was regarded as a physical description of the work being registered.*

The Office will continue to accept applications in which the ''nature of

* Strictly speaking, an ''audiovisual work'' is one of the categories of works enumerated in section 102 of the Copyright Act, 17 U.S.C. 102. See also 17 U.S.C. 101 (definition of ''audiovisual works''). Thus, it is understandable how the court of appeals could have interpreted the entry of ''audiovisual work'' in the ''nature of this work'' space as a description of the scope of Raquel's claim. However, given the Office's practice of accepting descriptions of the physical form of the deposit, and given the Office's practice of looking to the ''nature of authorship'' statement for a description of the scope of the claim, the Office understood the term ''audiovisual work'' in this context to be a physical description of the deposit.

this work'' space describes the physical nature of the deposit rather than the scope of the copyright claim. However, the decision of the Third Circuit in *Raquel* demonstrates that there is some risk in engaging in this practice. It is hoped that this statement of policy, clarifying what the Office's practice has been and will continue to be, will offer guidance to the courts and to litigants about the Office's examination practices with respect to the nature-of-work space, and will prevent other courts addressing situations similar to that in *Raquel* from reaching the same result as in *Raquel*.

Dated: June 27, 2000.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 00–16888 Filed 7–3–00; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–074)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that AVIR, LLC, of Charlottesville, VA 22906, has applied for a partially exclusive license [limited to the field of use defined as ''remote sensing, including remote imaging, of the production, stockpiling, use or any other existence of narcotic drugs, their precursors and decay products, whether the drugs are legal or illegal,'' to practice the inventions described and claimed in: U.S. Patent No. 5,128,797 entitled ''NON-MECHANICAL OPTICAL PATH SWITCHING AND ITS APPLICATION TO DUAL BEAM SPECTROSCOPY INCLUDING GAS FILTER CORRELATION RADIOMETRY,'' U.S. Patent No. 6,008,928 entitled ''MULTI-GAS SENSOR,'' U.S. Patent No. 6,057,923 entitled ''OPTICAL PATH SWITCHING BASED DIFFERENTIAL ABSORPTION RADIOMETRY FOR SUBSTANCE DETECTION,'' NASA Case No. LAR 15361–2 entitled ''GAS SENSOR DETECTOR BALANCING,'' and NASA Case No. LAR 15818–2 entitled ''OPTICAL PATH SWITCHING BASED DIFFERENTIAL ABSORPTION RADIOMETRY FOR SUBSTANCE DETECTION,'' for which United States Patent Application(s) was/were filed by the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Langley Research Center.

DATE: Responses to this notice must be received by September 5, 2000.

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Attorney, Langley Research Center, Mail Stop 212, Hampton, VA 23681–2199; Telephone 757–864–3230; Fax 757–864–9190.

Dated: June 27, 2000.

Edward A. Frankle,

General Counsel.

[FR Doc. 00–16901 Filed 7–3–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–075)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Cytec Industries, Inc., of Five Garret Mountain Plaza, West Paterson, NJ 07424, has applied for an exclusive patent license to practice the invention described and claimed in NASA Case Number LAR 15449–1 entitled ''METHOD TO PREPARE PROCESSABLE POLYIMIDES WITH REACTIVE ENDGROUPS USING 1, 3 BIS (3-AMINOPHENOXY) BENZENE,'' which has been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Langley Research Center.

DATE: Responses to this notice must be received by September 5, 2000.

FOR FURTHER INFORMATION CONTACT: Hillary W. Hawkins, Patent Attorney, Langley Research Center, Mail Stop 212, Hampton, VA 23681–2199; Telephone (757) 864–8882; Fax (757) 864–9190.

Dated: June 28, 2000.

Edward A. Frankle,

General Counsel.

[FR Doc. 00–16902 Filed 7–3–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 00–073]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Vehicle Enhancement Systems, Inc., of Rock Hill, SC 29731, has applied for an exclusive license to practice the invention described in NASA Case Number LAR 15601–1, entitled ''Base Passive Porosity for Drag Reduction,'' for which a United States Patent Application was filed by the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Langley Research Center.

DATE: Responses to this notice must be received by September 5, 2000.

FOR FURTHER INFORMATION CONTACT: Helen M. Galus, Patent Attorney, Langley Research Center, Mail Stop 212, Hampton, VA 23681–2199; Telephone 757–864–3227; Fax 757–864–9190.

Dated: June 27, 2000.

Edward A. Frankle,

General Counsel.

[FR Doc. 00–16900 Filed 7–3–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, July 11, 2000.

PLACE: NTSB Board Room, 429 L'Enfant Plaza, SW., Washington, DC. 20594.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

6837A—

Safety Recommendations related to Fires on board the passenger ships Universe Explorer on July 27, 1996 and Vistafjord on April 6, 1997.

7178A—Pipeline Accident Report: Natural Gas Pipeline Rupture and Subsequent Explosion in St. Cloud, Minnesota, December 11, 1998.

7271—Railroad Accident Report: Derailment of Burlington Northern Santa Fe Freight Train S–CHILAC–1–31 and Hazardous Material Release near Crisfield, Kansas, September 2, 1998.

FOR FURTHER INFORMATION CONTACT: Rhonda Underwood (202) 314–6065.

Individuals requesting specific accommodation should contact Mrs. Barbara Bush at (202) 314–6220 by Friday, July 7, 2000.

Dated: June 30, 2000.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 00–17124 Filed 6–30–00; 3:26 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Information pertaining to the requirement to be submitted:

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* DOE/NRC Form 742, ''Material Balance Report;'' NUREG/BR–0007, ''Instructions for Completing Material Balance Report and Physical Inventory Listing;'' and DOE/NRC Form 742C, ''Physical Inventory Listing.''

3. *The form number, if applicable:* DOE/NRC Form 742 and DOE/NRC Form 742C.

4. *How often the collection is required:* DOE/NRC Forms 742 and 742C are submitted semiannually following a physical inventory of nuclear materials.

5. *Who is required or asked to report:* Persons licensed to possess specified quantities of special nuclear or source material.

6. *An estimate of the number of responses:*
DOE/NRC Form 742: 400 responses
DOE/NRC Form 742C: 360 responses

7. *The number of annual respondents:*
DOE/NRC Form 742: 200 licensees
DOE/NRC Form 742C: 180 licensees

8. *The number of hours needed annually to complete the requirement or request:*
DOE/NRC Form 742: 300 hours
DOE/NRC Form 742C: 2,160 hours

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* Each licensee authorized to possess special nuclear material totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, and any licensee authorized to possess 1,000 kilograms of source material is required to submit DOE/NRC Form 742. Reactor licensees required to submit DOE/NRC Form 742, and facilities subject to 10 CFR Part 75, are required to submit DOE/NRC Form 742C. The information is used by NRC to fulfill its responsibilities as a participant in US/IAEA Safeguards Agreement and bilateral agreements with Australia and Canada, and to satisfy its domestic safeguards responsibilities.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW. (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments and questions should be directed to the OMB reviewer by August 4, 2000.

Erik Godwin, Office of Information and Regulatory Affairs (3150–0143), NEOB–10202, Office of Management and Budget,Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 28th day of June, 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–16897 Filed 7–3–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Nominations of New Members of the Advisory Committee on the Medical Uses of Isotopes

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Call for nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is inviting nominations for two existing positions on the Advisory Committee on the Medical Uses of Isotopes (ACMUI): A medical physicist with expertise in nuclear unsealed byproduct material and a health care administrator.

DATES: Nominations are due on or before September 5, 2000.

ADDRESSES: Submit nominations to: The Office of Human Resources, ATTN: Ms. Robin Avent, Mail Stop T2D32, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Betty Ann Torres, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–415–0191.

SUPPLEMENTARY INFORMATION: The ACMUI advises the NRC on policy and technical issues that arise in regulating the medical use of byproduct material. Responsibilities include providing comments on changes in NRC rules, regulations, and guidance documents concerning medical use; evaluating certain non-routine uses of byproduct material for medical use; providing technical assistance in licensing, inspection, and enforcement cases; and bringing key issues to the attention of NRC for appropriate action.

ACMUI members possess the medical and technical skills needed to address evolving issues. Currently, the ACMUI membership consists of the following: (a) Nuclear medicine physician; (b) nuclear cardiologist; (c) medical physicist in nuclear medicine unsealed byproduct material; (d) health care administrator; (e) patients' rights and care advocate; (f) Food and Drug Administration representative; and (g) state representative. The staff is in the process of finalizing the appointment of nominees for the following positions: (a) a therapy physicist; (b) a radiation safety officer; (c) a nuclear pharmacist; and (d) two radiation oncologists.

The NRC is inviting nominations for two existing positions on the ACMUI—a medical physicist with expertise in nuclear medicine unsealed byproduct material and a health care administrator. The term of the individual currently occupying the medical physicist position ends September 30, 2000, and the term of the individual currently occupying the health care administrator position ends September 30, 2001.

Nominees must include four copies of their resumes, describing their educational and professional qualifications, and provide their current addresses and telephone numbers.

Committee members serve a 3-year term, with possible reappointment to an additional 3-year term.

Nominees must be U.S. citizens and be able to devote approximately 80 hours per year to committee business. Members will be compensated and reimbursed for travel (including per-diem in lieu of subsistence) and secretarial and correspondence expenses unless the member is a full-time Federal employee. Full-time Federal employees are only reimbursed for travel expenses. Nominees will undergo a security background check and will be required to complete financial disclosure statements to avoid conflict-of-interest issues.

Dated at Washington, DC this 27th day of June, 2000.

For the U.S. Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer, Office of the Secretary of the Commission.

[FR Doc. 00–16896 Filed 7–3–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Meeting on the Nuclear Regulatory Commission's Licensing Process for the Mixed Oxide Fuel Fabrication Facility; Notice of Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) is hosting two public meetings to discuss the licensing process for the mixed oxide (MOX) fuel fabrication facility. One meeting will be held in Columbia, South Carolina, and the second meeting will be held in N. Augusta, South Carolina. The purpose of both meetings is to explain the NRC's role for MOX, describe the NRC's licensing process, describe opportunities for public participation during the licensing process, and to answer questions from meeting participants.

DATES: The meetings are scheduled for Wednesday, July 12, 2000, (Columbia, South Carolina) and July 13, 2000, (N. Augusta, South Carolina). Each meeting will run from 7 p.m. to 10 p.m. The meetings are open to the public.

ADDRESSES: The Columbia, South Carolina, meeting will be held at the University of South Carolina's Capstone Conference Center, which is located at 900 Barnwell St., Columbia, South Carolina. Parking is available on the street (free after 6 p.m.), or in lots located immediately Northwest of the Capstone building, the southern corner at the intersection of Barnwell and Pendleton, or at the intersection of Pendleton and Barnwell. The lots are free after 5 p.m.

The N. Augusta, South Carolina, meeting will be held at the N. Augusta Community Center. The N. Augusta Community Center is located at 495 Brookside Drive in N. Augusta, South Carolina. Parking is available adjacent to the building.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, contact Andrew Persinko, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6522 or e-mail axp1@nrc.gov.

Dated at Rockville, Maryland, this 23rd day of June, 2000.

For the Nuclear Regulatory Commission.

Michael Tokar,

Acting Chief, Special Projects Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–16898 Filed 7–3–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of July 3, 10, 17, 24, 31, and August 7, 2000.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of July 3

There are no meetings scheduled for the Week of July 3.

Week of July 10—Tentative

Monday, July 10

1:25 p.m.
Affirmation Session (Public Meeting)
a: Rulemaking to Modify the Event Reporting Requirements for Power Reactors in 10 CFR 50.72 and 50.73 and for Independent Spent Fuel Storage Installations (ISFSI) in 10 CFR 72.216
b: Final Rule: 10 CFR Parts 30, 31, and 32—''Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material'' and Related Change to the Enforcement Policy
c: Hydro Resources, Inc. Petition for Review of LBP–99–18, LBP–99–19, & LBP–99–30

1:30 p.m.
Briefing on Proposed Export of High Enriched Uranium to Canada (Public Meeting)

Tuesday, July 11

9:30 a.m.
Discussion of Intragovernmental Issues (Closed—Ex. 4 and 9)

Week of July 17—Tentative

There are no meetings scheduled for the Week of July 17.

Week of July 24—Tentataive

Tuesday, July 25

3:25 p.m.
Affirmation Session (Public Meeting) (If necessary)

Week of July 31—Tentative

There are no meetings scheduled for the Week of July 31.

Week of August 7—Tentative

There are no meetings scheduled for the Week of August 7.

Note: The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: June 30, 2000.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 00–17067 Filed 6–30–00; 2:07 p.m]

BILLING CODE 7590–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before August 4, 2000. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Statement of Personal History.

No: 912.

Frequency: On Occasion.

Description of Respondents: Applicants for loan and other forms of SBA assistance.

Annual Responses: 55,000.

Annual Burden: 13,750.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 00–16800 Filed 7–3–00; 8:45 am]

BILLING CODE 8025–01–M

OFFICE OF SPECIAL COUNSEL

Proposed Information Collection Activities; Request for Comment

AGENCY: U.S. Office of Special Counsel.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C., chapter 35), and implementing regulations at 5 CFR Part 1320, this is the second **Federal Register** notice published by the U.S. Office of Special Counsel (OSC) about proposed information collection activities, consisting of two forms for the collection of information pursuant to OSC regulations at 5 CFR 1800.1 (Filing complaint of prohibited personnel practices or other prohibited activities.) and 5 CFR 1800.2 (Filing disclosures of information). OSC is requesting approval from the Office of Management and Budget (OMB) to extend the use of two previously approved information collections: (1) Form OSC–11 (Complaint of Possible Prohibited Personnel Practice or Other Prohibited Activity); and (2) Form OSC–12 (Disclosure of Information), as revised. Revisions include: (1) Style, format, and other minor changes, such as requests for fax numbers, e-mail addresses, and details of certain allegations in a different format; (2) addition of explanatory information about OSC jurisdiction, the elements required to prove some claims, and certain procedural rights; and (3) description of new and revised Privacy Act routine uses published by OSC after the last OMB approval. OSC anticipates that this additional information will add to the burden estimate for Form OSC–11, which has been increased since OMB's last approval from one hour to one hour and 15 minutes. OMB's current approval for these collections of information expires on August 31, 2000.

On April 17, 2000, notice of this request for OMB approval with a request for public comment was published in the **Federal Register** at 65 FR 20504. The notice and the proposed forms were also posted on OSC's Web site (at www.osc.gov) on April 18, 2000. No comments on these information collections were received.

Since the April notices, typographical and other non-substantive have been made to the proposed complaint form. Changes have also been made in the estimated annual number of respondents and corresponding annual burden hours reported in first **Federal Register** notice with respect to both forms, based on recalculations of the number of complaints and disclosures that may be filed during the three-year period for which OMB approval is sought.

Federal employees, other federal agencies, and the general public are invited to comment on OSC's information collection activities relating to possible prohibited employment practices and whistleblower disclosures.

DATES: Comments should be received on or before August 4, 2000.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs at the Office of Management and Budget, Attention: Desk Officer for U.S. Office of Special Counsel, Old Executive Office Building, Washington, DC 20503. A copy of any comments should also be sent to Kathryn Stackhouse, U.S. Office of Special Counsel, Planning and Advice Division, 1730 M Street, NW., Washington, DC 20036–4505.

FOR FURTHER INFORMATION CONTACT: Copies of the collections of information and supporting documentation are available from Kathryn Stackhouse or Marlene M. Cleaveland, U.S. Office of Special Counsel, Planning and Advice Division, 1730 M Street, NW, Suite 300, Washington, DC 20036–4505; telephone (202) 653–8971; facsimile (202) 653–5151.

SUPPLEMENTARY INFORMATION: Comment is requested on the following two collections of information:

Title of Collection: Complaint of Possible Prohibited Personnel Practice or Other Prohibited Activity.

Agency Form Number: OSC–11 (OMB Control Number 3255–0002).

Summary of the Collection of Information: This form is intended for use by current and former federal employees, and applicants for federal employment, in filing allegations with OSC of prohibited personnel practices and other prohibited activity with OSC's jurisdiction.

Need for Information and Proposed Use: This information is needed by OSC to investigate and seek any appropriate remedies for allegations of prohibited personnel practices and other prohibited activity, pursuant to its statutory authority at 5 U.S.C. 1211, *et seq.*

Likely Respondents: Current and former federal employees, and applicants for federal employment.

Estimated Annual Number of Respondents: 1771.

Frequency: On occasion.

Estimated Average Burden Per Respondent: 1 hour and 15 minutes.

Estimated Annual Burden: 2214 hours.

Title of Collection: Disclosure of Information.

Agency Form Number: OSC–12 (OMB Control Number 3255–0002).

Summary of the Collection of Information: This form is intended for use by current and former federal employees, and applicants for federal employment, in making whistleblower disclosures of violations of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

Need for Information and Proposed Use: This information is needed by OSC

to review whistleblower disclosures of wrongdoing in federal agencies, and to refer disclosures in appropriate cases to the head of the agency involved for investigation, pursuant to its statutory authority at 5 U.S.C. 1211, *et seq.*

Likely Respondents: Current and former federal employees, and applicants for federal employment.

Estimated Annual Number of Respondents: 475.

Frequency: On occasion.

Estimated Average Burden Per Respondent: 1 hour.

Estimated Annual Burden: 475 hours.

The two proposed forms described above are available on OSC's Web site (at www.osc.gov).

Dated: June 29, 2000.

Erin M. McDonnell,

Associate Special Counsel for Planning and Advice.

[FR Doc. 00–16945 Filed 7–3–300; 8:45 am]

BILLING CODE 7405–01–P

DEPARTMENT OF STATE

[Public Notice 3357]

Culturally Significant Objects Imported for Exhibition Determinations: ''Drink and Be Merry: Wine and Beer in Ancient Times''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority of October 19, 1999, I hereby determine that the objects to be included in the exhibition ''Drink and Be Merry: Wine and Beer in Ancient Times'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the exhibit objects at The Jewish Museum, New York, NY from July 30, thru November 5, 2000 is in the national interest. The action of the United States in this matter and the immunity based on the application of the provisions of the law involved does not imply any view o f the United States concerning the ownership of these exhibition objects. Further, it is not based upon and does not represent any change in the position of the United States regarding the status of Jerusalem or the territories 1978, of President Jimmy Carter, attached to the Camp David Accords, reprinted in 78 *Dept. of State Bulletin* 11 (October 1978); Statement of September 1, 1982 of President Ronald Reagan, reprinted in 82 *Dept. of State Bulletin* 23 (September 1982). Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Carol Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6981). The address is U.S. Department of State, SA–44; 301–4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: June 23, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 00–16905 Filed 7–4–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice #3356]

FY 2000 Funding Under the Research and Training for Eastern Europe and the Independent States of the Former Soviet Union Act of 1983

On April 21, 2000, Secretary of State Madeleine Albright approved the recommendations of the Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union. The Title VIII program, administered by the Department of State, seeks to build expertise among Americans on Russia, Eurasia, and Central and East Europe through support for advanced research, language and graduate training, and other activities both in the US and in the region. FY 2000 grant recipients are listed below.

1. American Council of Learned Societies

Grant: $420,000 (EE).

Purpose: To support dissertation fellowships, institutional grants for language training in the U.S. covering the basic languages of Central and East Europe, the Junior Scholars' Training Seminar, and post-doctoral research fellowships.

Contact: Jason Parker, Executive Associate, American Council of Learned Societies, 228 East 45th Street, New York, NY 10017–3398, (212) 697–1505 (ext. 134/135), Fax (212) 949–8058, e-mail: jason@acls.org.

2. American Councils for International Education

Grant: $420,000 ($355,000–NIS, $65,000–EE/B).

Purpose: To support programs for Advanced Russian Language and Area Studies, Languages of the NIS, Central and East European languages, Individualized Language Training and Research, Field Research Fellowships with the National Council for Eurasian and East European Research, and Policy Forums.

Contact: Graham Hettlinger, American Councils for International Education, 1776 Massachusetts Avenue, NW, Suite 700, Washington, DC 20036, (202) 833–7522, Fax (202) 833–7523, e-mail: Hettlinger@actr.org.

3. The William Davidson Institute of the University of Michigan Business School

Grant: $170,000 ($70,000–NIS; $100,000–EE).

Purpose: To support post-doctoral research fellowships on public policy affecting the development of markets in the Balkans and in Central Asia and the Caucasus.

Contact: Sharon Nakpairat, Administrative Director, The William Davidson Institute, University of Michigan Business School, 724 East University Avenue, Ann Arbor, MI 48109–1234, (734) 936–0041, Fax (734) 763–5850.

4. University of Illinois at Urbana-Champaign

Grant: $125,000 ($95,000–NIS; $30,000–EE/B).

Purpose: To support the Summer Research Laboratory, which provides dormitory housing and access to the University's library for advanced research, and the Slavic Reference Service, which locates materials unavailable through regular interlibrary loan.

Contact: Dianne Merridith, Program Administrator, Russian and East European Center, University of Illinois at Urbana-Champaign, 104 International Studies Building, 910 South Fifth Street, Champaign, IL 61820, (217) 333–1244, Fax (217) 333–1582, e-mail: reec@uiuc.edu.

5. Institute of International Education

Grant: $100,000 ($50,000–NIS; $50,000–EE).

Purpose: To support Professional Development Fellowships for young professionals in fields related to public service and civil policy in the Balkans and in Central Asia and the Caucasus.

Contact: Andrew Small, Program Manager, US Student Programs, Institute of International Education, 809 United Nations Plaza, New York, NY 10017–3580, (212) 984–5326, Fax (212) 984–5325, e-mail: asmall@iie.org.

6. International Research and Exchanges Board

Grant: $565,000 ($315,000–NIS; $250,000–EE/B).

Purpose: To support its programs for Individual Advanced Research Opportunities, Short-term Travel Grants, Black Sea and Caspian Regional Policy Symposia, Dissemination, and Policy Forums.

Contact: Joyce Warner, Director, Academic Exchanges and Research Division, International Research and Exchanges Board, 1616 H Street, NW, Washington, DC 20006, (202) 628–8188, Fax (202) 628–8189, e-mail: jwarner@irex.org.

7. National Council for Eurasian and East European Research

Grant: $1,200,000 ($900,000–NIS; $300,000–EE/B).

Purpose: To support the Research Contract and Fellowship Grant Programs for postdoctoral research, Policy Research Fellowships in the NIS and Central and East Europe, and the Ed. A. Hewett Fellowship Program to allow a scholar to work on a research project for a year while serving in a USG agency.

Contact: Robert Huber, President, National Council for Eurasian and East European Research, 910 17th Street, NW, Suite 300, Washington, DC 20006, (202) 822–6950, Fax (202) 822–6955, e-mail: nceeerdc@aol.com.

8. Social Science Research Council

Grant: $775,000 ($745,000–NIS, $30,000–EE/B).

Purpose: To support dissertation fellowships, advanced graduate fellowships, US-based institutional training in the languages of the NIS, the dissertation workshop on understudied regions, and postdoctoral fellowships.

Contact: Seteney Shami, Program Director, Social Science Research Council, 810 7th Avenue, 31st Floor, New York, NY 10019, (212) 377–2700, Fax (212) 377–2727, e-mail: shami@ssrc.org.

9. The Woodrow Wilson Center for International Scholars

Grant: $720,000 ($470,000–NIS; $250,000–EE/B).

Purpose: To support the Research and Short-term Scholar Programs, internships, meetings, outreach and publications of the Kennan Institute for Advanced Russian Studies and the East European Studies of the European Program, including the Kennan's Workshop on the Role of Women in Post-Communist Transitions and the East European Program's Junior Scholars' Training Seminar.

Contact: Nancy Popson, Deputy Director, Kennan Institute, (202) 691–4100, Fax (202) 691–4247

or

Martin Sletzinger, Director, East European Studies, The Wilson Center, 1300 Pennsylvania Avenue, NW, Washington, DC 20004–3027, (202) 691–4263, Fax (202) 691–4247.

Dated: June 27, 2000.

W. Kendall Myers,

Acting Executive Director, Advisory Committee for Study of Eastern Europe and the Independent States of the Former Soviet Union.

[FR Doc. 00–16904 Filed 7–4–00; 8:45 am]

BILLING CODE 4710–32–P

DEPARTMENT OF STATE

[Public Notice: 3355]

Universal Postal Union Reform Initiatives

DEPARTMENT: United States Department of State.

ACTION: Notice of briefing.

SUMMARY: The Department of State will host a briefing on Tuesday, September 26, 2000, to provide an update on reform initiatives at the Universal Postal Union (UPU).

The briefing will be held from 2:00 p.m. until approximately 4:00 p.m., on September 26, 2000, in Room 1105 of the Department of State, 2201 C Street, NW., Washington, DC. The briefing will be open to the public up to the capacity of the meeting room.

The briefing will provide information on the results of the recent meetings of the High-Level Group on the Future of the UPU, and of the UPU Postal Operations Council, as well as on other significant UPU-related issues. The briefing will be chaired by Ambassador E. Michael Southwick of the Department of State.

Entry to the Department of State building is controlled and will be facilitated by advance arrangements. In order to arrange admittance, persons desiring to attend the briefing should, no later than noon on September 25, 2000, notify the Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State, preferably by fax, providing the name of the meeting and the individual's name, Social Security number, date of birth, professional affiliation, address and telephone number. The fax number to use is (202) 647–8902. Voice telephone is (202) 647–2752. This request applies to both government and non-government individuals.

All attendees must use the Department of State diplomatic entrance at 22nd and C Streets, NW. One of the following means of identification will be required for admittance: Any U.S. driver's license with photo, a passport, or any U.S. Government agency identification card.

FOR FURTHER INFORMATION CONTACT: Questions concerning the briefing may be directed to Mr. Neil Boyer at (202) 647–1044.

Dated: June 27, 2000.

Neil A. Boyer,

Acting Director, Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State.

[FR Doc. 00–16903 Filed 7–4–00; 8:45 am]

BILLING CODE 4710–19–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP); Deadline for Submission of Petitions for the 2000 Annual Country Eligibility Practices Review

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of the 2000 Annual GSP Country Eligibility Practices Review and Cancellation of the 2000 Annual GSP Product Review.

SUMMARY: The deadline for the submission of petitions for the 2000 Annual GSP Country Eligibility Practices Review is 5 p.m., Monday, August 21, 2000.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., Room 518, Washington, DC 20508. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

Announcement of 2000 Annual GSP Country Eligibility Practices Review and Cancellation of 2000 Annual GSP Product Review

The GSP regulations (15 CFR Part 2007) provide the schedule of dates for conducting an annual review unless otherwise specified by a **Federal Register** notice. Notice is hereby given that, in order to be considered in the 2000 Annual GSP Country Eligibility

Practices Review, all petitions to review the GSP status of any beneficiary developing country must be received by the GSP Subcommittee of the Trade Policy Staff Committee no later than 5 p.m., Monday, August 21, 2000. Petitions submitted after the deadline will not be considered for review and will be returned to the petitioner.

Notice also is hereby given that the 2000 Annual GSP Product Review is canceled due to the extraordinary work that is required to conduct an accelerated review of products eligible to be designated under GSP for beneficiaries of the Africa Growth and Opportunity Act.

The GSP provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*), as amended (the ''Trade Act''), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

A. 2000 GSP Annual Country Eligibility Practices Review

Interested parties may submit petitions to have the GSP status of any eligible beneficiary developing country reviewed with respect to any of the designation criteria listed in sections 502(b) or 502(c) of the Trade Act (19 U.S.C. 2462(b) and (c)). Such petitions must comply with the requirements of 15 CFR 2007.01(b).

B. Submission of Petitions and Requests

Petitions to modify GSP treatment should be addressed to GSP Subcommittee, Office of the U.S. Trade Representative, 600 17th Street, NW., Room 518, Washington, DC 20508. An original and fourteen (14) copies of each petition must be submitted in English. If the petition contains business confidential information, an original and fourteen (14) copies of a nonconfidential version of the submission along with an original and fourteen (14) copies of the business confidential version must be submitted. In addition, the submission containing business confidential information should be clearly marked ''business confidential'' at the top and bottom of each and every page of the submission. Petitions submitted as ''business confidential'' must conform to 15 CFR 2003.6 and other qualifying information submitted in confidence must conform to 15 CFR 2007.7. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each (either page ''public version'' or ''nonconfidential'').

Only the public versions of the submissions will be available for public inspection and only by appointment. Appointments to review petitions may be made by contacting Ms. Brenda Webb (Tel. 202/395–6186) of the USTR Public Reading Room. The hours of the Reading Room are 9:30 a.m. to 12 noon and 1:00 p.m. to 4 p.m., Monday through Friday.

Jon Rosenbaum,

Assistant U.S. Trade Representative for Trade and Development.

[FR Doc. 00–16873 Filed 7–3–00; 8:45 am]

BILLING CODE 3901–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D–202]

WTO Consultations Regarding U.S. Action Under Section 203 of the Trade Act of 1974 Concerning Line Pipe

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on June 13, 2000, Korea requested consultations with the United States under the Marrakesh Agreement Establishing the World Trade Organization (WTO), regarding the U.S. action under section 203 of the Trade Act of 1974 (''Trade Act'') (19 U.S.C. 2253) concerning line pipe. Presidential Proclamation 7274, issued on February 18, imposed safeguards on imports of line pipe, effective March 1, 2000 (65 FR 9193, February 23, 2000). Korea alleges that the U.S. action on line pipe is inconsistent with various provisions of the WTO Agreement on Safeguards and the General Agreement on Tariffs and Trade 1994 (''GATT 1994''). Pursuant to Article 4.3 of the WTO Dispute Settlement Understanding (''DSU''), such consultations are to take place within a period of 30 days from the date of the request, or within a period otherwise mutually agreed between the United States and Korea. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before July 21 to be assured of timely consideration by USTR prior to consulting with Korea.

ADDRESSES: Submit comments to Sandy McKinzy, Monitoring and Enforcement Unit, Office of the General Counsel, Room 122, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, 20508, Attn: Line Pipe Dispute. Telephone (202) 395–3582.

FOR FURTHER INFORMATION CONTACT: Rachel Shub, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, (202) 395–7305.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding. If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

Major Issues Raised by Korea

On December 22, 1999, the United States International Trade Commission (USITC) transmitted to the President an affirmative determination in its investigation under section 202 of the Trade Act (19 U.S.C. 2252), with respect to imports of certain circular welded carbon quality line pipe (line pipe) provided for in subheadings 7306.10.10 and 7306.10.50 of the Harmonized Schedule of the United States. The USITC determined that line pipe is being imported in such increased quantities as to be a substantial cause of serious injury or the threat of serious injury to the domestic industry producing a like or directly competitive article.

On February 18, 2000, pursuant to section 203 of the Trade Act (19 U.S.C. 2253), Presidential proclamation 7274 imposed increases in duties on imports of line pipe in excess of 9000 short tons (8,164,663 kg) from each country, effective March 1, 2000 through March 1, 2003. Proclamation 7274 exempts products of Canada and Mexico from these duty increases. Korea alleges that ''the U.S. procedures and determinations that led to the imposition of the safeguard measure as

well as the measure itself'' are inconsistent with U.S. obligations under Articles 2, 3, 4, 5, 11 and 12 of the WTO Agreement on Safeguards and with Articles I, XIII and XIX of the GATT 1994.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE'' in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508. The public file will include a listing of any comments received by USTR from the public with respect to the proceeding; and, if applicable, the U.S. submissions to the panel in the proceeding, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the dispute settlement panel, and the report of the Appellate Body. An appointment to review the public file (Docket WTO/D–202, Line Pipe Dispute) may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 00–16962 Filed 7–3–00; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending June 23, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–7549.
Date Filed: June 19, 2000.
Parties: Members of the International Air Transport Association.
Subject:
PTC2 EUR 0316 dated May 23, 2000 (Issuance).
PTC2 EUR 0325 dated June 16, 2000 (Adoption)
Mail Vote 076—Resolution 078y
TC2 Pex Fares Within Europe
Intended effective date: June 23, 2000

Docket Number: OST–2000–7566.
Date Filed: June 22, 2000.
Parties: Members of the International Air Transport Association.
Subject:
CAC/28/Meet/006/00 dated June 8, 2000
Finally Adopted Resos R1–6
Minutes—CAC/28/Meet/005/00 dated June 7, 2000
Intended effective date: October 1, 2000

Docket Number: OST–2000–7579.
Date Filed: June 23, 2000.
Parties: Members of the International Air Transport Association.
Subject:
PTC12 USA–EUR 0099 dated June 20, 2000.
North Atlantic USA-Europe Expedited Resolutions 002v and 054s
Intended effective date: August 1, 2000

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 00–16825 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending June 23, 2000

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2000–7546.
Date Filed: June 19, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 10, 2000.
Description: Application of Swissjet, Inc. pursuant to 49 U.S.C. 41102 and subpart. Q, applies for a Certificate of Public Convenience and Necessity to authorize Swissjet to engage in foreign charter air transportation of persons, property and mail.

Docket Number: OST–2000–7547.
Date Filed: June 19, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 10, 2000.
Description: Application of Swissjet Inc. pursuant to 49 U.S.C. 41102 and subpart Q, applies for a Certificate of Public Convenience and Necessity to authorize Swissjet to engage in interstate charter air transportation of persons, property and mail.

Docket Number: OST–2000–7548.
Date Filed: June 19, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 10, 2000.
Description: Application of Continental Airlines, Inc. pursuant to 49 U.S.C. 41102 and subpart B, applies for renewal of its Route 682 certificate authorizing Continental to provide scheduled air transportation of persons, property and mail between Newark, New Jersey, and Lima, Peru, via the intermediate point Bogota, Colombia.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 00–16824 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Advisory Circular 20–143]

Installation, Inspection, and Maintenance of Controls for General Aviation Reciprocating Aircraft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of Advisory Circular (AC) 20–143.

SUMMARY: This notice announces the issuance of AC 20–143, Installation, Inspection, and Maintenance of Controls for General Aviation Reciprocating Aircraft Engines. This AC presents information regarding the inspection, maintenance, and installation of engine controls with emphasis on the airframe portion of these systems. It provides guidance to design and maintenance personnel to reduce the number of airplane accidents and incidents related to the loss of engine power control. This AC provides a supplement, but does not replace the procedures in the manufacturers' maintenance manuals. This material is neither mandatory nor regulatory in nature and does not constitute a regulation.

DATES: On June 6, 2000, the Small Airplane Directorate issued Advisory Circular No. 20–143.

How to Request Copies: Copies of the AC are available from the U.S. Department of Transportation, Subsequent Distribution Office, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, MD 20785. The advisory circular is also available on the internet at http://www.faa.gov/avr/air/airhome.htm.

Issued in Kansas City, Missouri, on June 23, 2000.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16917 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at El Paso International Airport, El Paso, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at El Paso International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before August 4, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Patrick T. Abeln, Manager El Paso International Airport at the following address: Patrick T. Abeln, Director of Aviation, El Paso International Airport, 6701 Convair Road, El Paso, TX 79925.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Forth Worth, Texas 76193–0610, (817) 222–5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at El Paso International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 21, 2000 the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 5, 2000.

The following is a brief overview of the application.

Total estimated PFC revenue: $5,502,927.

PFC application number: 00–02–U–00–ELP.

Brief description of proposed project(s):

Projects To Use PFC's

1. Extend Runway 4/22 and Parallel Taxiway 1,000 feet.

Proposed class or classes of air carriers to be exempted from collecting PFC's: FAR part 135 on demand air Taxi/Commercial Operator (ATCO) reporting on FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at El Paso International Airport.

Issued in Fort Worth, Texas on June 21, 2000.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 00–16921 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Fayetteville Regional Airport, Fayetteville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on two projects that were inadvertently omitted from the May 25, 2000 **Federal Register** notice contained in the application to impose and use the revenue from a PFC at Fayetteville Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 20, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office,

1701 Columbia Avenue, Suite 2–260, College Park, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bradley S. Whited, Airport Director, of the City of Fayetteville a the following address: Mr. Bradley S. Whited, Airport Director, Fayetteville Regional Airport, P.O. Box 64218, Fayetteville, NC 28306.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Fayetteville under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Lee Kyker, Manager of Airport Programs, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 2–260, College Park, GA 20227–2747, (404) 305–7161. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Fayetteville Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 12, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Fayetteville was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 8, 2000.

The following is a brief overview of the application.

PFC Application No.: 00–01–C–00–FAY.

Level of the proposed PFC: $3.00.

Proposed charge effective date: September 1, 2000.

Proposed charge expiration date: October 1, 2002.

Total estimated net PFC revenue: $942,620.

Brief description of proposed project(s) that were omitted from May 25, 2000 Federal Register Notice:

- Construct general aviation area (design only).
- Acquire handicap lift device.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Federal Aviation Administration.

Issued in Atlanta, Georgia on June 27, 2000.

Scott L. Seritt,

Manager, Atlanta Airports District Office.

[FR Doc. 00–16920 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Draft Environmental Impact Statement; Douglas County, CO

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, the FHWA, in cooperation with the Colorado Department of Transportation (CDOT), have jointly prepared a Draft Environmental Impact Statement (EIS) for proposed transportation improvements in the South I–25 Corridor and US 85 Corridor of the Denver, Colorado metropolitan area. The project is within Douglas County. The Draft EIS identifies various alternatives and the associated environmental impacts of the proposed alternatives. Interested citizens are invited to review the Draft EIS and submit comments. Copies of the Draft EIS may be obtained by telephoning or writing the contact person listed below under **ADDRESSES.** Public reading copies of the Draft EIS are available at the locations listed under **SUPPLEMENTARY INFORMATION.**

DATES: A 45-day public review period will begin on July 5, 2000 and conclude on August 21, 2000. Written comments on the alternatives and impacts to be considered must be received by CDOT by August 21, 2000. Three public hearings to receive oral comments on the Draft EIS will be held in Castle Rock, Lone Tree, and Sedalia.

ADDRESSES: Written comments on the Draft EIS should be addressed to Wes Goff, Project Manager, Colorado Department of Transportation, South I–25 and US 85 Corridor, 18500 East Colfax Avenue, Aurora, CO 80011. Requests for a copy of the Draft EIS may be addressed to Mr. Wes Goff at the address above. Please see **SUPPLEMENTARY INFORMATION** section for a listing of the available documents and formats in which they may be obtained. Copies of the Draft EIS are also available for public inspection and review. See **SUPPLEMENTARY INFORMATION** section for locations.

FOR FURTHER INFORMATION CONTACT: To request copies of the Draft EIS or for additional information, contact: Mr. Scott Sands, FHWA, Colorado Division, 555 Zang Street, Room 250, Lakewood, CO, 80228, Telephone: (303) 969–6730 extension 362; or Mr. Wes Goff, Colorado Department of Transportation, Region 1, 18500 East Colfax Avenue, Aurora, CO 80011, Telephone: (303) 757–9647.

SUPPLEMENTARY INFORMATION:

Hearing Dates and Locations:

Tuesday, July 25, 2000: Louviers Village Club House (5 p.m.–7 p.m.)

Wednesday, July 26, 2000: Lone Tree Civic Center (5 p.m.–7 p.m.)

Thursday, July 27, 2000: Douglas County Building (5 p.m.–7 p.m.)

Copies of the Draft EIS are available in hard copy format for public inspection at:

- CDOT Arapahoe Residency, 359 Inverness Drive South, Suite K, Englewood, CO 80112, 303–790–1020
- CDOT Office of Environmental Services, 1325 South Colorado Boulevard, Suite B400, Denver, CO 80222, 303–757–9259
- CDOT Region 1, 18500 E Colfax Avenue, Aurora, CO 80010, 303–757–9371
- Douglas County Planning Department, 100 Third Street, Castle Rock, CO 80104, 303–660–7490
- Federal Highway Administration, 555 Zang Street, Room 250, Lakewood, CO 80228, 303–969–6730
- Highlands Ranch Library, 48 West Springer Drive, Littleton, CO 80129–2314, 303–791–7703
- Lone Tree Library, 8827 Lone Tree Parkway, Lone Tree, CO 80124–8961, 303–799–4446
- Louviers Library, 7885 Louviers Boulevard, Louviers, CO 80131–9900, 303–791–7323
- Parker Library, 10851 South Crossroads Drive, Parker, CO 80134–9081, 303–841–3503
- PBS&J, 5500 Greenwood Plaza Blvd., Suite 150, Englewood, CO 80111, 303–221–7275
- Philip S. Miller Library, 961 S. Plum Creek Road, Castle Rock, CO 80104, 303–688–5157
- The document is also available on the project Website: www.southi25.com

Background

This Draft EIS provides a detailed evaluation of the South I–25 Corridor and US 85 Corridor improvement project. The project corridors both lie within Douglas County, Colorado. The I–25 Corridor extends from C–470 at approximate milepost 195 to the southern limit of Castle Rock at

approximate milepost 178 and the US 85 Corridor extends from C–470 at approximate milepost 200 to Castle Rock at approximate milepost 184. This Draft EIS includes an examination of the purpose and need, alternatives under consideration, travel demand, affected environment, environmental consequences, and mitigation measures as a result of the improvements under consideration. Three alternatives, including the No-Action Alternative, and several other I–25 improvement options are considered for improvements to the I–25 Corridor. Two alternatives, including the No-Action Alternative, and one other US 85 improvement option are considered for improvements to the US 85 Corridor. CDOT was the lead agency for the preparation of the Draft EIS.

The FHWA, the CDOT, and other local agencies invite interested individuals, organizations, and Federal, State, and local agencies to comment on the evaluated alternatives and associated social, economic, or environmental impacts related to the alternatives.

Issued on: June 23, 2000.

James Daves,

Division Administrator, Federal Highway Administration, Lakewood, Colorado.

[FR Doc. 00–16853 Filed 7–3–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–6685; Notice 2]

General Motors Corporation, Grant of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain 1999 Chevrolet vehicles are not in compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 120, ''Tire selection and rims for motor vehicles other than passenger cars'' and 49 CFR Part 567, ''Certification'' and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on January 19, 2000, in the **Federal Register** (65 FR 3004). NHTSA received no comments.

The purpose of FMVSS No. 120 according to S2 is ''to provide safe operational performance of vehicles by ensuring that vehicles to which it applies are equipped with tires of adequate size and load rating, and rims of appropriate size and type designation.'' Paragraph S5.2 of FMVSS No. 120 requires that each rim be marked with specific information, including the rim size designation which indicates the source of the rim's published nominal dimensions, and the rim size designation. For example: ''20 x 5.50,″ or ''20 x 5.5.''

Between March 1, 1999, and March 13, 1999, GM produced 5,079 Chevrolet Blazers and Chevrolet S–10 pickup trucks, some of which may be equipped with one or more than one of the 1,658 wheels that are missing the width designation in the rim marking on the back side of the wheel. In the original petition, GM stated that this missing data affected 11,522 vehicles; however, on March 6, 2000, the agency received a follow-up letter from GM stating that only 5,079 vehicles may be affected. GM's wheel supplier, Reynolds-Rualca, Venezuala, produced 3,721 wheels that had an error in the rim size designation. Instead of the correct rim size designation of ''15 x 7,'' these wheels have a rim size designation of ''15 x .'' The error occurred when one of the wheel casting molds was refurbished. Of the 3,721 mis-marked wheels produced, 2,063 were located and correctly stamped with the missing rim width. The remaining 1,658 wheels were installed on the Chevrolet vehicles. The rim markings other than the rim width designation were not affected by the refurbishing error, and the remainder of the rim marking information, including rim diameter, is correct on all of the 1,658 wheels.

GM supports its application for inconsequential noncompliance by stating the following:

1. ''The tire and rim of the affected wheels are properly matched, and are appropriate for the load-carrying characteristics of these vehicles. The lack of complete marking has no effect on the performance of the tire/rim combination of the subject vehicles.''

2. ''These vehicles have a placard on the left front door that contains the correct and complete tire and rim sizes installed on these vehicles. The placard on the subject vehicles shows rim size completely and correctly as 15x7J.''

3. ''The owner's manual provided with these vehicles contains a section 'Buying New Tires.' The text of this section advises the customer that they should look at the Certification/Tire Label to find out what kind and size of tires they need. It goes on to tell them that they should get new tires with the same Tire Performance Criteria Specification (TPC Spec) that the vehicle came with, and that they can find the TPC number on each tire's sidewall. Finally it advises them that if they were to replace the tires with those not having the TPC Spec number found on the original equipment tires, they should make sure that the tires they choose are the same size, load range, speed rating and construction type as the original tires. Nowhere are customers told to look at the wheel to determine the appropriate tire.''

4. ''General Motors believes that very few of these wheels will ever have to be replaced over the life of the vehicle. Nevertheless, the owner's manual provided with these vehicles contains a section 'Wheel Replacement.' This section states that each new wheel should have the same load-carrying, diameter, width, offset and be mounted in the same way as the one it replaces. It also advises customers that their dealer will know the kind of wheel they need. The wheels at issue here are not marked with an incorrect width. Rather, they have no width marking. Therefore a dealer would not be misled by a width marking on the wheel, but would look at the placard if they were not aware of the exact width.''

5. ''If a customer needs to replace a tire or a wheel, he/she is likely to go to a tire/wheel store, or a vehicle dealer. The skilled personnel at any of these places know how to determine the correct tire or wheel size that they are replacing. For the tire replacement, it is highly probable that they will first look at the tire sidewall to determine the replacement tire size. They also know that the information exists on the placard and may look at the placard. For the wheel replacement, they may look at the tire placard or at the wheel itself to determine the replacement size. The subject wheels do not give incorrect information, however the information is incomplete. Since the information on the wheel is incomplete, the person looking at it will look elsewhere to find the missing information prior to selecting replacement wheel or tire size. For the correct tire selection, rim diameter is of primary importance, and the tire diameter must be the same as the rim diameter. The information on the subject wheels does contain the correct rim diameter, *i.e.,* 15.''

The purpose for the rim marking requirements in FMVSS No. 120 is to provide the owner with permanent rim size and type designation information necessary to ensure proper selection and matching of rims and tires. Without

proper labeling, an individual vehicle user cannot readily determine the proper size tire for the rim and the vehicle. Without this required information displayed on the rim, a tire too large or small for the rim could be mounted, resulting in a failure. If the load carrying capabilities of the wheel cannot be readily determined, then the possibility of overloading exists.

In this case, the rims have an incomplete marking, so the individual will have to rely on another source for the correct rim size. The most likely sources for the rim size information are the tire placard on the vehicle, the vehicle owner's manual, or a dealer. The placard in these vehicles shows the rim size correctly at 15 x7J. The owner's manual for these vehicles states that a new wheel should have the same load-carrying, diameter, width, offset and be mounted in the same way as the one it replaces. It also advises customers that their dealer will know the kind of wheel they need. It is extremely unlikely that dealers would attempt to rely on rim markings to determine the appropriate tire or rim sizes.

According to GM, the processes have been extensively reviewed, the causes of these noncompliances have been isolated, and changes in the processes have been instituted to prevent any future occurrences. In addition, the noncompliance is limited to the vehicles addressed in this notice, and GM stated that its future products will comply with the requirements of FMVSS No. 120.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to motor vehicle safety. Accordingly, GM's application is granted, and it is exempted from the duty of providing notification of, and a remedy for, the noncompliance.

(49 U.S.C. 30118, delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: June 28, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00–16890 Filed 7–4–00; 8:45 am]

BILLING CODE 4910–59–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33889]

State of Texas (Acting by and Through the Texas Department of Transportation)—Acquisition Exemption—West Texas & Lubbock Railroad Company, Inc.

The State of Texas (acting by and through the Texas Department of Transportation), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire the right-of-way underlying a rail line (the line) from West Texas & Lubbock Railroad Company, Inc. (WTLR). The line is located between milepost 7.2 and milepost 1.1, in Lubbock, TX, a distance of approximately 6.1 miles.[1]

The transaction was scheduled to be consummated on or shortly after June 27, 2000.[2]

If the notice contains false or misleading information, the exemption is void *ab initio.*[3] Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33889, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Charles W. Heald, Executive Director, Texas Department of Transportation, 125 E. 11th Street, Austin, TX 78701–2483.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 27, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–16856 Filed 7–03–00; 8:45 am]

BILLING CODE 4915–00–M

[1] The State of Texas will not provide rail freight service on the line. WTLR will retain ownership of the rail, ties and other track materials and will retain the permanent, irrevocable, exclusive rail freight easement to provide service over the line.

[2] The transaction could be consummated no sooner than the June 23, 2000 effective date of the exemption.

[3] According to the State of Texas, a motion to dismiss will be filed in the near future in this proceeding on the grounds that the Board does not have jurisdiction over this transaction.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Joint Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Submission for OMB Review; Joint Comment Request.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (collectively, the ''agencies'') hereby give notice that they plan to submit to the Office of Management and Budget (OMB) requests for review of the information collections described below. The agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number.

On April 18, 2000, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on the extension, without revision, of the currently approved information collections: the Foreign Branch Report of Condition (FFIEC 030). The agencies, however, are making a minor clarification to the FFIEC 030 general instructions, effective September 30, 2000.

DATES: Comments must be submitted on or before August 4, 2000.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Written comments on the FFIEC 030 should be submitted to the Communications Division, Office of the Comptroller of the Currency, 250 E Street, S.W., Third Floor, Attention: 1557–0099, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202)874–5274, or by electronic mail to regs.comments@occ.treas.gov. Comments will be available for inspection and photocopying at the OCC's Public Reference Room, 250 E

Street, SW, Washington, DC 20219 between 9 a.m. and 5 p.m. on business days. Appointments for inspection of comments may be made by calling (202) 874–5043.

Board: Written comments on the FFIEC 030 should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, D.C. 20551, submitted by electronic mail to regs.comments@federalreserve.gov, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P–500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

FDIC: Written comments on the FFIEC 030 should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW, Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Additional information or a copy of the collection may be requested from:

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Board: Mary M. West, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, D.C. 20551.

FDIC: Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

Proposal To Extend for Three Years With Minor Instructional Clarifications the Following Currently Approved Collections of Information

Title: Foreign Branch Report of Condition.

Form Number: FFIEC 030.

Frequency of Response: Annually, and quarterly for significant branches.

Affected Public: Business or other for-profit.

For OCC:

OMB Number: 1557–0099.

Number of Respondents: 143 annual respondents, 56 quarterly respondents.

Estimated Time per Response: 3.9 burden hours.

Estimated Total Annual Burden: 1431 burden hours.

For Board:

OMB Number: 7100–0071.

Number of Respondents: 40 annual respondents, 26 quarterly respondents.

Estimated Time per Response: 3.9 burden hours.

Estimated Total Annual Burden: 468 burden hours.

For FDIC:

OMB Number: 3064–0011.

Number of Respondents: 36 annual respondents, no quarterly respondents.

Estimated Time per Response: 3.9 burden hours.

Estimated Total Annual Burden: 140.4 burden hours.

General Description of Report

These information collections are mandatory: 12 U.S.C. 321, 324, and 602 (Board); 12 U.S.C. 602 (OCC); and 12 U.S.C. 1828 (FDIC). These information collections are given confidential treatment (5 U.S.C. 552(b)(8)). Small businesses (that is, small banks) are not affected.

Abstract

This report contains asset and liability information for foreign branches of insured U.S. commercial banks and is required for regulatory and supervisory purposes. The information is used to analyze the foreign operations of U.S. commercial banks. All foreign branches of U.S. banks regardless of charter type file this report with the appropriate Federal Reserve District Bank. The Federal Reserve collects this information on behalf of the U.S. bank's primary federal bank regulatory agency.

Current actions: The agencies did not receive any comments in response to the notice published in the **Federal Register** on April 18, 2000, (65 FR 20847) requesting public comment on the extension without revision of these information collections. The agencies, however, are making a minor clarification to the FFIEC 030 general instructions regarding the treatment of intrabank transactions, effective September 30, 2000.

Request for Comment

Comments are invited on:

a. Whether the information collections are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

b. The accuracy of the agencies' estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology as well as other relevant aspects of the information collection request.

Dated: June 28, 2000.

Mark J Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, June 27, 2000.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, D.C., this 19th day of June, 2000.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 00–16843 Filed 7–3–00; 8:45 am]

BILLING CODES 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Submission for OMB review; comment request.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995. The OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection that has been extended, revised, or implemented unless it displays a currently valid Office of Management and Budget (OMB) control number. Currently, the OCC is soliciting comments concerning an extension, without change, of an information collection titled Investment Securities—12 CFR 1. The OCC also gives notice that it has sent the information collection to OMB for review.

DATES: You should submit your written comments to both OCC and the OMB Reviewer by August 4, 2000.

ADDRESSES: You should send your written comments to the Communications Division, Attention: 1557–0205, Third Floor, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219. In addition, you can send comments by facsimile transmission to (202) 874–5274, or by electronic mail to regs.comments@occ.treas.gov.

FOR FURTHER INFORMATION CONTACT: You may request additional information, a copy of the collection, or a copy of the supporting documentation submitted to OMB by contacting Jessie Dunaway or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division (1557–0200), Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Investment Securities—12 CFR 1.

OMB Number: 1557–0205.

Form Number: None.

Abstract: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation.

National banks need these collections of information to ensure that they conduct their operations in a safe and sound manner and in accordance with applicable federal banking statutes and regulations. The collections of information provide needed information for examiners and provide protections for national banks. The collections of information are necessary for regulatory and examination purposes and for national banks to ensure their compliance with federal law and regulations.

The information requirements in 12 CFR part 1 are located as follows:

12 CFR 1.3(h)(2): A national bank may request an OCC determination that it may invest in an entity that is exempt from registration under section 3(c)(1) of the Investment Company Act of 1940 (the '40 Act) if the portfolio of the entity consists exclusively of assets that a national bank may purchase and sell for its own account. The OCC needs the information to determine if circumstances exist where the bank's investment in a certain exempt investment fund would be acceptable under the '40 Act and does not pose unacceptable risk for the bank.

12 CFR 1.7(b): A national bank may request OCC approval to extend the five-year holding period of securities held in satisfaction of debts previously contracted for up to an additional five years. The OCC uses the information in the request to determine, on a case-by-case basis, that the bank wants to hold the debt for a nonspeculative purpose, whether the bank's reasons for requesting the extension are adequate, and to evaluate the risks to the bank of extending the holding period, including potential effects on bank safety and soundness.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit; individuals.

Number of Respondents: 25.

Total Annual Responses: 25.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 460 burden hours.

OCC Contact: Jessie Dunaway or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, OMB No. 1557–0205, Office of the Comptroller of the Currency, 250 E Street SW, Washington, DC 20219.

OMB Reviewer: Alexander Hunt, (202) 395–7340, Paperwork Reduction Project 1557–0205, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Comments:

Your comment will become a matter of public record. You are invited to comment on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) Whether the OCC's burden estimate is accurate;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Whether the OCC's estimates of the capital or startup costs and costs of operation, maintenance, and purchase of services to provide information are accurate.

Dated: June 28, 2000.

Mark J. Tenhundfeld,

Assistant Director, Legislative & Regulatory Activities Division.

[FR Doc. 00–16893 Filed 7–3–00; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Tax and Loan Program Enhancements

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice: announcement of delay.

SUMMARY: This announces a delay in the availability of new applications in the Treasury Tax and Loan Program.

DATES: We will announce the new implementation date once established.

FOR FURTHER INFORMATION CONTACT: Walt Henderson, Senior Financial Program Specialist on (202) 874–6705 or walt.henderson@fms.treas.gov; Mary Bailey, Financial Program Specialist, at (202) 874–6749 or mary.bailey@fms.treas.gov; Adam Martin, Financial Program Specialist, at (202) 874–6881 or adam.martin@fms.treas.gov; Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, at (202) 874–6590 or cindy.johnson@fms.treas.gov; or Ellen

Neubauer, Senior Attorney, (202) 874–6680 or ellen.neubauer@fms.treas.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On May 24, 2000, the Department of the Treasury (Treasury) announced two new applications in the Treasury Tax and Loan (TT&L) program. These applications—the Treasury Investment Program (TIP) and the Paper Tax System (PATAX)—were scheduled to be available on July 10, 2000. This announcement was published to coincide with the publication of new regulations pertaining to daylight overdrafts by the Board of Governors of the Federal Reserve (Federal Reserve).

B. Reasons for Delaying the Implementation of the New TT&L Applications

Since the publication date of the notice of the new TT&L applications, the Treasury and the Federal Reserve determined the availability date for these applications, July 10, 2000, must be revised. The Treasury and the Federal Reserve made a joint decision to delay implementation of the TIP and PATAX applications to allow for further testing of an internal cash forecasting application that interfaces with TIP. We will announce the new implementation date once established. Until the new implementation date, all TT&L processes will operate as they currently do. While TIP and PATAX have been thoroughly tested and stand ready for implementation, the extra time will allow the Treasury and the Federal Reserve to ensure that interfaces between these systems and other systems are functioning properly.

Additional Information

For more information on the new TT&L applications and the revised implementation date, please visit www.frbservices.org. Financial institutions may also visit www.fm.treas.gov/regs.html for regulations and guidance pertaining to TT&L, EFTPS, and collateral. Financial institutions with questions on the new TT&L applications should contact the TT&L National Customer Service Area on 1–888–568–7343.

Dated: June 28, 2000.

Bettsy H. Lane,

Assistant Commission, Federal Finance, Financial Management Service.

[FR Doc. 00–16831 Filed 7–3–00; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form W–4S

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 W–4S, Request for Federal Income Tax Withholding From Sick Pay.

DATES: Written comments should be received on or before September 5, 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 Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Request for Federal Income Tax withholding From Sick Pay.

OMB Number: 1545–0717.

Form Number: W–4S.

Abstract: Section 3402(o) of the Internal Revenue Code allows income tax withholding on sick pay payments made by third parties upon request of the payee. The information is used by payers to determine how much to withhold from each sick pay payment.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 500,000.

Estimated Time Per Respondent: 1 hr., 23 min.

Estimated Total Annual Burden Hours: 690,000.

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 23, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–16797 Filed 7–3–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5227

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 5227, Split-Interest Trust Information Return.

DATES: Written comments should be received on or before September 5, 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 Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Split-Interest Trust Information Return.

OMB Number: 1545–0196.

Form Number: 5227.

Abstract: Form 5227 is used to report the financial activities of a split-interest trust described in Internal Revenue Code section 4947(a)(2), and to determine whether the trust is treated as a private foundation and is subject to the excise taxes under Chapter 42 of the Code.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 88,640.

Estimated Time Per Respondent: 75 hr., 45 min.

Estimated Total Annual Burden Hours: 6,714,796.

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 22, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–16798 Filed 7–3–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Brooklyn District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Brooklyn District Citizen Advocacy Panel will be held in Brooklyn, New York.

DATES: The meeting will be held Thursday July 20, 2000.

FOR FURTHER INFORMATION CONTACT: Eileen Cain at 1–888–912–1227 or 718–488–3555.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Thursday, July 20, 2000, 6 p.m. to 9 p.m. at the Internal Revenue Service Brooklyn Building located at 625 Fulton Street, Brooklyn, NY 11201. For more information or to confirm attendance, notification of intent to attend the meeting must be made with Eileen Cain. Mrs. Cain can be reached at 1–888–912–1227 or 718–488–3555. The public is invited to make oral comments from 8:30 p.m. to 9 p.m. on Thursday, July 20, 2000. Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 718–488–3555, or write Eileen Cain, CAP Office, PO Box R, Brooklyn, NY, 11201.

The Agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: June 26, 2000.

M. Cathy VanHorn,

Director, CAP, Communications & Liaison.

[FR Doc. 00–16799 Filed 7–3–00; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 65, No. 129

Wednesday, July 5, 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

[VA084/101–5045a; FRL–6562–9]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Format for Materials Being Incorporated by Reference; Approval of Recodification of the Virginia Administrative Code

Correction

In rule document 00–9535 beginning on page 21315 in the issue of Friday, April 21, 2000, make the following correction:

§52.2420 [Corrected]

1. On page 21329, in §25.2420(c), in the table, under the ''Article 17'' heading, in the 7th line, in the 4th column, ''120–4–1709'' should read ''120–04–1709''.

2. On page 21334, under the heading ''*Article 29 Paper and Fabric Coating Application Systems [Rule 4-31]*'' add the following line to the end of the table:

EPA-APPROVED REGULATIONS IN THE VIRGINIA SIP

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [Former SIP citation]
Article 29 Paper and Fabric Coating Application Systems [Rule 4–29]				
5–40–4150	Permits	4/17/95	[Insert publication date and **Federal Register** cite]	120–04–2915.

3. On page 21335, under the ''Article 33'' heading, in the 4th line, in the 2nd column, after ''Technology'' add ''Guidelines''.

4. On page 21337, under the heading ''*Article 38 Dry Cleaning Systems [Rule 38]*'' add the following line to end of the table:

EPA-APPROVED REGULATIONS IN THE VIRGINIA SIP

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [Former SIP citation]
Article 38 Dry Cleaning Systems [Rule 4–38]				
5–40–5480	Permits	4/17/95	[Insert publication date and **Federal Register** cite]	120–04–3814.

5. On page 21340, under the ''Chapter 80'' heading, in the last line, in the 4th column, ''N.'' should read ''01N. ''.

6. On page 21341, under the same chapter, in the first line, in the 4th column, ''O.'' should read ''01O.''.

7. On the same page, under the same chapter, in the second line, in the 4th column, ''P.'' should read ''01P. ''.

8. On page 21346, under the ''Part II'' heading, in the third line, in the 3rd column, ''1/2/97'' should read ''1/1/97'' and in the sixth line, in the 3rd column, ''1//97'' should read ''1/1/97''.

9. On page 21347, in §52.2420(d), in the table, in the first column, in the 8th line, ''Bended'' should read ''Blended''.

[FR Doc. C0–9535 Filed 7–3–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
July 5, 2000

Part II

Department of Transportation

Federal Aviation Administration
14 CFR Part 13
Flight Operational Quality Assurance Program; Proposed Rules

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 13

[Docket No. FAA–2000–7554; Notice No. 00–07]

RIN 2120–AF04

Flight Operational Quality Assurance Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to codify an FAA policy encouraging the voluntary implementation of Flight Operational Quality Assurance (FOQA) programs and clarifying the circumstances under which information obtained from voluntary FOQA programs could be used in enforcement actions against air carriers, commercial operators, or airmen. The rule would require air carriers participating in FOQA programs to submit aggregate FOQA data to the FAA for use in monitoring safety trends. Under the proposed rule, the FAA may use aggregate FOQA data as a basis to promulgate safety rulemakings or to address situations calling for remedial enforcement action, *e.g.,* a lack of qualification on the part of an operator or aircraft.

DATE: Comments on this proposal must be submitted on or before October 3, 2000.

ADDRESSES: Address your comments to the Docket Management system, U.S. Department of Transportation Room Plaza 401, 400 Seventh St., SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–7554 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 a.m. and 5 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: Dr. Thomas Longridge, Flight Standards Service, AFS–230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (703) 661–0260.

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. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in duplicate to the 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 for comments specified 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 proposal contained in this notice may be changed in light of comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2000–7554.'' 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 for 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 Ave, SW., Washington, DC 20591, or by calling (202) 267–9677. Communications must identify the docket number of this NPRM.

Persons interested in being placed on the mailing list for future rules 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.

Flight Operational Quality Assurance Program Description

The primary purpose of a Flight Operational Quality Assurance Program (FOQA) is the enhancement of air safety. A FOQA program involves the routine analysis of flight data generated during line operations in order to reveal situations that require corrective action and to enable early corrective action before problems occur. To institute such a program, airlines would need to develop a system that captures flight data, transforms the data into an appropriate format for analysis, and generates reports and visualizations to assist personnel in analyzing the data. The information and insights provided by FOQA programs significantly enhance line operational safety, training effectiveness, operational procedures, maintenance and engineering procedures, ATC procedures, and airport surface issues.

Data is collected and aggregated from numerous operations. The value of using the aggregate FOQA data greatly exceeds that of single flight assessment when trying to determine the root causes of systemic problems that need to be corrected. Individual data records are typically aggregated along various dimensions (*e.g.,* event category as a function of aircraft type, phase of flight, and geographical location) to assist the analyst in looking for trends and patterns. Aggregation is defined as a transformation process that groups and mathematically combines (*e.g.,* count, total, average, standard deviation) individual data elements based on some criterion. Each aggregation is based on factors of interest to the analyst at a particular point in time. For example, the average approach maximum rate of descent below 2000 feet by airport by fleet type (event category) may be useful to better understand the data once counts of related events indicate that this is an area that might be useful to study. This analysis may suggest that all fleets are experiencing high descent rates at a certain airport or just a specific aircraft type is involved. This type of information can be used to pinpoint the potential source of a problem and the nature of the corrective action.

Under the rule, program participations would submit aggregate FOQA data to the FAA. The FAA plans to publish an advisory circular, which would provide program participants with guidance on submission procedures. In general, it is envisioned that aggregate FOQA date would be supplied monthly to the FAA through secure electronic means similar to the existing process for submitting automated operations specifications. The aggregate data would be reviewed by various organizational elements within the FAA to identify trends pertinent to the areas of safety oversight or NAS management for which they are responsible. In particular, the FAA expects the principal operations inspector (POI), his aircrew program managers (APMs), the principal maintenance inspector (PMI) and the principal avionics inspector (PAI) would monitor trends to identify areas in need of corrective action, if any; to review planned strategies for taking corrective action where warranted; and to verify that such corrective action has been effective. In general, the information obtained from aggregate FOQA information would be used to provide an improved basis for agency decisions based on objective data from line operations. Periodic reviews of trends and lessons learned from the FOQA program will help both the airline and FAA inspectors decide where to concentrate future safety efforts.

Background

Since the mid-1940s the civil air transport accident rate has significantly decreased. This decrease is due in part to the air transport industry's practice of discovering, understanding, and eliminating factors that lead to accidents and incidents. For many years, industry, the FAA, and the National Transportation Safety Board (NTSB) have used information from flight data recorders (FDRs) and digital flight data recorders (DFDRs) to identify the causes of accidents and to attempt to eliminate those causes systematically.

Airplanes used in operations conducted under 14 CFR part 121 and certain types of aircraft used in operations conducted under parts 91, 125, and 135 are required to have flight data recorders. Any operator who has installed approved flight recorders is required to keep the recorded information for at least 60 days after an accident or incident requiring immediate notification to the NTSB (14 CFR 91.609(g), 121.343(i), 125.225(g), and 135.152(e)). The flight data recorder information can thus be analyzed to determine causes of an accident or incident.

In the past 10 years, technological advances in cockpit equipment and in data analysis have increased the potential for obtaining and analyzing information on the flight characteristics of an aircraft during its operation. This information can be used to determine the causes of an accident. More importantly, it can also be used to obtain and analyze on a routine basis data that are recorded in line operations in order to prevent an accident. In recent years, many countries have developed programs to encourage the routine recordation and analysis of operational data on a voluntary basis. This NPRM is intended to accomplish the same for the for the United States through an FAA-approved FOQA program. In this NPRM, the term ''FOQA program'' means an FAA-approved program for the routine collection of in-flight operational data by means of a DFDR and the analysis of that data to discover trends affecting operational safety. It is hoped that by gathering and analyzing this data, the FAA and the aviation industry will be able to develop corrective actions, to improve flight crew performance, air carrier training programs, operating procedures, air traffic control procedures, airport maintenance and design, and aircraft operations and design. The key potential safety benefit of FOQA is that the routine analysis of flight data would enable the FAA and aircraft operators to take early action to prevent accidents. This benefit contrasts with the current situation, where the agency and industry rely on after-the-fact accident- or incident-driven data extraction and analysis used to develop safety fixes to prevent later accidents. Because of its capacity to provide early identification of safety shortcomings, FOQA offers significant potential for accident avoidance.

In 1995, in response to a recommendation of the Flight Safety Foundation, the FAA sponsored a FOQA Demonstration Study. The FOQA Demonstration Study has been conducted over the past several years in cooperation with four major airlines in the U.S. It has provided substantial documentation of the benefits of FOQA. For example, analysis of FOQA data has indicated that for domestic operations to major U.S. cities, the frequency of approaches for which the rate of descent exceeds 1000 feet per minute at 500 feet descent height is generally much higher than was realized previously. Analysis further determined that there is a correlation between the frequency of unstable approaches and specific airport locations. Such information has important implications for airline procedures, pilot training, and FAA Air Traffic Control procedures. Dissemination of FOQA information on this problem to pilots has been effective in reducing the frequency of such events. The data available from the Demonstration Study also provided a basis for the FAA to modify the approved instrument approach procedures for one U.S. airport, and to update the instrument approach equipment available at one runway.

FOQA data also have indicated that the manufacturer's recommended maximum speed for a given flap setting in a given aircraft type is exceeded more frequently than had been realized previously. Although pilots have been required to monitor and report the occurrence of flap exceedences for many years, flight crewmembers can miss them because they can occur for very brief intervals during the busy approach-to-landing phases of flight.

FOQA data have indicated that there are particular procedures and maneuvers that warrant increased emphasis in training. For example, analysis of FOQA data suggests that more emphasis on the safe and proper execution of visual approach maneuvers is needed. This result is of interest since the emphasis in pilot training programs previously has been primarily on the execution of instrument approach procedures. FOQA data indicated, however, that few performance problems are occurring with instrument approaches. Results from the Demonstration Study at one airline have indicated that the modification of recurrent training content to better emphasize the visual approach has produced quantifiable improvements in individual performance on that maneuver during line operations.

The FOQA program has been employed by one U.S. airline to create a database of wake turbulence events, and the information on how to conduct analyses of digital flight data for that purpose has been shared with other U.S. airlines.

FOQA data also have been used to pinpoint runway surface anomalies at U.S. airports. The documentation of these anomalies has been instrumental in correcting a long-standing problem at one such location.

FOQA data have provided a hitherto unavailable means of establishing a database of TCAS alerts, and of documenting specific aircraft responses to the occurrence of TCAS events. This type of hard data is essential to the integration of TCAS technology with air traffic control modernization.

FOQA data from two airlines, related to the impact of wind gusts, turbulence, and landing on airframe lifespan integrity, has proven to be invaluable for use by the FAA for the purpose of updating airframe certification standards.

Results from the Demonstration Study have indicated that, in addition to the utility of FOQA for safety monitoring and corrective action follow-up, there are numerous direct cost-savings benefits to an airline from FOQA. For example, FOQA data acquired by one airline have documented that autothrottle performance in one aircraft type was not in accordance with the manufacturer's specification, and that this circumstance was responsible for chronic engine temperature exceedences in that aircraft type. This information, which had not been available until the implementation of FOQA in that aircraft type, was successfully employed by the airline to modify takeoff power setting procedures in order to compensate for the autothrottle deficiency, as well as to initiate communications with the manufacturer targeted at correcting the problem. As a result, the airline was able to achieve savings from fewer engine removals, as well as increased aircraft availability, for that aircraft type.

Besides reducing engine removals, the Demonstration Study has documented many other examples of savings that are achievable through FOQA. Prominent examples include engine on-wing extension programs, detection of out-of-trim conditions, improved fuel management, reduced hard landing inspections, brake wear reduction, and insurance premium reductions.

The Demonstration Study's findings on the benefits of FOQA for U.S. operators are very similar to the results obtained by European air carriers, many of who have long experience in the use of this technology. A lengthy listing of FOQA benefits that have been observed by the Safety Regulation Group of the United Kingdom Civil Aviation Authority, for example, includes documenting unusual autopilot disconnects, GPWS warnings, hard landings, and rushed approaches. They include use of FOQA data for monitoring fuel efficiency, engine condition, crew procedures, noise violations, in-flight ATC delays, and aircraft structural fatigue. They also include the use of FOQA data for Category III landing certification. These results clearly validate the value of FOQA for both safety enhancement and cost management purposes.

In December 1995, the FAA sponsored a Safety Conference to review progress and to refine the originally proposed safety initiatives. At that conference, industry requested that the FAA codify in the regulations the enforcement protection policy letter on FOQA that had been issued by former Administrator Hinson. The FAA agreed to initiate rulemaking to address this issue. Subject to FAA action on this item, industry representatives committed themselves not only to continue support for voluntary implementation of FOQA at U.S. airlines, but to initiate a process that could ultimately lead to the wide scale sharing of FOQA information among airlines and the FAA to enhance safety. In this way the FAA will see not only the specific trends and corrective actions at an individual carrier, but can look for and correct trends across the industry.

Both air carrier operators and pilot groups have expressed concern about data confidentiality and use. There are significant concerns about increased tort liability as a potential result of the existence of FOQA data, as well as concerns from pilot groups about possible punitive actions by airline management based on FOQA information. Neither of these concerns are within the purview of the FAA to resolve. Both airlines and pilots groups have expressed concern about possible punitive enforcement actions by the FAA for regulatory violations revealed by FOQA data. This issue is addressed later in the preamble. Both airlines and pilots have also expressed concern that FOQA data made available to the government could be subject to public disclosure through the Freedom of Information Act (FOIA). However, Congress included specific provisions pertinent to the latter concern in the Federal Aviation Reauthorization Act of 1996. Specifically, the Reauthorization Act added a new section, 49 U.S.C. 40123, to the FAA's governing statute to protect voluntarily submitted information under certain circumstances. New section 40123 provides:

(a) In General.—Notwithstanding any other provision of the law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, shall disclose voluntarily-provided safety or security related information if the Administrator finds that—

(1) the disclosure of the information would inhibit the voluntary provision of that type of information and that the receipt of that type of information aids in fulfilling the Administrator's safety and security responsibilities; and

(2) withholding such information from disclosure would be consistent with the Administrator's safety and security responsibilities.

(b) Regulations.—The Administrator shall issue regulations to carry out this section.

In a separate NPRM entitled, *Protection of Voluntarily Submitted Information; Proposed Rule*, published July 26, 1999 in the **Federal Register** (Volume 24, Number 142, pp 40472–40482), the FAA proposes to add a new part to provide that certain information submitted to the FAA on a voluntary basis would not be disclosed to the public. Under proposed 14 CFR part 193, a regulatory procedure would be established for designating certain voluntarily submitted safety related information, such as FOQA aggregate data and trend analyses, as protected from such disclosure. Other types of voluntarily submitted safety related information could also be designated as protected from disclosure to the public.

Congressional Direction

On April 5, 2000, the President signed the Wendell H. Ford Aviation Investment and Reform act for the 21st Century. Section 510 of the Act requires the Administrator to issue a notice of proposed rulemaking proposing ''Flight Operations Quality Assurance Rules.'' The proposed rules in this notice respond to section 510 and provide safeguards that will ensure that aviation safety is not compromised.

Section 510 provides that the protection should be proposed for each voluntary reporting program, such as FOQA and the Aviation Safety Action Program (ASAP). These proposed rules apply only to FOQA. However, as directed by Congress, the FAA invites comments on how the principles presented in this notice might be applied to other voluntary reporting programs, including ASAP. The FAA seeks comments on what would be a reasonable framework for protection of air carriers and their employees who submit information under voluntary programs.

Discussion of the Proposed Rule

The language of the proposed rule is consistent with the intent of the FOQA program, which is to provide air carriers and the FAA with (a) data from line operations that can be analyzed to identify trends for safety assessment; and (b) a basis for initiating corrective action when needed to improve pilot performance, aircraft maintenance practices, standard operating procedures, and aircraft system designs. The proposed rule would require that an

air carrier's FOQA program receive initial and continuing approval from the Administrator. To receive such approval, the rule would require a certificate holder to submit a FOQA Implementation and Operations Plan acceptable to the Administrator. The minimum requirements for a FOQA Implementation and Operations Plan would include (1) a description of the operator's plan for collecting and analyzing flight recorder data from line operations on a routine basis, (2) internal procedures for taking corrective action that analysis of the data indicates is necessary in the interest of safety, (3) procedures for providing the FAA with aggregate FOQA data, and (4) procedures for informing the FAA of corrective actions, including providing aggregate trend analyses to the FAA.

In general, the proposed rule would provide that certificate holders will provide the FAA with their aggregate FOQA data (summary statistical indices associated with FOQA event categories) without providing the underlying FOQA data (DFDR data obtained from individual aircraft). Thus, the FAA would be able to (1) monitor the effectiveness of the certificate holder's approved FOQA program, (2) monitor the certificate holder's compliance with its approved FOQA program, and (3) determine whether the certificate holder's aggregate trend analysis indicates a need for rulemaking.

In addition to its use as a self-auditing tool for the certificate holder, the FAA foresees a possible need for underlying FOQA data in two circumstances (although other uses may become apparent as the program develops). The first foreseeable circumstance would arise if the FAA concludes that the aggregate FOQA data obtained from one or more certificate holders indicate that safety rulemaking should be undertaken.

The second circumstance would arise if an aggregate FOQA data indicates a possible need for remedial action. Whenever possible and appropriate, if the certificate holder takes corrective action, this will be taken into consideration by the FAA in determining what, if any, investigation and enforcement action is warranted. With respect to punitive enforcement action, the proposed rule would prohibit the FAA from using FOQA data collected for punitive enforcement action. This prohibition would extend to DFDR data from required parameters that have been downloaded into a FOQA analysis program in accordance with an operator's approved FOQA Implementation and Operations Plan. The FAA would be permitted to use the data in the DFDR itself (*i.e.,* the black box) in any enforcement action if an apparent violation is discovered by means other than a review of the aggregate FOQA data.

Why the FAA Cannot Provide Regulatory Protection From Remedial Enforcement

Remedial enforcement action is most often taken to stop the continued operation of equipment that is not in a condition for safe operation, or to revoke or suspend indefinitely the certificate of an unqualified operator or person. This limited potential use of FOQA data is necessary because the FAA cannot anticipatorily foreclose its ability to take remedial enforcement action. Remedial enforcement action is taken to prevent entities or individuals that the FAA has determined are no longer qualified from operating in air transportation and to halt continuing noncompliance. The availability of remedial enforcement action would also apply to equipment that the FAA has determined is not in a condition for safe operation in air transportation. The agency is required to act in the best way to prevent accidents in air transportation. Often the best way to prevent an accident is to take remedial enforcement action against those who lack qualifications. Likewise, the FAA is statutorily obligated to, at a minimum, issue an order of compliance, which is a remedial action, when the FAA finds continuous violations of the safety rules.

FAA Policy on FOQA

The FAA believes that the likelihood that FOQA data will lead to remedial enforcement action is remote. For example, during the FOQA Demonstration Study there were no occurrences that would have resulted in remedial enforcement action under the provisions of this proposed rule. Nevertheless, if aggregate FOQA data or underlying FOQA data are necessary to resolve an issue involving possible lack of qualifications, the Administrator will seek to obtain that information in an effort to reduce or eliminate the possibility, or recurrence, of accidents in air transportation.

The proposed rule would provide protection from punitive enforcement based policy solely on FOQA data itself. It would not provide protection from punitive enforcement based on information obtained from other sources. For example, it would not provide protection from punitive enforcement where information comes from FAA-initiated activities undertaken when recurring trends in aggregate FOQA data indicate the possibility of a continuing unsafe condition. Such recurring negative safety trends could occur because a participant had failed to take corrective action or because the corrective action taken was not sufficient to resolve the problem. When appropriate, the detection of a recurring negative safety trend in the aggregate FOQA data would lead the FAA to focus its oversight resources on the problem identified to determine the cause of the recurrence and the corrective action necessary to correct it. Initially, this might mean closer scrutiny of a particular program participant's operation, particularly if the negative trend was evident only in a given participant's data. If the trend appeared in more than one program participant's data, however, FAA surveillance activity would be adjusted accordingly. In some circumstances this increased FAA surveillance could lead to an investigation and enforcement for regulatory violations. This rule would provide no protection from punitive enforcement based on information obtained from such FAA investigate or surveillance activities. Based on its experience with the FOQA demonstration program, the FAA anticipates that situations requiring investigation and enforcement would be extremely rare. Experience indicates that certificate holders willing to expend the resources needed to develop a FOQA program are predisposed to taking appropriate corrective action when a problem is identified. Such certificate holders would also be predisposed to working with the FAA to ensure that the corrective action is effective.

As the implementation and continuance of FOQA programs by airlines would be voluntary, the FAA anticipates that the growth of FOQA in the United States will depend upon the development of mutual trust and a shared commitment to preserving the safety enhancement potential of such programs. This proposed rule, together with the FAA's proposed regulations to implement 49 U.S.C. 40123's protections for voluntarily submitted information, would resolve some of industry's concerns regarding enforcement. Other industry concerns about the use of the DFDR data maintained and analyzed in FOQA programs may be resolved through union and management agreements.

Although the FAA-sponsored FOQA Demonstration Study focused on the use of FOQA for airlines operating under part 121, the study determined that operators operating under the regulatory parts could also realize safety benefits from establishing FOQA programs.

Extending the availability of FOQA to any operator of an aircraft equipped with DFDRs would appear to be in the public interest. The FAA therefore proposes to extend FOQA to allow any operator of aircraft equipped with DFDRs to seek approval of a FOQA program.

If FOQA information reveals that a violation of the FAA's statute or regulations is ongoing and that the operator has not taken or will not take appropriate corrective action, the FAA is required to take appropriate steps to stop the violations and to restore the integrity of the aviation system. In such circumstances, the FAA not only could take whatever remedial enforcement action is appropriate to correct the continuing unsafe situation, but also withdraw approval of the certificate holder's FOQA program. The latter action is appropriate because the regulation would require a certificate holder to initiate corrective action in order to maintain continuing approval of its FOQA Implementation and Operations Plan.

Willful misconduct uncovered in a FOQA program would also be unacceptable. In appropriate cases, the FAA would take remedial enforcement or other appropriate action against a certificate holder for one or more violations resulting from a determination of willful misconduct based on information obtained directly from FOQA aggregate data. If the willful misconduct did not lead the FAA to conclude that remedial enforcement action was necessary, it could nonetheless result in the FAA withdrawing approval of that participant's FOQA program.

Nothing in the proposed rule would preclude the FAA from exercising its subpoena authority, and the proposed rule would not preclude a court of law from ordering the release of FOQA data or information where appropriate. To the extent that FOQA data constitutes evidence of a crime and to the extent that the Department of Justice prosecutes a person or entity, this rule would not bar the use of FOQA data in a criminal prosecution.

The FAA believes that the FOQA program will advance public safety by providing an additional means of identifying and correcting potential problems. FAA believes that air carriers are more likely to participate in this voluntary program if the air carriers and pilots believe that FAA will exercise suitable discretion in limiting enforcement actions, based on the voluntarily submitted information. The proposed rule would allow FOQA data to be used in remedial enforcement actions but not in punitive enforcement actions.

It is widely accepted that enforcement actions, among other things, have a deterrent value in encouraging the self-identification and self-correction of violations, thus advancing public safety. During interagency discussion of the proposed rule, concern was raised that limiting FAA discretion to take enforcement action could reduce this deterrent effect. To fully address these concerns FAA solicits comments on the utility and application of FAA's current and proposed enforcement policies concerning self-reporting, in the context of this proposed rule. In particular, comment is solicited on experiences involving (a) Air Carrier Voluntary Disclosure Reporting Procedures, FAA Advisory Circular #120–56 (January 23, 1992); and (b) Policy on the Use for Enforcement Purposes of Information Obtained from an Air Carrier Flight Operational Quality Assurance (FOQA) Program (63 FR 67505—December 7, 1998). Further, FAA solicits comments on whether FAA should retain its discretion to use FOQA aggregated data (and/or to obtain disaggregated data from air carriers participating in the FOQA program) in order to bring punitive or other enforcement actions, and whether there are any factors which should govern the exercise of such discretion. FAA also invites comment on whether, in the exercise of FAA's enforcement discretion, certain uses of FOQA data (or requests for disaggregated data) should require the approval of particular FAA officials.

Paperwork Reduction Act

The proposed amendment to 14 CFR Part 13 contains information collection requirements. In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.,* the information collection requirements associated with this rule are being submitted to the Office of Management and Budget (OMB) for review. Following is a summary of the information requirement that was sent to OMB.

Title: Flight Operational Quality Assurance (FOQA) Rule.

Summary/Need/Uses: Flight Operational Quality Assurance (FOQA) is a program for the routine collection and analysis of digital flight data from airline operations, including but not limited to digital flight data currently collected pursuant to existing regulatory provisions. By this proposed amendment, the FAA would require certificate holders who voluntarily establish approved FOQA programs to periodically provide aggregate trend analysis information from such program to the FAA.

The purpose of collecting, analyzing, aggregating, and reporting this information is to identify potential threats to safety, and to enable early corrective action before such treats lead to accidents. The submitted aggregate trend information will be reviewed by the FAA principal operations inspector (POI) responsible for oversight of the certificate holding respondent. The POI and his staff make use of this information to monitor operational trends, to identify areas in need of corrective action, and to verify that corrective action is effective.

Respondents and Frequency of Response: The FAA has identified 30 certificate holders who are candidates to take the necessary steps to comply with the rule and gain the benefits of so doing. However, only nine certificate holders have established FOQA programs. Because of the benefits of FOQA participation to both safety and cost containment, it is anticipated that FOQA will be implemented on an industry wide basis in the U.S. within the next twenty years.

Burden Hours: It is estimated that it will take each respondent 1.0 hour to prepare aggregate trend information to be submitted to the FAA. The annual burden per respondent is 12.0 hours for an annual industry burden of 360 hours.

The estimated 1.0 hour burden is the additional time required to send to the FAA the aggregate data already produced monthly by the certificate holder as part of an approved FOQA program.

The FAA considers comments by the public on the proposed collection of information in order to:

a. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

b. 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;

c. Enhance the quality, utility, and clarity of the information to be collected; and

d. 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.

The agency is soliciting comments to (1) evaluate whether the proposed

collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (for example, permitting electronic submission of responses).

Comments on the proposed information collection requirements should be submitted to the rulemaking docket at the address indicated in the **ADDRESSES** section of this notice.

According to the regulations implementing the Paperwork Reduction Act of 1995, (5 CFR 1320.8(b)(2)(vi)), an agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection will be published in the **Federal Register** after it is approved by the Office of Management and Budget.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefit of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act also requires agencies to consider international standards and, where appropriate, use them as the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by private sectors, of $100 million or more annually (adjusted for inflation).

In conducting these analyses, the FAA has determined that:

(1) The proposed rule has benefits that justify its costs and is significant under Executive Order 12866. It is also ''significant'' as defined in DOT's Regulatory Policies and Procedures.

(2) The proposed rule will not have a significant impact on a substantial number of small entities.

(3) The proposed rule reduces barriers to international trade.

(4) The proposed rule does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector.

These analyses are available in the docket and are summarized below. The FAA invites the public to provide comments and supporting data on the assumptions made in this evaluation. All comments received will be considered in the final regulatory evaluation.

Any costs associated with providing the FAA with access to FOQA information is expected to be minimal. The FAA does not propose to require submission of underlying FOQA data to the government. However, this proposed rule would require the participant to provide the FAA with aggregate trend analyses of the data available. The FAA welcomes comments on this issue.

The FAA anticipates that information obtained by airline FOQA programs will be voluntarily submitted to the FAA in the interest of joint goals to promote safety, and that because of the objective nature of FOQA data, this information will be valuable for formulating future policy, NAS procedures, and rulemaking development. This information will enable the FAA to more accurately compute the estimated cost and benefits of agency decisions. This proposed rule is an enabling initiative intended to promote the voluntary establishment of FOQA programs. The FAA has determined that because the establishment of FOQA programs is voluntary and the proposed rule only requires certificate holders who voluntarily establish approved FOQA programs to provide periodically the aggregate trend information from such programs to the FAA, the costs from this proposal are minimal. Therefore, an economic evaluation is not warranted.

International Trade Impact

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 of 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 little or no impact on trade for U.S. firms doing business in foreign countries and foreign firms doing business in the United States.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980, 5 U.S.C. 601–612, directs the FAA to fit regulatory requirements to the scale of the business, organizations, and governmental jurisdictions subject to the regulation. We are required to determine whether a proposed or final action will have a significant impact on a substantial number of ''small entities'' as defined by the Act. If we find that the action will have a significant impact, we must do a ''regulatory flexibility analysis.''

In accordance with the RFA, the FAA certifies that this proposal would not have a significant economic impact, positive or negative, on a substantial number of small entities.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. We 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, we determined that this notice of proposed rulemaking would not have federalism implications.

Unfunded Mandates Reform Act

The Unfunded Mandates reform Act of 1995 (2 U.S.C. 1532–1538) requires the FAA to assess the effects of Federal Regulatory actions on state, local, and tribal governments, and on the private sector of proposed rule that contain a Federal intergovernmental or private sector mandate that exceeds $100 million in any one year. This action does not contain such a mandate.

Significance

This rule is significant under Executive Order 12866 and is considered significant under DOT Order 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations.

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 (42 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 in 14 CFR Part 13

Administrative practice and procedure, Air transportation, Flight operational quality assurance program, Investigations, Law enforcement, Penalties.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 13 of the Federal Aviation Regulations (14 CFR part 13) by adding a new subpart I to read as follows:

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

1. The authority citation for part 13 continues to read as follows:

Authority: 18 U.S.C. 6002; 28 U.S.C. 2461; 49 U.S.C. 106(g); 5121–5124, 40113–40114, 44103–44106, 44702–44703, 44709–44710, 44713, 46101–46110, 46301–46316, 46501–46502, 46504–46507, 47106, 47111, 47122, 47306, 47531–47532.

2. Subpart I is added to read as follows:

Subpart I—Flight Operational Quality Assurance Programs

§ 13.401 Flight Operational Quality Assurance Program: Prohibition against use of data for punitive enforcement purposes.

(a) *Applicability.* This section applies to any operator of an aircraft who operates such aircraft under an approved Flight Operational Quality Assurance (FOQA) program.

(b) *Definitions.* For the purpose of this section, the terms—

(1) *Flight Operational Quality Assurance (FOQA) program* means an FAA-approved program for the routine collection and analysis of data gathered during aircraft operations by means of a DFDR, including data currently collected pursuant to existing regulatory provisions.

(2) *FOQA data* means any raw data that has been collected by means of a DFDR pursuant to an FAA-approved FOQA program.

(3) *Aggregate FOQA data* means the summary statistical indices that are associated with FQFA event categories, based on an analysis of FOQA data recorded by digital flight data recorders (DFDRs) during aircraft operations.

(4) *Remedial enforcement action* means an enforcement action other than a civil penalty or a certificate action involving a suspension for a specific period of time.

(5) *Punitive enforcement action* means a civil penalty or certificate action involving a suspension for a specific period of time.

(c) *Requirements.* In order for paragraph (e)(1) of this section to apply, the operator must submit and adhere to a FOQA Implementation and Operations Plan that is approved by the Administrator and which contains the following elements:

(1) A description of the operator's plan for collecting and analyzing flight recorded data from line operations on a routine basis;

(2) Procedures for taking corrective action that analysis of the data indicates if necessary in the interest of safety;

(3) Procedures for informing the FAA with aggregate FOQA data;

(4) Procedures for informing the FAA as to any corrective action being undertaken pursuant to subparagraph (c)(2) of this section.

(d) *Access to data.* The operator will provide the FAA with aggregate FOQA data in a form and manner acceptable to the Administrator.

(e) *Enforcement.*—(1) The Administrator will not use an operator's FOQA data or aggregate FOQA data in a punitive enforcement action against that operator or its employees when such FOQA data or aggregate FOQA data is obtained from a FOQA program that is approved by the Administrator.

(2) The Administrator may use any operator's FOQA data and/or aggregate FOQA data is a remedial enforcement action.

(f) *Disclosure.* FOQA data and aggregate FOQA data, if submitted in accordance with the provisions of part 193 of this chapter, will be afforded the nondisclosure protections of that part.

(g) *Withdrawal of program approval.* The Administrator may withdraw approval of a previously approved FOQA program for failure to comply with the requirements of this Chapter. Grounds for withdrawal of approval may include, but are not limited to—

(1) Failure to implement corrective action that analysis of available FOQA data indicates is necessary in the interest of safety; or

(2) Failure to correct a continuing pattern of violations following notice by the agency.

(3) Willful misconduct or willful violation of the regulations.

Issued in Washington, DC, on June 29, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

[FR Doc. 00–16884 Filed 6–30–00; 8:45 am]

BILLING CODE 4910–13–M

Federal Register

Wednesday,
July 5, 2000

Part III

Department of Education

National Assessment of Educational Progress (NAEP): Foreign Language—Item Development; Office of Educational Research and Improvement; Inviting Applications for New Awards for Fiscal Year (FY) 2000; Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.902K]

National Assessment of Educational Progress (NAEP): Foreign Language—Item Development; Office of Educational Research and Improvement; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

Purpose of Program

The main purpose is to develop items for the national assessment of foreign language proficiency in 2003. The program will also develop a block design or designs and screening process, assist in field test and scoring activities, and write reports. It is planned that the 2003 NAEP will be conducted at the national level in foreign language at grade 12. The foreign language to be assessed is Spanish. NAEP supports the National Education Goals by providing measures of progress toward student competency over challenging subject matter. For FY 2000, the competition for new awards focuses on projects designed to meet the priority we describe in the PRIORITY section of this application notice.

Eligible Applicants

Public, private, for-profit, and non-profit institutions, agencies, and other qualified organizations or consortia of those institutions, agencies, and organizations.

Applications Available: July 6, 2000.

Deadline for Transmittal of Applications: August 21, 2000.

Estimated Available Funds: Up to $2.5 million.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: 40 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, 86, 97, 98 and 99.

SUPPLEMENTARY INFORMATION: The framework for the assessment, upon which the assessment items will be based, is formulated by the National Assessment Governing Board (NAGB). The National Assessment of Educational Progress is authorized by section 411 of the National Education Statistics Act 1994, Title IV of the Improving America's Schools Act (20 U.S.C. 9010). Section 412 (20 U.S.C. 9011) of this law requires NAGB, among other responsibilities, to formulate the policy guidelines for the national assessment. Copies of these guidelines are available from the Department.

This notice is limited to seeking applications for item development for the foreign language assessment to be conducted in 2003, and training of scorers for that assessment. This does not include data collection during field testing and actual operation of the 2003 assessment. A separate grantee will field test the items developed under this grant. The grantee under this competition will provide field test information and revise the items for the operational assessment. This grantee will also assist with scoring the 2003 operational assessment.

Priority

This competition focuses on projects designed to meet the priority which implements the policy set by the NAGB under section 412(e)(1)(A) of the National Education Statistics Act of 1994, Title IV of the Improving America's Schools Act (20 U.S.C. 9010, 9011). Under 34 CFR 75.105(c)(2) and 20 U.S.C. 9010–9011, we consider only applications that meet the following priority.

Absolute Priority—Development of the National Assessment of Educational Progress for 2003 for foreign language proficiency.

The grantee must perform this activity in accordance with guidelines developed by NAGB.

For Applications and Further Information Contact: Janis Brown, Ph.D., U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW., Suite 8089, Washington, DC 20006. Telephone: (202) 502–7400. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under For Applications and Further Information Contact.

Individuals with disabilities also may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Program Authority: 20 U.S.C. 9010, 9011.

Dated: June 29, 2000.

C. Kent McGuire,

Assistant Secretary, Office of Educational, Research and Improvement.

[FR Doc. 00–16907 Filed 7–3–00; 8:45 am]

BILLING CODE 4000–01–U

Federal Register

Wednesday,
July 5, 2000

Part IV

Department of Housing and Urban Development

24 CFR Parts 27 and 290

Prohibited Purchasers in Foreclosure Sales of Multifamily Projects With HUD-Held Mortgages and Sales of Multifamily HUD-Owned Projects; Proposed Rules

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 27 and 290

[Docket No. FR–4583–P–01]

RIN 2501–AC69

Prohibited Purchasers in Foreclosure Sales of Multifamily Projects With HUD-Held Mortgages and Sales of Multifamily HUD-Owned Projects

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would prohibit a defaulting mortgagor or related parties to the mortgagor from bidding on or acquiring the multifamily property that was the subject of the mortgagor's default. The purpose of this rule is to prevent a mortgagor from benefitting from its default and failure to meet its obligations.

DATES: *Comment Due Date:* September 5, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Regulations Division, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. FAXED comments will not be accepted.

FOR FURTHER INFORMATION CONTACT: Marc Harris, Director, Field Asset Management Division, Office of Asset Management, Department of Housing and Urban Development, Room 6164, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 708–2654. Hearing or speech-impaired individuals may call 1–800–877–8339 (Federal Information Relay Service TTY). (Other than the ''800'' number, these are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This rule proposes to codify HUD's policy of preventing a defaulting mortgagor on a multifamily project, and the defaulting mortgagor's related parties, from purchasing the property that was the subject of the default. This situation may arise in the foreclosure sale of a multifamily project with a HUD-held mortgage (addressed in 24 CFR part 27), or in the disposition of a HUD-owned multifamily project (addressed under 24 CFR part 290). HUD's policy is intended to prevent a party from benefiting from its default and failure to meet obligations. For example, an owner could avoid prepayment restrictions by defaulting and then buying at the foreclosure, or an owner could default and then buy back the project at foreclosure for less than the amount of the debt on which the default occurred.

The regulations governing nonjudicial foreclosure and the disposition of multifamily projects would be amended by adding, respectively, a new paragraph to § 27.20(f) and a new § 290.18. The new paragraph and section would specifically prohibit the defaulting mortgagor or any principal, successor, affiliate, or any assignee of any of the listed parties from bidding on or otherwise acquiring the defaulted property.

In codifying this general policy in HUD's regulations, the Assistant Secretary for Housing still retains the authority to waive these restrictions, since there may be instances in which it would be in HUD's interest to permit the defaulting mortgagor or the mortgagor's related parties to acquire the defaulted property. For example, it would be in HUD's interest to permit the defaulting mortgagor to bid or purchase at a price that covers the default, or where it could be clearly shown that the default did not occur as a result of the action or inaction of the mortgagor.

Findings and Certifications

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this proposed rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule only addresses circumstances in which a party may benefit at the public expense by defaulting on its obligations, and does not impose any additional costs or burdens. Notwithstanding HUD's determination that this rule would not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW, Washington, DC 20410.

Executive Order 13132, Federalism

This rule does not have Federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of Executive Order 13132.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This proposed rule does not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects

24 CFR Part 27

Administrative practice and procedure, Loan programs—housing and community development.

24 CFR Part 290

Mortgage insurance, Low and moderate-income housing.

Accordingly, parts 27 and 290 of title 24 of the Code of Federal Regulations are amended as follows:

PART 27—NONJUDICIAL FORECLOSURE OF MULTIFAMILY AND SINGLE FAMILY MORTGAGES

1. The authority citation for 24 CFR part 27 continues to read as follows:

Authority: 12 U.S.C. 1715b, 3701–3717; 3751–3768; 42 U.S.C. 1452b, 3535(d).

2. In § 27.20, a new paragraph (f) is added to read as follows:

§ 27.20 Conditions of foreclosure sale.

* * * * *

(f) The defaulting mortgagor, or any principal, successor, affiliate, or assignee thereof, on the multifamily mortgage being foreclosed, shall not be eligible to bid on, or otherwise acquire, the property being foreclosed by the Department under this subpart or any other provision of law. A ''principal'' and an ''affiliate'' are defined as provided at 24 CFR 24.105 or successor regulation.

PART 290—DISPOSITION OF MULTIFAMILY PROJECTS AND SALE OF HUD-HELD MULTIFAMILY MORTGAGES

3. The authority citation for 24 CFR part 290 continues to read as follows:

Authority: 12 U.S.C. 1701z–11, 1701z–12, 1713, 1715b, 1715z–1b, 1715z–11a; 42 U.S.C. 3535(d) and 3535(i).

4. In subpart A, a new § 290.18 is added, to read as follows:

§ 290.18 Restrictions on sale to former mortgagors.

The defaulting mortgagor, or any principal, successor, affiliate, or assignee thereof, on the mortgage on the property at the time of the default resulting in acquisition of the property by HUD shall not be eligible to purchase the property. A ''principal'' and an ''affiliate'' are defined as provided at 24 CFR 24.105 or successor regulation.

Dated: May 25, 2000.

Andrew Cuomo,

Secretary.

[FR Doc. 00–16804 Filed 7–3–00; 8:45 am]

BILLING CODE 4210–32–P

Federal Register

Wednesday,
July 5, 2000

Part V

The President

Executive Order 13161—Establishment of the Presidential Medal of Valor for Public Safety Officers

Federal Register
Vol. 65, No. 129
Wednesday, July 5, 2000

Presidential Documents

Title 3—

The President

Executive Order 13161 of June 29, 2000

Establishment of the Presidential Medal of Valor for Public Safety Officers

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is ordered:

Section 1. The Presidential Medal of Valor for Public Safety Officers (Medal) is established for the purpose of recognizing those public safety officers adjudged to have shown extraordinary valor above and beyond the call of duty in the exercise of their official duties. As used in this section, the term ''public safety officer'' means a person serving a public agency with or without compensation:

(1) as a law enforcement officer, including police, correctional, probation, or parole officers;

(2) as a firefighter or emergency responder; and

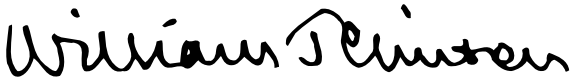
(3) who is employed by the Government of the United States, any State of the United States, any officially recognized elective body within a State of the United States, or any Federally recognized tribal organization.

Sec. 2. Eligible recipients generally will be recommended to the President by the Attorney General by April 1 of each year. Pursuant to 36 U.S.C. 136–137, the President designates May 15 of each year as ''Peace Officers Memorial Day'' and the week in which it falls as ''Police Week.'' Presentation of the Medal shall occur at an appropriate time during the commemoration of Police Week, as far as is practicable.

Sec. 3. The President may select for the Medal up to ten persons annually from among those persons recommended to the President by the Attorney General. In submitting recommendations to the President, the Attorney General may consult with experts representing all segments of the public safety sector, including representatives from law enforcement, firefighters, and emergency services.

Sec. 4. Those chosen for recognition shall receive a medal and a certificate, the designs of which shall be submitted by the Attorney General for the President's approval no later than December 1, 2000. The medal and certificate shall be prepared by the Department of Justice.

Sec. 5. The Medal may be given posthumously.



THE WHITE HOUSE,
June 29, 2000.

[FR Doc. 00–17174
Filed 7–3–00; 8:45 am]
Billing code 3195–01–P

Federal Register

Wednesday,
July 5, 2000

Part VI

The President

Proclamation 7326—To Extend Nondiscriminatory Treatment (Normal Trade Relations Treatment) to the Products of Albania and Kyrgyzstan

Notice of June 30, 2000—Continuation of Emergency With Respect to the Taliban

Federal Register
Vol. 65, No. 129
Wednesday, July 5, 2000

Presidential Documents

Title 3—

The President

Proclamation 7326 of June 29, 2000

To Extend Nondiscriminatory Treatment (Normal Trade Relations Treatment) to the Products of Albania and Kyrgyzstan

By the President of the United States of America

A Proclamation

1. Albania has made progress, since its emergence from communism, toward democratic rule and the creation of a market economy. Further, I have found Albania to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 (the ''Trade Act'') (19 U.S.C. 2431, *et seq.*). In 1998, Albania concluded a bilateral investment treaty with the United States. Albania is in the process of acceding to the World Trade Organization (WTO). The extension of unconditional normal trade relations treatment to the products of Albania will permit the United States to avail itself of all rights under the WTO with respect to Albania when that country becomes a member of the WTO.

2. Pursuant to section 301(b) of Public Law 106–200, 114 Stat. 289, and having due regard for the findings of the Congress in section 301(a) of that law, I hereby determine that title IV of the Trade Act should no longer apply to Albania.

3. Since 1991, Kyrgyzstan has made great progress toward democratic rule and toward creating a free-market economic system. Further, I have found Kyrgyzstan to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act. In 1994, Kyrgyzstan concluded a bilateral investment treaty with the United States, and in 1999 Kyrgyzstan became a member of the WTO. The extension of unconditional normal trade relations treatment to the products of Kyrgyzstan will permit the United States to avail itself of all rights under the WTO with respect to Kyrgyzstan.

4. Pursuant to section 302(b) of Public Law 106–200, 114 Stat. 289–90, and having due regard for the findings of the Congress in section 302(a) of that law, I hereby determine that title IV of the Trade Act should no longer apply to Kyrgyzstan.

NOW, THEREFORE, I WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 301(b)(1)(B) and 302(b)(1)(B) of Public Law 106–200, do hereby proclaim that:

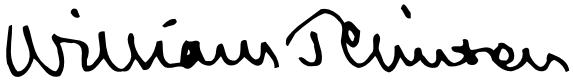
(1) Nondiscriminatory treatment (normal trade relations treatment) shall be extended to the products of Albania;

(2) The extension of nondiscriminatory treatment to the products of Albania shall be effective as of the date of signature of this proclamation;

(3) Nondiscriminatory treatment (normal trade relations treatment) shall be extended to the products of Kyrgyzstan;

(4) The extension of nondiscriminatory treatment to the products of Kyrgyzstan shall be effective as of the date of signature of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth 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.



[FR Doc. 00–17184
Filed 7–3–00; 11:15 am]
Billing code 3195–01–P

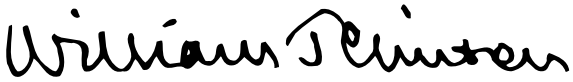
Presidential Documents

Notice of June 30, 2000

Continuation of Emergency With Respect to the Taliban

On July 4, 1999, I issued Executive Order 13129, ''Blocking Property and Prohibiting Transactions with the Taliban,'' to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and policies of the Taliban in Afghanistan. The order blocks all property and interests in property of the Taliban and prohibits trade-related transactions by United States persons involving the territory of Afghanistan controlled by the Taliban.

The Taliban continues to allow territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Laden and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond July 5, 2000. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency declared on July 4, 1999, with respect to the Taliban. This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
June 30, 2000.

[FR Doc. 00–17185
Filed 7–3–00; 11:15 am]
Billing code 3195–01–P

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S. 1967/P.L. 106–228

To make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes. (June 29, 2000; 114 Stat. 462)

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